Village of Cayuga Heights Planning Board
Meeting #138
Monday, August 24, 2026
Marcham Hall – 7:00 pm
Draft Minutes

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

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:02 pm.
- Chair F. Cowett introduced new Board member J. Kusznir and welcomed her to the Board; he further stated that Consultant B. Cross is unable to attend the meeting.

Item 2 – July 27, 2026 Minutes

- The Board reviewed the minutes of the July 27, 2026 meeting.

Motion: M. McMurry
Second: M. Johnston

RESOLUTION No. 459
APPROVING MINUTES OF JULY 27, 2026

RESOLVED, that the written, reviewed and revised minutes of the July 27, 2026 meeting are hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, M. McMurry
Abstained – J. Kusznir, J. Leijonhufvud
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 J. Leijonhufvud is a part-time employee of Whitham Planning and Design and she is recusing herself from this portion of the meeting; he appointed Alternate Member G. Tierney a full voting Board member for this portion of the meeting.
- Chair F. Cowett further stated that the Board at its July 27 meeting continued site plan review for the proposed Upland Heights project on East Upland Road; 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; since the July 27 meeting, the applicant has provided a revised August 20 site plan packet which, as with all documents provided by the applicant, have been made available to the public on the Planning Board's webpage in advance of this meeting, and notice of the public hearing which was adjourned at the July 27 meeting and which will resume at 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 resumed at 7:07 pm.
- D. Gribschaw, 312 East Upland Road, suggested some conditions for site plan review approval; the first condition would be to conduct a preconstruction habitat study for the Northern Long-eared Bat similar to the study conducted for the Renwick Culvert project since the habitat at the PDZ site – mature deciduous and evergreen trees with cavities and crevices – is similar to the site at the Renwick Culvert.
- C. Southard stated that the study conducted for the Renwick Culvert project was a federal requirement for project funding and part of the permit process, and that no bats were found.
- D. Gribschaw stated that a second condition involves stormwater management and detention versus retention; she wants more pollutants to be filtered out of stormwater so that fewer pollutants including phosphorus wind up in Cayuga Lake; a third condition relates to a question she was asked at the July 27 meeting, what do we lose with development of this project; not only do we lose a quiet, peaceful, dark area, but we lose trust between the neighborhood and the developer and also between the neighborhood and the Village; the neighborhood has opposed projects on this site for many years and now the Village has moved rather rapidly to approve this project for some reason; she is not against development, but is concerned about the townhouses not selling or selling at below market rate due to the softening housing market; she

suggests instead of a HOA a cooperative community where the people who bought into it would own the land and would be responsible for maintaining the wetlands and the community around it; the financing available for such cooperatives could alleviate some of the financial pressure on the development and also enable lower income people to buy the townhouses.

- Chair F. Cowett thanked D. Gribschaw for her comments.
- No members of the public wished to comment further.
- Chair F. Cowett adjourned the public hearing; the hearing will remain open pending the outcome of this meeting.
- Chair F. Cowett stated that he wanted to address two comments made during the July 27 public hearing; one comment was that the applicant should obtain permission for townhouse visitors to park in the shopping center; the PDZ for this project states that two parking spaces are required for each dwelling unit and that the Planning Board may reduce the number of spaces by 20%; the PDZ does not permit the Planning Board to require increased parking; the Planning Board can recommend that the applicant obtain permission for visitor parking in the shopping center and it would be in the applicant's interest to do since, contrary to a comment made by J. von Mechow, Whitham PLLC, at the July 27 meeting, municipal parking is not available at Village Hall.
- Chair F. Cowett stated that a comment was also made at the previous meeting about requiring the applicant to provide a project completion or performance bond; at the July 27 meeting, Attorney G. Middleton cited § 235-12 of Village code which establishes a completion guarantee for construction projects; that section is located within an article dealing with stormwater management infrastructure; he confirmed with Attorney G. Middleton that notwithstanding that section's location in that portion of the code, the section allows the Village to require a completion guarantee not only for stormwater management infrastructure, but for all construction activities associated with a project.
- M. McMurry asked if the Village has ever required a completion guarantee for a project.
- Chair F. Cowett replied that B. Cross has stated that the Village has never required a project completion guarantee.
- M. McMurry asked the applicant to summarize the changes made to the project in the revised August 20 site plan project.
- J. von Mechow, Whitham PLLC, stated that the project area cited in the written project summary has been corrected to 0.91 acres to include the area of disturbance and not 0.47 acres which only represents lot coverage; the width of the road lanes for two-directional traffic within the project have been reduced from 24 feet to 20 feet – 24 feet was the maximum width permitted -- with the road to Units 7 and 8 having a width of 18 feet.

