Village of Cayuga Heights Planning Board
Meeting #137
Monday, July 27, 2026
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, M. Johnston, M. McMurry
B. Cross (via Zoom), Attorney G. Middleton, Superintendent of Public Works C. Southard (via Zoom), Deputy Clerk K. Perkins, Alternate Member G. Tierney, Mayor L. Woodard (via Zoom)
M. Mecenas, Upland Heights PDZ
J. von Mechow, Whitham PLLC

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:04 pm.
- Chair F. Cowett stated that Board members J. Leijonhufvud and J. Kusznir are unable to attend and appointed Alternate Member G. Tierney a full voting member for the meeting.

Item 2 – June 22, 2026 Minutes

- The Board reviewed the minutes of the June 22, 2026 meeting.

Motion: M. Johnston
Second: M. McMurry

RESOLUTION No. 458
APPROVING MINUTES OF JUNE 22, 2026

RESOLVED, that the written, reviewed and revised minutes of the June 22, 2026 meeting are hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, M. McMurry, G. Tierney
Opposed – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Site Plan Review – Upland Estates PDZ

- Chair F. Cowett stated that on June 22, 2026 the Village of Cayuga Heights Planning Board accepted the proposed Upland Heights project on East Upland Road for site plan review and scheduled a public hearing for this meeting; the project proposes to build eight four-bedroom townhouses on 0.47 acres of the 6.13 acre site; the remainder of the site, which includes an intermittent stream, a riparian wetland associated with the stream, and wooded uplands behind Lowell Place with steep slope areas exceeding 15% are not part of this project and will not be developed; all documents provided by the applicant including a revised July 13 site plan review packet were made available to the public on the Planning Board's webpage in advance of this meeting as has the Zoning Officer's report, and notice of the public hearing scheduled for this meeting was made in accordance with the Village's Zoning Law.
- Deputy Clerk K. Perkins confirmed that notice of the public hearing had been made in accordance with the Village's Zoning Law.
- The public hearing regarding the site plan for the proposed Upland Heights project on East Upland Road commenced at 7:07 pm.
- C. Ashman, 398 East Upland Road, stated concern about the stormwater basin and piping connecting to the existing culvert running along East Upland Road and the volume of water that will be directed there; stated that the dumpsters associated with Carriage House Apartments are frequently overflowing with garbage on the ground and asked how dumpsters associated with the project will be managed so that the same doesn't happen; asked if a plan exists for overflow and visitor parking in addition to the 16 spots created for the 8 townhouse units; asked who is going to draft and review the HOA regulations and make sure that it fits with the project; stated that he had read about DEC regulations differentiating between developments with four buildings or less and more than four buildings and wondered if this would be applicable to this development.
- D. Gribschaw, 312 East Upland Road, stated concern about a stream often filling the drainage swale in the road across from her house when it rains and the crumbling sidewalk, and asked if the Village had plans to address these issues; asked if the project's stormwater design conflicts with the Village's comprehensive plan since it seems more designed for detention than retention, and if the SWPPP has been submitted yet; noted that Village zoning requires Dark Sky compliant exterior lighting and asked if there will be a lighting plan specifying cool color temperature lamps with full shielding to reduce light trespass onto neighboring properties; light trespass and glare from the residence at 317 East Upland Road has been a nuisance for her and impacts birds and butterflies; stated concern if the project stalls and is not completed or the townhomes do not sell; asked if a completion bond or a performance

bond will be required from the developer covering site improvements, particularly for stormwater facilities, whether approval will be phased so that improvements can be inspected and approved before further construction proceeds, and if there will be a time limit on construction, and what will happen if the HOA is undercapitalized and who will be responsible for maintaining the stormwater facilities in that scenario and if the Village will wind up absorbing the cost; asked if the project is consistent with the comprehensive plan since the plan calls for a variety of housing options including for older residents wishing to age in place and the townhouses being proposed are nearly identical four bedroom dwelling units not geared to smaller households; nothing in the PDZ requires homeowner occupancy and she stated concern that the townhouses could be converted into long term unrestricted four bedroom SRO student rentals; stated that the comp plan calls for a community park or common space in the Community Corners area and the project does not provide any such park or space; and asked if the proximity of the buildings to the root zones of the spruce trees along East Upland Road will be addressed and if the Shade Tree Committee and Village Forester have reviewed the planting plan.

