

Village of Cayuga Heights Planning Board
Meeting #139
Monday, September 28, 2026
Marcham Hall – 7:00 pm
Draft Minutes

Present: Planning Board Members Chair F. Cowett, M. Johnston, J. Kusznir, M. McMurry
Consultant B. Cross (via Zoom), Superintendent of Public Works C. Southard (via Zoom),
Attorney G. Middleton (via Zoom), Deputy Clerk K. Perkins, Alternate Member G. Tierney,
Mayor L. Woodard (via Zoom)
M. Mecenass, Upland Estates 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 stated that member J. Leijonhufvud is ill and will not be attending the meeting; he appointed Alternate Member G. Tierney a full voting member for the meeting.

Item 2 – August 24, 2026 Minutes

- The Board reviewed the minutes of the August 24, 2026 meeting.

Motion: M. McMurry

Second: G. Tierney

RESOLUTION No. 460
APPROVING MINUTES OF AUGUST 24, 2026

RESOLVED, that the written, reviewed and revised minutes of the August 24, 2026 meeting are hereby approved.

Aye votes – Chair F. Cowett, M. Johnston, J. Kusznir, M. McMurry, G. Tierney

Opposed – None

Item 3 – Public Comment

- Chair F. Cowett stated that the Board at its August 24 meeting closed the public hearing for the proposed Upland Estates project on East Upland Road; if members of the public wish to comment briefly on that project, this is the time to do so.
- I. Lambiase, 406 East Upland Road, stated that the comment was made at the previous Board meeting that the Upland Estates project shouldn't be treated differently than any other Village project, but she disagrees; condominium townhouses are totally unique to the Village; there are existing drainage problems for property owners on East Upland Road and the project will greatly increase the amount of impermeable surface on what is currently an undeveloped site.
- No members of the public wished to comment further.

Item 4 – Site Plan Review – Upland Estates PDZ

- Chair F. Cowett stated that at its August 24 meeting the Board continued site plan review for the proposed Upland Estates project on East Upland Road; the project proposes to build eight four-bedroom townhouses on 0.91 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 August 24 meeting, the applicant has provided to the Board at Consultant B. Cross's request a diagram illustrating stormwater surface flows and overflow locations for the site; the applicant has also provided a brochure for the "StormTech" underground chambers which will be used if the surface basins prove inadequate for stormwater on site; the chambers would be located underground below the driveway and would not impact the site plan's layout.
- Chair F. Cowett further stated that between the August meeting and this meeting he received several questions from C. Ashman, 398 East Upland Road, pertaining to the project which he then forwarded to Consultant B. Cross and Superintendent of Public Works C. Southard for responses; questions and responses are as follows:
 - *Is there enough water capacity to accommodate the delivery of water to eight four-bedroom townhouses without affecting the quality of existing service on East Upland Rd (good pressure, stable delivery, etc.)? And is there a requirement for new fire hydrants?*

There is no Village requirement for a fire hydrant on a private road. However, for buildings such as these townhouses an additional on-site hydrant is generally required when a portion of a new building is more than 600 feet from an existing hydrant measured along an approved fire apparatus access route. There is an existing hydrant

immediately south of the Upland Estates property on East Upland Road and another hydrant in the Community Corners parking lot to the northeast. Based on the size and configuration of the property, it appears possible that the proposed buildings will be within 600 feet of a hydrant, but the distance needs to be measured along the approved fire apparatus access route rather than simply as a straight-line GIS measurement. Additionally, assuming the proposed townhouses remain less than three stories above grade and public water is available for connection, Section R309.1 of the NYS Residential Code requires each townhouse to be equipped throughout with an automatic sprinkler system. Therefore, it will be necessary to receive confirmation from Bolton Point that sufficient water capacity will be available for the eight townhouses and their sprinkler systems and a fire hydrant if required and to do so without impacting the quality of existing service along East Upland Road. The Village reached out to Bolton Point for comment, but so far has not heard back.