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- G. Tierney asked about the project area change to 0.91 acres given its inconsistency with the PDZ Local Law approved by the Board of Trustees on April 21 which states a project area of 0.51 acres.
- Chair F. Cowett replied that there have been several iterations of the project and the discrepancy cited by G. Tierney is not surprising; if the site plan is approved by the Planning Board, the project goes back to the Board of Trustees for final approval and this discrepancy can be corrected by the Trustees in the final version of the PDZ.
- J. von Mechow stated that there have been revisions to the grading plan after meeting with C. Southard and B. Cross; stormwater overflow from the large bioretention area will no longer discharge to the drainage swale running along East Upland Road but will discharge instead to the existing creek running along the eastern property line; a lighting plan has not been submitted, but the only exterior lights on site will be Dark Sky compliant scones associated with each townhouse; and finally a planting plan has been submitted listing the trees, shrubs, and ground covers to be planted on site.
- Chair F. Cowett asked J. von Mechow to confirm that 14 trees will be removed and 20 trees will be planted and that the trees being removed are large growing species and the trees being planted are small growing species.
- J. von Mechow confirmed the number of tree removals and plantings.
- Chair F. Cowett asked J. von Mechow to confirm that all the existing large trees on the northern property boundary will be removed and that no trees will be planted to replace them as a vegetative screen, and so anyone standing outside Island Fitness will have a great view of the back of Units 1, 2, 3, and 4.
- J. von Mechow confirmed the tree removals on the northern property boundary will be removed and no trees will be planted to replace them, in part because of B. Cross's concern about emergency access from building windows, but there are trees growing on the other side of the northern boundary in a bioswale which provide screening.
- Chair F. Cowett stated that most of those trees in the bioswale are located in its eastern portion.
- Chair F. Cowett asked J. von Mechow about stormwater management and the specific storm event for which the project's system of drainage swales and bioretention areas has been designed; there was mention in the July meeting of a 20-year storm; has the stormwater system been designed for a 20-year storm or a 100-year storm.
- J. von Mechow replied that no stormwater calculations have yet been run and so he cannot say that the project's stormwater system has been designed for a specific storm event, but he understands the need to submit a SWPPP (Stormwater Pollution Prevention Plan) to B. Cross and C. Southard for their review that meets Village requirements.
- Chair F. Cowett stated that both Article 8 in the Village's Zoning Law and the PDZ Local Law for Upland Estates specify that the stormwater management system should be designed for a 100-year storm; he understands from discussions with B. Cross that a small amount of stormwater at the driveway entrance will need to exit the site and

be directed to the drainage swale along East Upland Road, but he suspects the project may have trouble accounting for the remainder of the stormwater in a 100-year storm and questions whether the Board can give the project conditional site plan approval without some sort of confidence that the project will be able to account for the stormwater on site.

- Chair F. Cowett further stated that overflow from the system will be piped to a small stream running along the eastern property line and will flow into the intermittent stream and wetland which raises concerns about the ability of the streams and wetland to handle a 100-year storm.
- M. Johnston asked Chair F. Cowett to explain why the Board determined a 100-year storm in the PDZ for the site.
- Chair F. Cowett replied that this Board did not determine a 100-year storm for this site; a 100-year storm for stormwater management is written into the Village's Zoning Law for all PDZs and was included in the Local Law approved by the Trustees for this project's PDZ; also, the language of the project PDZ doesn't give this Board the ability to reduce the 100-year storm requirement.
- J. von Mechow stated that the applicant isn't asking for any special allowances; the project fully intends to comply with the existing stormwater regulations; the plan that has been presented to the Planning Board is conceptual; there isn't much more room on the site for stormwater features and so anything beyond what has been shown would almost certainly require a below grade storage system; the project doesn't want to use that system which is expensive; however, should a civil engineer once engaged and after consulting with B. Cross and C. Southard find that the current plan is inadequate, then below-ground infrastructure can be utilized, and if that proves inadequate, then it will be difficult for the site to be developed as currently shown in plan; however, he thinks Plan A might prove adequate and therefore is hopeful that the project can move forward with the submission of an acceptable SWPPP prior to the issuance of a building permit as a condition of site plan approval.
- Mayor L. Woodard stated that she hopes the applicant understands that the Village's Board of Trustees is very concerned about project drainage and its impact on the neighborhood; it is absolutely necessary to get a plan in place and get it reviewed to make sure that it is adequate because she would hate to see the applicant go through the process of getting Planning Board approval and then come back to the Trustees and have the Trustees say, no, your drainage is not adequate, it will not provide for a 100-year storm protection; and so she thinks it's in the applicant's best interest to get this done properly and sooner rather than later.
- M. McMurry asked if it is not enough for the applicant to agree to a condition of site plan approval that they will comply with stormwater requirements; the Board has done this in the past.
- Chair F. Cowett replied that the Board has done this in the past for single family residences where there wasn't much question about compliance with stormwater