- L. Holmes, 402 East Upland Road, stated that she seconds everything that has so far been said; she asked why the cattails in the wetland associated with this project were mowed down a few weeks back.
- Chair F. Cowett stated that he had received an email from A. Watkins, 11 Lowell Place, asking whether the townhouse garages were sufficiently large to accommodate vehicles of all sizes.
- No members of the public wished to comment further.
- M. Johnston thanked the public for their comments and questions.
- Chair F. Cowett asked J. von Mechow, Whitham PLLC, to respond to the comments and questions.
- J. von Mechow stated that the 12 inch culvert is an existing condition along East Upland Road; the dumpster enclosure is 20 feet wide and 10 feet deep which is large enough to accommodate a dumpster for garbage and a dumpster for recyclables; there will be screening and a privacy fence; the site is tight in terms of parking; overflow parking is available at the adjacent shopping center and nearby municipal parking.
- Chair F. Cowett asked the location of the municipal parking.
- J. von Mechow replied that there is municipal parking outside Village Hall within a quarter mile walking distance of the project; he stated regarding HOA language that this needs to be reviewed and approved by the NYS Attorney General before the HOA can be established.
- Chair F. Cowett asked when the Board will be provided with a preliminary draft of the HOA language.
- J. von Mechow replied that language for an HOA was drafted for the site many years ago and the project is looking at updating that draft and resubmitting it.
- Chair F. Cowett asked when that updated draft will be submitted to the Board.

- J. von Mechow replied that there is no specific timeline for submission.
- Chair F. Cowett stated that the Board will not be able to approve the project before seeing some sort of draft.
- J. von Mechow stated that he isn't clear about the DEC regulations concerning the number of buildings cited by C. Ashman, but the project is going with twoplexes in order to be compliant with NYS building code addressing fire suppression.
- Attorney G. Middleton stated that the the DEC regulations concerning the number of buildings relates to Type 2 SEQRA actions which isn't relevant to this project since it isn't a Type 2 action.
- J. von Mechow stated that, regarding stormwater in general, there is a rough stormwater management plan with grading, but final calculations haven't been done, pipes haven't been sized, and elevations are essentially placeholders; he believes the plan is achievable, but the final engineering analysis hasn't been completed yet; a SWPPP will be submitted to the Village as well as an erosion and sediment control plan and a construction road plan; he would like to meet with B. Cross and C. Southard to discuss some stormwater related questions he has.
- Chair F. Cowett asked J. von Mechow to share with the Board and the public the stormwater questions he would like to discuss with B. Cross and C. Southard.
- J. von Mechow replied that there will be at times some stormwater outflow from the site that exceeds a 20 year storm; it is his understanding that the project must provide on-site treatment for quality and quantity of stormwater for a 20-year storm; he believes the stormwater plan, including roof gutters and retention practices, will be able to collect all the stormwater on-site and infiltrate it into the groundwater so that it does not exit the site; there needs to be some type of emergency overflow in place in the event of a precipitation event exceeding a 20-year storm, and he would like to discuss with B. Cross and C. Southard where they would like that emergency outflow to happen, and how best to do it without exacerbating any existing stormwater issues; the current plan directs stormwater to a large bioswale in the middle of the development and retains it there so it can infiltrate into the soil; if the capacity of the basin to retain and infiltrate stormwater into the soil is exceeded, the current plan is to provide a spillover pathway into an existing drainage system which could be the existing wetland; he would like to discuss further with B. Cross and C. Southard.
- B. Cross stated that he will need to check to see if stormwater practices sized for a 20 year storm meet Village guidance for those practices; directing stormwater overflow to a drainage swale leading to the wetland might be preferable to directing overflow to East Upland Road; he also believes that the project will engage T.G. Miller to assist with the stormwater management plan.
- J. von Mechow replied that T.G. Miller will assist with stormwater calculations.
- B. Cross stated that in the past the Village has required projects to sign a stormwater agreement in which the applicant installs stormwater practices and provides annual maintenance for them.