- *Regarding sewer service on East Upland Rd, is their enough pipe capacity to accommodate the sewage flows from the eight townhouses?*

The amount of sewage from eight dwelling units would be granted at 1,600 gallons/day (equivalent to about 1.11 gallons/minute). This level of flow will not have any significant impact on either the pipes or the Village's wastewater treatment plant.

- *Was there a plan earlier this year to do some water main improvements or replacements on East Upland Rd and, if so, has this been impacted by the Upland Estates project?*

The Village has hired T.G. Miller to plan for about \$10 million worth of water system upgrades over the next ten years. Pipes on East Upland Road are in the first phase of this plan with construction anticipated in the next couple of years.

- M. McMurry asked when construction on the water system upgrades is planned for East Upland Road.
- C. Southard replied that construction is planned within 2 to 3 years; the Village is currently working on the initial design; the bid will go out next fall.
- Chair F. Cowett asked if the Upland Estates project will impact the upgrade project; it sounds as if it won't and that the upgrade project will proceed independently of the Upland Estates project.
- C. Southard replied that is correct unless for some reason Bolton Point comes back and says there is a capacity issue and then that would be something that would need to be looked at and changes might need to be incorporated in the upgrade project.
- Chair F. Cowett asked B. Cross to comment on the diagram provided by the applicant illustrating stormwater surface flows and overflow locations for the site.

- B. Cross stated that he would like to comment first on water capacity for the Upland Estates project; he had a conversation with Bolton Point earlier in the day; the project would tap into a main on East Upland Road; a master meter would distribute 200 gallons per day to each townhouse dwelling unit which is not a consequential number when it comes to water main size or water pressure and shouldn't be a concern to Bolton Point, but the Village will want Bolton Point to put this in writing; the master meter could result in a small structure above grade, either as a standalone structure or as a bump out from one of the townhouses where Bolton Point would have access to the meter; the structure would need to be heated because of the meter, a backflow prevention device, and other valves.
- B. Cross further stated that he had asked the applicant to produce the stormwater flow diagram as a visual aid for the Board; the diagram shows bioretention collection areas in blue; these areas provide quality treatment and storage volume; nearly all the stormwater onsite will be collected by these areas and any overflow will discharge into the stream adjacent to Carriage House Apartments; this is a simple concept and it is important for the public to understand that the project will not shed water offsite in all directions.
- B. Cross further stated that because the area being improved is less than one acre, the project is not required to have a stormwater permit used by the NYSDEC; in general, projects less than one acre are not considered significant for stormwater in the eyes of the DEC; the Village takes a different approach, that any project size is important and the same rules applicable to a site greater than one acre will be applied to a site less than one acre; therefore this project is required to be compliant with NYSDEC stormwater regulations.
- M. Johnston asked about a culvert instead of a drainage swale located on East Upland Road as East Upland moves closer to Hanshaw and asked if this is intentional or not.
- C. Southard replied that there are many places in the Village where ditch lines have been filled in for many reasons and replaced with culverts, but he doesn't see that as having a negative impact on the Upland Estates project.
- Chair F. Cowett asked M. Mecnas, Upland Estates PDZ, if he had considered a project with more townhouse choices such as some townhouses with three bedrooms and some with four.
- M. Mecnas replied that he had played with this idea at one point, but due to the onerous development process he has been engaged in with the Village for the better part of 20 years, and because the original project was for eight lots, he thought that eight townhouses of the same type would be easier to get built.
- J. von Mechow, Whitham PLLC, stated that the more variety in building footprints and design, the higher the construction costs; replicability in dwelling units lowers construction costs
- The Board had no further questions for the applicant.