requirements, but this project more complicated than a single-family residence because of the site, the limited amount of space, and the amount of impervious surface being added.

- C. Southard stated that he can see both sides of this question; a 100 year storm is absolutely a requirement of the SWPPP for this project and the applicant is taking a risk should it not work out; he is concerned about setting precedents for any future projects and with the drainage issues down the street and further downstream.
- M. Johnston asked that, when it comes to setting precedents, are we concerned about precedents for larger developments, any development including residential, or are we specifically sensitive to this part of the Village given the land types and the wetland; are there any comparables for requiring some sort of assurance that the project will be able to account for stormwater on site prior to site plan approval.
- Chair F. Cowett replied that he thinks that for the Bowers Accounting office on East Upland Road across from the project site the project engaged T.G. Miller prior to site plan approval and a preliminary stormwater analysis was conducted to determine if the stormwater plan was feasible.
- M. Johnston stated that it is a legitimate consideration to be asking these questions on this block and in this part of the Village, but he doesn't recall the Board giving this level of scrutiny in the last couple of years on at least three sites.
- Chair F. Cowett stated that those sites were single family residential and he would differentiate single family residential property from this property.
- J. von Mechow stated that from the applicant's perspective there's a risk either way; there's a risk if the board gives a conditional approval and then the project is unable to meet that condition, in which case, the site design will need to be rethought in order to find some other way, which means the project would be coming back with an alternate site plan and probably an amended PDZ unless an alternate site plan could match the existing PDZ language, but certainly an amended site plan; that's a risk the project would need to take on if the Board grants a conditional approval; the other risk would be if the project was to hire a stormwater engineer to run the calculations and pay those costs up front without having any type of assurance that the Board would refuse to give the project site plan approval for another reason unrelated to stormwater; the project is asking to move through the municipal approvals process and take on that risk should the stormwater system not be approved by C. Southard and B. Cross.
- M. Johnston asked J. von Mechow if it would be constructive to have a representative of yours, whether you have retained them or not, come before the Board and speak to a preliminary stormwater analysis as was referenced for another development; would that be constructive for the overall process.
- J. von Mechow replied that he doesn't know that T.G. Miller would come before the Board out of contract and unpaid, but, yes, that would be useful.

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- M. McMurry stated that M. Johnston is asking if T.G. Miller, without doing a state-of-the-art study, could do a less formal preliminary assessment and speak to the Board about whether there is a way that the stormwater system can comply with 100-year storm requirements and give the Board greater confidence that this isn't unrealistic, and that the Board can move forward.
- J. von Mechow replied that he would have to ask, and however long it takes to get an answer would mean lost time in moving the project forward.
- Chair F. Cowett stated that he didn't understand about the lost time; the project isn't moving forward without a building permit which is conditioned on the approval of the stormwater management plan.
- M. Johnston stated that the project is already pretty well baked; he asked if the Board is going to sit around and discuss a lot more about what's already been laid out.
- Chair F. Cowett stated that he's not suggesting that the Board sit around and discuss anything until we get some facts.
- M. Johnston stated that calculations provide some level of assurance about a project until it performs or underperforms; that's the case with every development.
- M. McMurry stated that she would lean towards conditional approval so that the project can continue moving through the review process; the project still has to go back to the Trustees and perhaps that would be the point at which T.G. Miller could do the preliminary analysis; that seems a reasonable compromise of an approach.
- J. Kusznir stated that this wouldn't offer any less protection to the Board if it's a conditional approval; it just gives the applicant more comfort at this point.
- C. Southard stated that he agrees with that; either way, the condition needs to be met or the project can't be built.
- G. Tierney stated that she thinks that conditional approval might be useful.
- Chair F. Cowett stated the Planning Board needs to make a series of findings about the project before reaching a decision on site plan approval, and a significant part of those findings concern stormwater management; all the Board can really say at this point is that the applicant has confidence that the stormwater runoff can be dealt with adequately; that's not a great finding for the Board to make; however, if four Board members wish to move forward with conditional site plan approval on that basis, then the Board will move forward, but he is not entirely comfortable with this.
- The Board then briefly discussed whether to proceed to make findings for the project in accordance with § 305-117.B of the Village's Zoning Law and consider a decision to approve the project with conditions or to postpone making findings and considering a site plan decision until the Board's next meeting.
- Chair F. Cowett requested that the Board postpone making findings and considering a site plan decision until the Board's next meeting, and the Board agreed to do so.
- Chair F. Cowett closed the public hearing at 8:09 pm.
- J. von Mechow and M. Mecenas exited the meeting.