- M. Johnston asked J. von Mechow to address concerns about project lighting.
- J. von Mechow stated that the project will install Dark Sky compliant lighting; there is no intention to overlight, but lighting must be adequate for security purposes; a suggestion made to install motion sensors might be a good idea.
- M. Johnston stated that motion sensors might not be suitable for dwelling units in close proximity; residents moving in and out of garages and doorways could trigger multiple lights and not just their own.
- J. von Mechow stated that the mowing of the site including the wetland area was done to provide a better understanding of the lay of the land.
- Chair F. Cowett asked why the cattails were mowed.
- J. von Mechow replied that might have been a mistake made by the mower operator.
- Chair F. Cowett stated that M. Mecenas, Upland Heights PDZ, was seen present on site during the mowing directing the operator of the bobcat doing the mowing.
- M. Mecenas stated that he was on site briefly before leaving and the bobcat operator did not follow his directions; mowing the cattails was the result of human error; he was upset and complained, was told that the Army Corps of Engineers has jurisdiction over the wetland and that it was okay with them.
- Chair F. Cowett stated that the Army Corps of Engineers does not have jurisdiction over the wetland; the Village of Cayuga Heights does; he has spoken with the DEC and confirmed this.
- J. von Mechow replied that the project does not propose ongoing mowing of the wetland; there has been talk about maintaining the 50 foot wetland buffer as a meadow with some potential for trails to be mown through that area; in order to maintain a meadow, annual or biannual mowingwould be required.
- Chair F. Cowett stated that the meadow in the buffer has been mowed a number of times recently; he drives by every day and has seen the operator mowing.
- M. Mecenas stated that the meadow has only been mowed once.
- Chair F. Cowett asked M. Mecenas to confirm that there will be no further mowing of the wetland.
- M. Mecenas confirmed that there would not be further wetland mowing.
- Chair F. Cowett stated that there should also not be any further mowing of the fifty foot wetland buffer; the Village has jurisdiction over the buffer; it has jurisdiction as well over a twenty foot riparian buffer for the intermittent stream.
- J. von Mechow asked about the control of invasive species such as honeysuckle which can only be controlled by mowing.
- Chair F. Cowett replied that if there is honeysuckle that the applicant wants to deal with it, that would be great, but if it's within the fifty foot buffer, instead of going about it on his own, the applicant should first speak with the Planning Board.
- J. von Mechow asked if there were any other public comments needing to be addressed.