- Chair F. Cowett stated that it was his understanding at the Board’s August meeting that a majority of the Board was ready to move forward with a conditional approval of the current site plan for the project.
- A majority of the Board agreed to move forward with a conditional approval of the current site plan.
- Chair F. Cowett stated that, before the Board can consider the conditional approval, §305-117.B of the Village’s Zoning Law requires the Board to make findings for a series of factors related to the 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 based on the site plan contained in the August 20, 2026 submission package submitted by the applicant:

o Location and site of the use:

The site consists of two tax parcels which together comprise 6.13 acres and are located on East Upland Road in the Village’s Residence zoning district. The Tompkins County property class code for both parcels is 311 for residential vacant land.

o Nature and intensity of the use:

The proposed use is an eight unit townhouse development which improves 0.91 acres in the northern portion of the site. There will be four townhouse blocks with each block containing two adjoining townhouses. Each townhouse will contain four bedrooms, one garage, and one driveway. The townhouses will be organized into an HOA with each townhouse occupying a separate tax parcel. That portion of the site outside the improved 0.91 acres will constitute a separate tax parcel and will not be improved. The townhouse parcels and the parcel containing the remainder of the site will be managed by the HOA based on an HOA agreement.

o Size and topography of the site:

The site consists of two tax parcels which together comprise 6.13 acres. The northern portion of the site, where the townhouse development is located, is comprised in part of fill from the original excavation for the Corners Community Shopping Center, and slopes primarily from north to south. The southern portion of the site, which is adjacent to Lowell Place, slopes primarily from south to north and contains areas with slopes in excess of a 15 percent grade. The low point of the site is located roughly in its middle and contains an intermittent stream flowing west from Pleasant Grove Road towards East Upland Road and a delineated riparian wetland associated with the intermittent stream which was last measured in June 2025 at 0.79 acres.

o Location of the site in respect to road access:

The site is adjacent to East Upland Road on its western property line. Access to East Upland 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 two off-street parking spaces be provided for a one-family dwelling in the Village's Residence Zone, and the Planned Development Zone (PDZ) created by the Village's Board of Trustees echoes this requirement. Each townhouse contains one garage and one driveway. If the driveway is used as a parking space in addition to the garage, then each townhouse provides two off-street parking spaces and is compliant with both § 305-90.F.1.a and the PDZ. No additional dedicated parking spaces are provided for visitors, tradespeople, etc. within or beyond project boundaries. Each garage also contains a three foot wide landing and stairway for basement access over which a steel plate must be lowered in order to provide the two 18 foot length parking spaces required by § 305-90.F.1.a.

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

Improvements for each townhouse include a residence, a garage, and a driveway, and the garage and driveway connect to the roads within the development. Dimensions of townhouse improvements excluding the driveway and entrance will be 35' by 41' or 1,435 square feet. For each townhouse block, driveways will be located on the inside corner of each townhouse. The entrance to each townhouse will be adjacent to its driveway and located in the center of the townhouse.

o Traffic and noise generated by the proposed use:

The proposed use consists of eight four-bedroom townhouses. The site currently consists of two vacant unimproved lots comprising 6.13 acres. Improving vacant land with eight four-bedroom townhouses will result in some increase in traffic and noise. A SEQRA review conducted by the Village's Board of Trustees judged that the traffic increase would not be substantial enough to create an adverse environmental impact per suggested SEQRA metrics. The proposed use has one driveway which has been located so as to not be directly opposite any single family residence on East Upland Road. However, given that the site was previously undeveloped, the increase in traffic and noise will have some neighborhood impact, and the degree of this impact on the

neighborhood may depend in part on the covenants contained in the HOA agreement and their enforcement by the HOA.

o *Landscaping:*

A landscape plan provided by the applicant consists of native plants including shrubs, perennials, grasses, trees, and ground covers. There will be no turf. The project will preserve a double row of mature Norway spruce trees located along East Upland Road which visually screen the project site from the neighboring single family residences. Some spruce will be removed to accommodate the project's curbcut and driveway on East Upland Road, and several large trees on the site's northern boundary which help screen the site from the shopping center will be removed and not replaced. In all, 12 trees will be removed and 20 trees will be planted, primarily *Amelanchier laevis* (Allegheny serviceberry) and *Crataegus viridis* (green hawthorn).

o *Architectural features:*

The townhouses are two story duplex-style buildings with gable roofs and dormers over the entrances. They will be clad in LP SmartSide Siding if available or an equivalent in kind product. Exterior lighting will be limited to Dark Sky compliant decorative sconce fixtures next to each townhouse entry. The townhouses will not have attics, but each townhouse will have a basement.

