

Village of Cayuga Heights Planning Board
Meeting #135
Monday, April 27, 2026
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, Superintendent of Public Works C. Southard (via Zoom), Clerk J. Walker, Alternate Member G. Tierney, Mayor L. Woodard
M. Mecenass, Upland Estates PDZ
J. von Mechow, Whitham PLLC
S. Whitham, Whitham PLLC

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:04 pm.
- Chair F. Cowett stated that E. Quaroni has resigned as the Board's Alternate Member after serving on the Board as both Full and Alternate Member since 2016; he thanked E. Quaroni for her service and welcomed G. Tierney to the Board as the new Alternate Member.
- Chair F. Cowett stated that the Planning Board is scheduled to meet on the 4th Monday of each month which in May would be the Memorial Day holiday; he asked Board members if they wished to change the May Board meeting to Wednesday May 27th.
- Board members agreed to change the May Board meeting date to May 27th.

Motion: J. Leijonhufvud

Second: R. Segelken

RESOLUTION No. 453
RESCHEDULING MAY 2026 PLANNING BOARD MEETING

RESOLVED, that the next meeting of the Cayuga Heights Planning Board shall be rescheduled from May 25, 2026 to May 27, 2026 at 7:00 pm at Marcham Hall.

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

Opposed – None

Item 2 – March 3, 2026 Minutes

- The Board reviewed the minutes of the March 3, 2026 meeting.

Motion: M. McMurry

Second: J. Leijonhufvud

**RESOLUTION No. 454
APPROVING MINUTES OF MARCH 3, 2026**

RESOLVED, that the written, reviewed and revised minutes of the March 3, 2026 meeting are hereby approved.

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

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 recusing herself from this portion of the meeting because she is a part-time employee of Whitham Planning and Design; he appointed Alternate Member G. Tierney a full voting Board member for this portion of the meeting.
- Chair F. Cowett stated that on April 15, 2026 the Village of Cayuga Heights Board of Trustees approved the Upland Estates Planned Development Zone (PDZ) for two tax parcels which together comprise 6.13 acres located on the east side of East Upland Road adjacent to the Corners Community Shopping Center to the north and Carriage House Apartments to the east; the PDZ amended current Village zoning to permit development of up to 10 townhouse dwelling units in the northern section of the site; to the south are a wetland and steep slopes in excess of 15% which this project does not propose to develop; the PDZ approved by the Trustees, which also included a negative SEQRA finding of no significant adverse environmental impact based on a concept plan provided by the applicant, established broad parameters within which the applicant has submitted a site plan for consideration by this Planning Board.
- Chair F. Cowett further stated that on April 22nd the applicant submitted to the Planning Board an SPR project packet which included a site plan with 8 townhouse dwelling units, an updated wetland delineation, and architectural drawings; this packet was uploaded to the Planning Board's webpage and made available to the

public in advance of the meeting; at 5:11 pm on the day of this meeting, the applicant submitted to the Board via email an updated SPR project packet which included a site plan with 10 townhouse dwelling units and additional changes; these changes were predicated on an April 8 decision by the Albany County Supreme Court setting aside the NYSDEC's 100 foot buffer for freshwater wetlands under the DEC's jurisdiction, which included the wetland to the south of the project site; pursuant to the NYS Open Meeting Law, documents to be discussed at a meeting should be made available to the public at least 24 hours prior to the meeting; additionally, the Planning Board asks that documents be made available to Board members at the latest on the Friday prior to a Monday meeting so that Board members have adequate time to consider them fully.