- G. Tierney stated that she has a question for other Board members who have been with the project longer than she has; a jump from a half acre to 0.9 acres seems like a pretty big jump even though she believes that the site is large enough to sustain it; is this just a result of calculating the land area two different ways?
- M. McMurry replied that the project has been through maybe three iterations since this version of the PDZ, not counting the historical versions; she assumes the change in land area represents a transition from an earlier iteration.
- Chair F. Cowett stated that there have been many iterations of the project and the process hasn't been particularly meticulous at keeping track of those changes; one change has blended into another and so he is not entirely surprised that there needed to be a correction although it begs the question as to what was actually approved by the Board of Trustees in the PDZ and how the PDZ that was approved comports with the actual plan we are considering; that's a question that has been around for a while since the plan that went through SEQRA doesn't closely resemble this plan.
- M. Johnston asked whether that means the project would need to go through SEQRA again.
- Chair F. Cowett replied that this discussion has been had with Attorney G. Middleton and the answer is no.
- Mayor L. Woodard stated that she has been through most of these iterations, as has M. McMurry; the fact that the way the DEC decided to treat wetlands and to increase the size of the buffer has decreased the impact of the development significantly, but the question of the 100-year storm and making sure that the project does not increase the impact on the residents across the street is paramount; she doesn't understand the reluctance by the applicant to get the engineering report done so that it will give confidence that what is planned will actually work.
- M. McMurry stated that from a developer's perspective it is cost and timing, and time is money to a developer.
- Mayor L. Woodard stated that in the end they're going to have to produce a plan that mitigates a 100-year storm, and if they don't want to do it now, they will have to do it for the Trustees.
- M. McMurry stated that their concern, as they stated tonight, was that we would have them go through that whole process and then not approve it anyway, and so they want the assurance that we're actually planning to approve the project before they spend even more money on it.
- Chair F. Cowett stated that he thinks it is more correct to say that the Planning Board needs to find that the condition for stormwater management has been satisfied rather than the Trustees; he asked Attorney G. Middleton if this is so.
- Attorney G. Middleton replied that the Village's PDZ law is unusual; the Planning Board does site plan approval which can be conditioned on whatever conditions the Planning Board has, but then final approval goes to the Trustees and the Trustees may not agree with the Planning Board; the PDZ law stated that PDZ approval, site plan

included, depends on approval by the Board of Trustees, and so at the end of the day the Board of Trustees has the final say.

- C. Southard stated that another option might be for the applicant to get with T.G. Miller and do a two-phase SWPPP proposal; they could do an amendment to finish it down the road, but at least for now do some sort of hydrology feasibility study such as a TR55 analysis, something that informs the Village how much stormwater will be going to that outfall and what other things need to be looked at; the applicant's main concern is not spending the $20,000 or $25,000 right now, but a TR55 analysis would likely be a quarter or third of that cost.
- M. Johnston stated that a possible condition of site plan approval could be that, if there is not sufficient evidence that the requirements for a 100-year storm can be met, the applicant is required to implement underground storage.
- C. Southard stated that it's difficult to be that specific since there are other options that may or may not be cost effective such as permeable pavement; the applicant could deepen as the grade allows or replace existing soils with soils that drain better; getting a hydrologic study done would at least meet the greatest concern, and if there was a discussion with T.G. Miller about it now, they could possibly start and finish by the next meeting.
- J. Kusznir stated that it isn't any less protective to the Village to allow them to have a conditional approval; an applicant isn't going to want to spend the money unless they know exactly what requirements they are going to need to fulfill; they will want the approval to say, this is your exact condition, this is what we want; and so it's not any less protective on this part, but it makes sense to give them guidelines to say, this is what we need and then we're ready for approval, rather than to say, spend this money and we are going to discuss this afterward, and then we're going to give you another condition and we're going to need you to come back and we'll discuss it; it makes sense for us to come up with all the conditions, present those to them, and then let them spend the money; they're still taking on the risk because they may not be able to meet the conditions, but it's fair to figure out everything that's needed before they spend the money.
- M. Johnston asked C. Southard if $25,000 was an average cost for a SWPP.
- C. Southard replied that a SWPPP would be somewhere in that range without knowing the components required besides the hydrologic study and knowing the flows, but also sizing and all the other work that goes into a SWPPP, the erosion control and all that; however, getting the hydrologic data so that the Village knows what is going to end up going across the road and some other key elements might cost $3,000 to $5,000, and then the rest could be finished later; maybe that is something that would make the Village comfortable, but also be applicable to the applicant as far as not too much money spent, not spending $25,000, $20,000, or whatever it will cost to do the entire SWPPP.