- M. Johnston stated that comments were made about market dynamics and asked D. Gribschaw to repeat them.
- D. Gribschaw stated concern about the townhouses not selling and their possible conversion to SRO student rentals.
- J. von Mechow replied that this topic came up with the Board of Trustees in their consideration of the PDZ; existing Village ordinance separate from the PDZ provides safeguards against this happening.
- M. Johnson stated that he wanted to return to market dynamics, some of which he's been reading about, whether its aging in place or younger potential owners wanting to be close to a downtown which maybe would include the Corners Community area; he thinks that, across the economic spectrum of first-time homebuyers to aging in place, this project location works in favor of each of those market segments and anywhere in between for those moving within or to Cayuga Heights.
- M. Johnston also stated that pedestrianism has been put forward as part of this plan; the plan also accommodates those who prefer to drive and hits the minimums for parking spaces; in terms of economic development, he would like to think that residents of the townhouses would help support the business in the Corners Community area.
- B. Cross stated that, in response to the concern that townhouses will become four bedroom unrestricted SRO student rentals, the townhouses are single family dwelling units; Village code restricts such dwelling units to a maximum of three unrelated people maximum; therefore, even if they are rented, the maximum number of unrelated residents per townhouse would be three.
- B. Cross asked about land ownership in the development which isn't clear to him.
- J. von Mechow replied that each townhouse dwelling unit will be a separate tax lot.
- B. Cross asked that a notation identifying this be added to the drawings.
- J. von Mechow agreed to do so.
- Chair F. Cowett stated that he does not understand how there would be a 9' x 18' parking space available in the garage when there is a 3' landing and stairs to the basement at the far end of the space; this leaves a 9' x 15' parking space and many vehicle models exceed this length; he also thought there was supposed to be sufficient room either in front or in back of the car to allow people to cross from one side of the garage to the other.
- M. Mecenas stated that to park a car over the stairs there will be a drive-over steel plate that can be raised when needed to provide basement access; car wheels will extend over the plate and how often does one go down to the basement anyway; housing like this with a basement doesn't exist and so there is a compromise.
- Chair F. Cowett stated that § 305-117.B of the Village's Zoning Law, "Factors to be considered by the Planning Board in site plan review," lists 14 factors for which the Planning Board is required to make findings before rendering a site plan decision for the project; there is no need to go through all of them at this meeting, but there are

factors for which the Planning Board needs additional information from the applicant before rendering a site plan decision, and he would like to go through those now.

- Chair F. Cowett stated that, regarding "Traffic and noise generated by the proposed use," the Board needs to know how noise levels will be measured and enforced by the HOA which will hopefully be addressed in the draft HOA text when submitted.
- Chair F. Cowett asked with respect to "Landscaping" if all the trees on the northern end of the site will be removed and replaced.
- J. von Mechow replied that the trees will be removed and replaced by more upright, narrow growing, fastigiate tree species.
- Chair F. Cowett stated that the Board will need more information on the plant species being utilized in the vegetated stormwater practices.
- Chair F. Cowett asked with respect to "Architectural features" if the townhouses will have attics.
- M. Mecenas replied that the townhouses will not have attics.
- Chair F. Cowett stated that the Board will need more information about materials and finishings besides the proposed LP SmartSide siding.
- Chair F. Cowett stated that, with respect to "Location and dimension of the improvements," the slope of the driveway leading from East Upland Road into the development looks to be about 3.8% and asked J. von Mechow to confirm this; he also asked J. von Mechow to place two stakes on East Upland Road marking the location of the driveway so that this is made clear to the public.
- J. von Mechow asked if stakes should be placed on the inside or outside radius of the driveway.
- Chair F. Cowett replied that they should be placed on the inside radius so that it will be clear where trees along East Upland Road are going to be removed.
- Chair F. Cowett stated that, with respect to the "Impact of the proposed use on the environment" and the "Impact of the proposed use on infrastructure and existing Village services," the Board will need more details on the stormwater management plan and practices.
- Chair F. Cowett asked, with respect to "Provisions made for reducing energy use or incorporating renewable energy systems into project design," whether there will be any other energy reduction provisions besides the townhouse being all electric.
- J. von Mechow replied that, besides the townhouses being all electric, they will be built to meet the NYS Building Code which is among the leading codes in the US in requiring energy efficiency.
- Chair F. Cowett stated that B. Cross submitted questions via email to J. von Mechow regarding the project which would be of interest to Board members and the public, and posed them to J. von Mechow.
- Chair F. Cowett stated that Drawing L-201 contains symbols for mulch, bioretention, asphalt, and concrete; he asked if there will be no lawn surface area.
- J. von Mechow replied that there will be no turf.