- Chair F. Cowett asked J. von Mechow, Whitham PLLC, when he had learned of the April 8 court decision setting aside the 100 foot wetland buffer and when the decision had been made to revise the project site plan.
- J. von Mechow replied that he had only just learned about the court decision, the revision of the site plan only began this morning, and he wasn't sure that the revision would be finished in time to be presented at the Planning Board meeting.
- Chair F. Cowett stated that J. von Mechow should have provided the Chair and Code Enforcement Officer B. Cross more of a heads-up as to what was in the works rather than emailing them at 5:11 pm with a revised plan; the public also has a right to inspect meeting documents in advance of a meeting and that right has been ignored; although no members of the public are attending this meeting in person or via Zoom, the project is of significant public interest, especially to those residents living along East Upland Road; additionally, the DEC has until May 10 to appeal the April 8 court decision and it is by no means certain that the April 8 decision is the final word on the legality of the 100 foot wetlands buffer; in fact, the court found more fault with the DEC's process at implementing the buffer than with the concept of the buffer itself; finally, Tompkins County states a 100 foot wetland buffer on its website and it is unclear whether that buffer simply reflects the DEC regulation or if the County has instituted its own regulation.
- Chair F. Cowett asked Board members if they wished to proceed with the meeting; typically at this point in the site plan review process, the Board would vote whether to accept the project for site plan review and, if the project was accepted, would schedule a public hearing.
- M. McMurry stated that, given all the uncertainty regarding the 100 foot buffer, the Board cannot yet proceed with accepting the project for site plan review nor schedule a public hearing.
- M. Johnston agreed with M. McMurry, but stated that the Board should make good use of its time tonight and hear the revised site plan presentation.
- The Board agreed to hear the presentation and invited J. von Mechow to make it.

- J. von Mechow stated that the revised site plan has 10 townhouse dwelling units and 20 parking spaces; the area of disturbance has increased from .51 acres to .95 acres; there is still a 30 foot front yard setback from East Upland Road, a single driveway into and from the development, and a t-shaped fire truck turnaround; townhouses are now in blocks of two rather than in blocks of four reducing the amount of massing; each townhouse has a one-car garage with one parking space in the driveway outside the garage; each townhouse has an unfinished basement and a concrete slab over that portion of the basement where the garage is located; two stormwater practices have been added to the south adjacent to the Village's 50 foot wetland buffer.
- M. Johnston stated that maintaining the two rows of Norway spruce along East Upland Road is important since they provide a vegetative buffer with the neighboring homes located there, but the townhouses shown on plan look too close to the spruce trees and their root systems and he has concerns about their long term health.
- Chair F. Cowett stated that he shares M. Johnston's concerns; Norway spruce have shallow and wide ranging root systems; a good rule of thumb would be to calculate the root zone as one and one half times the spread of the trees and protect that area from construction which doesn't seem to be the case based on the plan.
- J. von Mechow stated that it might be possible to shift the northernmost townhomes slightly to the east.
- Chair F. Cowett stated that there are also trees on the eastern side of the parcel which create a vegetative buffer with the neighboring property that needs to be protected as well; buildings should be designed to fit the site and not the other way around; the concept plan for the PDZ originally presented to the Board of Trustees specified townhouses with three bedrooms; each townhouse now has four bedrooms, and the architectural drawings submitted to the Planning Board show not only four bedrooms but large sitting areas and laundry rooms on both the first and second floors; what is the need for a laundry room on both floors.
- M. Mecnas, Upland Estates PDZ, stated that he has been inside many more homes than anyone on the Board and it is common in luxury homes to find laundry facilities on more than one floor.
- Chair F. Cowett asked M. Mecnas if this means that the townhouses should be considered luxury homes.
- M. Mecnas replied that it did not.
- M. Johnston asked if there is some flexibility in some townhouses having three bedrooms instead of four.
- M. Mecnas replied that, since he is entirely responsible for the design of the townhouses, there might be some flexibility in reducing the size of their footprint; that wouldn't be too difficult.
- Code Enforcement Officer B. Cross stated that Building Code requires egressable windows and sufficient light and ventilation; it looks like some townhouses are

situated beneath the tree canopy; he can't approve a building permit without sufficient distance from the trees.