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- Chair F. Cowett stated that we also know little about the soils such as how permeable they are.
- C. Southard stated that soils are another concern; he looked at the boring reports and it's pretty much a reclaimed site; only one boring was done on the northern portion of the site where the project is located; we don't really know what was dumped there and it doesn't show good drainable soil; most stormwater could be outflow in a 20-year or 50-year storm.
- M. McMurry stated that, even with that condition, the Board can figure this out later; if the applicant figures out later in the process that any of these things are a problem and they can't meet that requirement, then they can't develop the site according to this plan; she doesn't think the Board needs to know that today.
- J. Kusznir stated that the Board would make sure that the applicant has met the condition outlined; the Board would get to review it again and make sure that the condition has been satisfied.
- M. McMurry stated that C. Southard will conduct a review, and if he says this does not meet the condition, then the applicant will need to come back to the Planning Board, and the Board will have to modify the site plan, or possibly the Trustees will have to modify the PDZ, but the Board can cross that bridge when we get to it and the applicant bears the risk, not the Board; we need to move forward.
- M. Johnston asked Chair F. Cowett if he has a set of conditions that the Board might ask for.
- Chair F. Cowett replied that we have asked for a lighting plan which is pretty minor; we have asked for some draft language for the HOA; for example, what does the HOA plan to do to regulate visitor and tradespeople parking.
- M. Johnston stated that this type of parking regulation doesn't strike him as Planning Board stuff.
- Chair F. Cowett replied that the Planning Board might not be able to stipulate parking regulations, but it be good to get the applicant on record.
- M. McMurry stated that if the applicant writes something into a draft HOA, they can always change it later.
- G. Tierney stated that there has been talk about a performance bond and asked at what point that would come into a discussion about site plan conditions.
- M. McMurry stated that a performance bond feels like an overreach to her.
- G. Tierney stated she is new to the process here, but if the developer misunderstood his ability to finance the project, or if we had concerns about the developer's ability to finance the project, a half-built project that languishes there would be eyesore in the neighborhood, and if that is a possibility, then a performance bond might be helpful.
- Chair F. Cowett asked what if there is another banking crisis as occurred in 2008.
- M. Johnston stated that the Board is getting to a certain point where we're presenting hardship; this is a relatively low-impact development; market stuff doesn't concern him; the stormwater question is one our biggest issues, but other than that he doesn't

want to propose a hardship for something that might be outside the purview of the Planning Board.

- Chair F. Cowett stated that he isn't so concerned about a performance bond, but the parking issue concerns him.
- M. McMurry stated that she has to drive around lawn mowers on Hanshaw every day, and every time someone has a party on Cayuga Heights Road she has to drive in the other lane; nobody can fit all the parking all the time at their residence.
- Chair F. Cowett stated he understands that, but this isn't just anywhere; this is the Community Corners area and parking there is particularly problematic.
- M. McMurry stated it can hard to find a parking space when one wants to have lunch at The Heights, but she rarely sees cars double parked on East Upland and never on Triphammer.
- Chair F. Cowett stated that he sees cars double parked on East Upland all the time, tradespeople doing work on the street.
- M. McMurry stated that's true of every street in the Village.
- Chair F. Cowett asked what is going to happen in this project when that happens.
- M. McMurry replied that, if anything, the project has more interior space for some of those vehicles.
- M. Johnston stated he thinks so too; people are going to initially try to go into around Island and around Cayuga Med, and that's going to create some consternation, and authorities are going to get called, and there's going to be some conversation, and he thinks the migration from there will happen over into the Carriage House apartment complex and there will be a different set of management issues in response there, and there will be this game of leapfrog around parking concerns, and ultimately it will create a little something for a while that can't be completely ameliorated and there's always going to be some push and pull or some action and reaction.
- M. McMurry stated that people are practical and so even if there is a parking agreement with Community Corners that says between 5 and 7 pm, you can park in these spaces, the plumber doesn't read that, he doesn't know, he doesn't care, he just has to unclog the sink; again, it's unnecessary overreach, finding issues that will resolve themselves rather than trying to pre-legislate them.
- Chair F. Cowett asked if there was anything else.
- Attorney G. Middleton stated that the Village of Cayuga Heights is entitled to require a performance bond; it's not under site plan review in code and so the Planning Board can make a recommendation to the Board of Trustees about a performance bond, but at the end of the day it is under the purview of the Trustees whether to require a bond or not.
- M. Johnston stated that perhaps in that case the Planning Board should not get involved in considering whether to recommend a performance bond.
- Mayor L. Woodard stated that she thinks a performance bond is a good idea; the applicant is trying to do something that nobody's ever done in the Village and we