- Chair F. Cowett asked about a box symbol in Drawing L-102 at the southeast corner of Unit 2.
- J. von Mechow replied that this is a symbol indicating where a photo of the site was once taken.
- Chair F. Cowett stated that the symbol is confusing and should be removed.
- J. von Mechow agreed to remove it.
- Chair F. Cowett asked if the overflow elevation of 105 feet is too close to the 105.5' FFE of Units 5/6 to avoid flooding.
- J. von Mechow stated that more freeboard will be added to avoid stormwater overflowing into Units 5/6 and that the meeting with B. Cross and C. Southard will address this.
- Chair F. Cowett asked about the purpose of the red dashed lines around the driveway in Drawings L-200 and L-003.
- J. von Mechow replied that the red dashed lines signify the fire lane.
- Chair F. Cowett asked about the separation distance between the block units.
- J. von Mechow replied that the distance between Units 1/2 and 3/4 is 11'9" and the distance between Units 4/5 and 6/7 is 18'.
- Superintendent of Public Works C. Southard stated that, if it's an unrated wall, minimum distance for each building would be five feet; therefore, the minimum distance between townhouse blocks would be 10' and the current plan satisfies that requirement.
- Chair F. Cowett asked if there will be sprinkler systems in the dwelling units.
- J. von Mechow replied that there will be no sprinkler systems.
- M. McMurry asked why there will be no turf in the project.
- J. von Mechow replied that there isn't enough activity space to justify installing turf; eliminating turf limits the maintenance required; plant beds have an upfront cost for planting and weeding, but require less and less maintenance as plants mature.
- M. McMurry asked if it will be meadow-ish landscaping.
- J. von Mechow replied that for the stormwater features they are looking at Cornell Cooperative Extension plant lists for native trees, shrubs, and ground-covers that are appropriate both for this region and the type of stormwater practice; the rest of the site will be largely a mix of native shrubs and perennials, and a palette of native plant species is being put together; there may be some ornamental grasses, but no mowing will be required at all.
- M. McMurry stated that the sidewalk plan has gone a little wonky; she understands the goal of reducing impervious surface and runoff, but the previous design plan had much better connections between sidewalk segments; there are a few sidewalks to nowhere now that don't seem to serve much purpose.
- M. McMurry also asked about the change in the sidewalk connecting to the adjacent shopping center; there used to be a sidewalk that connected to the shopping center in what seemed like a logical exit point, but this has been removed and replaced.

- J. von Mechow replied that they want to avoid building more sidewalk than is needed and the previous sidewalk connection passed uncomfortably close to the windows of Unit 4, especially with the connection to the shopping center and the potential for greater pass-through.
- M. McMurry stated that the path is now located near the dumpster enclosures for both the townhouses and shopping center.
- J. von Mechow replied that there is an existing dumpster enclosure on the other side of the property line, and then parking immediately next to it, so they are hoping to find the right balance between giving room for people to walk through without creating an unpleasant condition, in terms of whether it's too close to the private residences or otherwise; in terms of the individual walkways from the buildings, there is a lot of concrete for each residence; cars in this development are not the main event; we want people to be walking and expect people will walk on the asphalt drive if there is not a convenient walkway; there are walkways, but you just have to cross the driveway to get to them; in addition, there is a reluctance to build more curbed sidewalks which would interfere with stormwater sheet flowing across the driveway and into the bioretention stormwater practice; sidewalks with curbs would require catch basins which are expensive; while sidewalks without curbs would facilitate sheet flows into the bioretention practice, they would also invite cars to park on those sidewalks; the current plan tried to strike the right balance between accommodating pedestrians without turning the site into a network of short concrete segments.
- M. McMurry stated her concern with people having to cross the driveway without any crosswalk markings or alerts being given to drivers that pedestrians might be crossing; the sidewalks leading from Units 6, 7, and 8 and stopping at the roadway don't really serve much purpose and the project may as well not have them; better instead to put in crosswalks that people can use to get to the actual sidewalks.
- J. von Mechow replied that it is hard to find the correct balance of sidewalk to build in this neighborhood since few neighborhood residences have sidewalk connections leading from their front door; he will take another look at the sidewalks in plan.
- G. Tierney stated that she is not used to seeing a bioretention area so close to the entrance and exit of a residence, and realizes it is where it is because space onsite is tight, but if a bioretention basin is full, she worries that it could be a potential hazard for a young child living in the residence.
- J. von Mechow asked about bioretention areas elsewhere in the Village and safeguards required for them.
- Chair F. Cowett stated that there are many rain gardens in the Village, but they are not located close to residences and so no safeguards have been required.
- B. Cross stated that basins in the Village typically have an underdrain and do not rely 100% on percolation and so they are unlikely to be that full.
- C. Southard stated that the dumpster at the end of the driveway will impede snow storage there; there needs to be a plan for snow storage.