- J. von Mechow asked if there is a minimum distance to existing vegetation.
- Code Enforcement Officer B. Cross replied that 3 to 5 feet would be an absolute minimum.
- J. von Mechow stated that some distance could be gained by eliminating some sidewalks.
- M. McMurry replied that sidewalks promote safety, especially for kids.
- Code Enforcement Officer B. Cross stated that the cul de sac for the southern six townhouses doesn't provide room for vehicles parked in the two southernmost townhouses to turn around in order to exit, but instead would require them to back up all the way to the main driveway to do so which isn't safe.
- Chair F. Cowett stated that the initial concept plan for the project included a stormwater detention facility under the main driveway; it appears this has been replaced by the two stormwater practices added to the south adjacent to the Village's 50 foot wetland buffer; there is a lack of common space in the development; where would children play; where is there room for a swing set; where would people barbecue; perhaps this could be remedied by keeping the detention facility under the main driveway and converting one or both of the added stormwater practices to common space.
- S. Whitham, Whitham PLLC, stated that in summary he has heard the following: that the root systems of the East Upland Road Norway spruce need to be protected, there is a lack of common space, and losing sidewalks could impact safety.
- Chair F. Cowett stated that he would also like to see a pedestrian connection from the northeastern corner of the development to the shopping center parking lot.
- M. Mecenas stated that he has already had a conversation do this with T. Ciaschi, Corners Community Shopping Center.
- Code Enforcement Officer B. Cross stated that two parking spaces are provided for each townhouse, one in the garage and one in the driveway; he would want to see a covenant in any HOA agreement to restrict vehicles from parking overnight in the fire lane.
- Code Enforcement Officer B. Cross further stated that he will need to see a NYS compliant stormwater pollution prevention plan (SWPPP) even though the project is disturbing less than one acre; this would include hydrology/hydraulic calculations; he asked if T.G. Miller has been engaged by the design team to create the SWPPP.
- J. von Mechow replied that engaging T.G. Miller is in process.
- Code Enforcement Officer B. Cross stated that once a SWPPP is created, he will need a couple of weeks to review it and make a recommendation to the Planning Board as to whether it should be accepted.
- Chair F. Cowett stated that he will contact Tompkins County to see if the County has formally adopted a 100 foot wetlands buffer or if it was parroting the DEC regulation;

the County would be within its rights to adopt a more stringent regulation than the State if it chose to do so; if not, he doesn't see what else can be done on the project until the DEC decides whether to appeal the court decision on May 10.

- Attorney S.O. Shah stated that even if the DEC appeals, litigation would be ongoing and it would likely be another year before the issue would be resolved.
- G. Tierney asked how the project can move forward if the DEC appeals the April 8 court decision and litigation is ongoing.
- Attorney S.O. Shah agreed that that might be difficult since there are hypotheticals with so much in the air.
- Mayor L. Woodard stated that the Village's Board of Trustees would have the same issues as the Planning Board; it would need to know which buffers to go by.
- J. von Mechow stated that he would like to move the project forward; he believes the Village needs to follow the current law which sets aside the 100 foot wetlands buffer; he doesn't want the project to stagnate; the Board could adjudicate this themselves.
- Attorney S.O. Shah stated this is not an adjudicative proceeding; any irregularity in the proceeding would open up the Board and Village to an Article 78 proceeding; the Village could if it wished adopt a 100 foot wetland buffer.
- Mayor L. Woodard stated that the Board of Trustees moved ahead with the PDZ law because it believed the 100 foot DEC buffer was in place; the 100 foot buffer provided adequate protection to the wetland; she suspects that if the PDZ had proposed only a 50 foot buffer, Trustees would not have been as comfortable with the plan which was presented nor as supportive of the PDZ.
- R. Segelken asked about signage on East Upland Road.
- Code Enforcement Officer B. Cross stated that more importantly what will the street address be; will it be an East Upland Road street address or a private street address; when will the consolidation of the two parcels take place.
- M. Mecenias stated that the consolidation will take place when the site plan is approved.
- M. Johnston asked about a sidewalk on the south side of the main driveway ending in a grassy strip near the driveway entrance rather than connecting to the sidewalk on East Upland Road.
- J. von Mechow replied that there would be a crosswalk to the sidewalk on the north side of the driveway.
- M. McMurry stated that it would be safer to connect the sidewalk to the sidewalk on East Upland Road.
- R. Segelken asked who will maintain the roads in the development.
- J. von Mechow replied that the HOA will maintain the roads.
- F. Cowett stated that for the project to move forward, the Board will need from the applicant a grading plan with one or two foot contours and cut and fill calculations, a stormwater management plan, a planting plan, and a lighting plan specifying fixtures and color temps for lights.

Item 5 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Wednesday May 27, 2026 at 7:00 pm at Marcham Hall.
- M. McMurry asked what happened to the grassy strip adjacent to the new sidewalk on Kline Road.
- Code Enforcement Officer B. Cross replied that it was a mess and the Public Works Committee is evaluating what should happen next; continuing the curb line is a possible option.
- R. Segelken stated that he is retiring from the Planning Board effective June 30th and moving to New Jersey.

Item 6 – Adjourn

- Meeting adjourned at 8:38 pm.