don't know if it's going to work or not; we don't know given his track record whether this development will ever get built or not.

- M. McMurry asked what Mayor L. Woodard meant by his track record.
- Chair F. Cowett replied that this project has been ongoing since 2008.
- M. McMurry stated that the applicant was waiting out zoning changes and there were market changes.
- Chair F. Cowett stated that this was not just about zoning changes and market changes.
- M. McMurry stated that there are multiple reasons why the project has gone on for so long, and the applicant has finally brought forward a project that looks reasonable; a lot of the prior projects did not look anywhere near reasonable; he's finally brought us a project that looks reasonable and it's as if there's a hangover from that three-story building seven years ago; she is ready to say thank you for bringing us something that we can work with and let's work with you.
- M. Johnston stated that, developer aside, not having any history with the developer and only having been on the Board for a couple of years, he looks at the plan on its merits and, maybe apart from the stormwater which does concern him, it hits a number of points in the comprehensive plan and is on point with contemporary planning goals for compact development, co-location, pedestrianism, and access to public transportation; on those merits, he is quite impressed by it.
- Chair F. Cowett stated that M. Johnston is speaking on a conceptual basis; his problem has always been whether the project fits the space; it proposes to do a lot of things in a limited amount of space; he's not opposed to it conceptually.
- M. Johnston asked if Carriage House is underperforming.
- Chair F. Cowett stated that this project has no relationship to Carriage House.
- M. Johnston stated it's similar to other examples that are proximate; he asked what about this project is different.
- Mayor L. Woodard replied that it's the history that we've had with the applicant; we are struggling with the fact that finally he got smart and serious enough to hire a firm like Whitham that's actually guiding it; she agrees with M. Johnston that the Village could actually use something like what has been proposed, but we're nervous about the way the applicant has gone about things in the past and we want to make real sure he does what he says he's going to do.
- Chair F. Cowett stated that he doesn't think there's anything wrong with holding the applicant's feet to the fire.
- M. Johnston stated that he's hearing that and, with that back story, he tends to lean towards that side; he thinks that and the stormwater infrastructure are the two issues that continue to pop around in the popcorn maker; otherwise the Board has looked at the project pretty comprehensively; it's come a long way.

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- M. McMurry stated that the applicant has a much better team now and she feels that the Board knows what conditions to put on the project to make it work; there's no reason to slow it down simply because we're worried about the applicant.
- J. Kusznir asked if there are any other issues besides stormwater that the Board would want the applicant to address; are there other issues that are concerning.
- M. Johnston replied that the Board was curious about the southern part of the site becoming a park or open space; the applicant hasn't quite agreed to that; at one point he said maybe he'll mow it and the public can come use it, and it seemed at one point to be trending towards a condition, but that seems to have gone away.
- M. McMurry stated there was a condition about tree removal; there are trees along East Upland Road that screen the property from the neighbors across the street which the applicant actually planted; there was strong concern among the neighbors that those trees be maintained to screen the property and he agreed to that, and that will be one of the conditions.
- Chair F. Cowett asked if there are any conditions that anyone wants to add.
- M. Johnston asked if Chair F. Cowett wanted to draft a parking condition.
- Chair F. Cowett replied that he doesn't want to draft a parking condition, but might want to draft a parking recommendation.
- M. Johnston stated that there should be a condition about the lighting plan which would include a fixture list and maybe a statement that the street lights might affect the project site but they're not project lights.

Item 5 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Monday September 28, 2026 at 7:00 pm at Marcham Hall.

Item 6 – Adjourn

- Meeting adjourned at 8:40 pm.

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