- J. von Mechow replied that snow could be plowed into the bioretention basin especially if there is no curb edge.
- Chair F. Cowett stated concern about the weight of snow and ice damaging the plants in the basin.
- C. Ashman asked if consideration would be given to alternative energy sources such as roof panels or ground sourced; he asked if the shopping center owner had given permission for overflow or visitor parking given the "no overnight parking" signs posted there; townhouse overflow parking shouldn't occupy spaces near the medical office building or Island Fitness unless the shopping center owner gives permission to do so; he is concerned about the security of the bioretention area with children and dogs nearby; he stated there is a nervousness of trust among the neighbors living on East Upland Road; when the land was being mowed across the street, the owner was seen by neighbors walking down the sidewalk and checking things out the whole time; the developer is responsible for the contractor and the mowing of the wetland; a mea culpa isn't enough; there are restrictions on what can and cannot be done; the neighbors saw what happened as evidence that they cannot trust the process; in his opinion mowing the wetland wasn't a goof.
- M. Mecenas accused C. Ashman of calling him a liar and exited the meeting.
- D. Gribschaw repeated her concerns about an incomplete build and the need for a bond or letter of credit to assure that the project will be completed.
- Attorney G. Middleton stated that § 235-12 of Village code establishes a completion guarantee for construction projects, including "a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Cayuga Heights as the beneficiary … in an amount to be determined by the Village of Cayuga Heights."
- B. Cross asked if that section is contained within the subdivision regulations.
- Attorney G. Middleton replied that the section is contained within the SWPPP regulations, but specifically relates to a construction compliance guarantee, and to the full and faithful completion of all land development activities related to compliance for all conditions of importance by the Village of Cayuga Heights and its approved stormwater Pollution Prevention Plan which would be incorporated into any site plan approvals.
- B. Cross stated that he isn't surprised that such a section is contained in the code, but it has never been used on any previous project.
- D. Gribschaw stated her concern about the possible future loss of open space; this is one of the last undeveloped, open pieces of land in the Village and there is a lot of life associated with it.
- Chair F. stated that the project develops only 0.47 acres of the 6.13 acre site and the Board of Trustees is opposed to any further development of the site.

- Chair F. Cowett asked J. von Mechow about a construction staging plan for the site given its limited space; for example, if soil is stockpiled, where will that happen.
- J. von Mechow replied that he is reluctant to specify to a contractor where soil stockpiles should be located, or other staging details, as this might limit the number of contractors willing to bid on the job.
- B. Cross stated that there could be a condition of site plan approval requiring that the contractor provide staging details prior to the issuance of a building permit.
- Chair F. Cowett adjourned the public hearing; the hearing will remain open in case members of the public wish to speak or ask questions at the Board's next meeting.
- B. Cross asked if the resumption of the public hearing would need to be publicly noticed for the Board's next meeting.
- Attorney G. Middleton replied that New York State law does not specifically require public notice for the resumption of an adjourned public hearing, but advised that public notice be made.

Item 5 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Monday August 24, 2026 at 7:00 pm at Marcham Hall.

Item 6 – Adjourn

- Meeting adjourned at 8:46 pm.