o *Location and dimension of the improvements:*

The townhouse blocks are set back 30 feet from the Village's right-of-way on East Upland Road and 10 feet from the east side property line, and the northern townhouse blocks are set back 10 feet from the northern property line. These setbacks comply with the terms of the PDZ approved by the Village's Board of Trustees. Lot coverage is 4.29% of the entire site. The driveway leading in from East Upland Road will have a slope of approximately 5% and townhouse height as measured by the methodology contained in the Village's Zoning Law will be 25 feet. Metrics for lot coverage, driveway slope, and townhouse height are all compliant with the Village's Zoning Law and with the PDZ approved by the Board of Trustees.

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

The proposed use consists of eight four-bedroom townhouses in a Planned Development Zone (PDZ) approved by the Village's Board of Trustees. The Village's Residence zone, which consists primarily of single family residences such as those adjacent to the proposed use on the western side of East Upland Road, extends to the

east and south. The Corners Community Shopping Center and Carriage House Apartments, which are located in the Village's Commercial zone, are adjacent to the proposed use to its north and east respectively. In approving the PDZ, the Board of Trustees conceptualized it as creating a transition zone between the Residence and Commercial zones. The density of the proposed use within this transition zone substantially exceeds the density of the existing residences along East Upland Road. The impact of this density increase on the existing residences, if any, is unclear and may depend in part on the covenants contained in the HOA agreement and their enforcement by the HOA.

o Impact of the proposed use on the environment:

The site is currently a vacant, undeveloped lot and includes an intermittent stream, riparian wetland, and a wooded upland with steep slope areas in excess of 15 percent. The proposed use is located in the northernmost portion of the site away from the environmental features stated above and will not make improvements to them. The proposed use will introduce impervious surface to the site and create stormwater runoff. A stormwater management plan provided by the applicant will include a series of drainage swales and bioretention basins. These practices are intended to mitigate post-construction stormwater runoff so that runoff will be equal to or less than pre-construction peak runoff for a 100 year precipitation event as required by Article VIII of the Village's Zoning Law and the Planned Development Zone approved by the Village's Board of Trustees. The applicant has provided a conceptual stormwater management plan intended to meet stormwater requirements, but has not provided calculations to confirm that these requirements will be met or to assess the downstream impact of stormwater outfalls on the intermittent stream and riparian wetland.

o 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:

Townhouses will connect to existing Village water and sanitary sewer mains and to an existing NYSEG overhead electrical utility line, all of which are located along East Upland Road. The proposed use is unlikely to impact sewer and electrical along East Upland Road or elsewhere in the Village. Bolton Point will need to confirm whether there will be adequate flow and pressure to satisfy townhouse water demand without impacting existing water service on East Upland Road. Household garbage will be disposed of via a dumpster which will be serviced by a private contractor. Yard waste will be disposed of via a private landscaping firm. The Village's Department of Public Works will pick up bulky items once a month if hauled out to East Upland Road.

Roads within the development have been sized and designed in consultation with the Village's fire chief to provide satisfactory fire truck access, and will be maintained by the HOA. The proposed use is unlikely to impact police protection services. Finally, as stated above, the proposed use will introduce impervious surface to the site and create stormwater runoff. The applicant has provided a conceptual stormwater management plan intended to mitigate runoff and meet Village stormwater requirements, but has not presented calculations to confirm that these requirements will be met. Therefore, the impact of the proposed use on downstream Village stormwater infrastructure, including the culvert running under East Upland Road, is unclear at this time.

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

The townhouses will be entirely electric and not use natural gas, and will be built to meet the New York State Building Code. No additional provisions for reducing energy use or incorporating renewable energy systems into project design have been made.

- o *Effect on population density, if any:*

The site is currently a vacant unimproved lot and will be improved with eight four-bedroom townhouses clustered in the northern portion of the site. Population density will therefore increase.

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

§ 11.5.E.2 of the Village's Zoning Law states that exterior light fixtures in all zoning districts should be compliant with the specifications of the International Dark Sky Association (IDA). The applicant has stated that the project's exterior light fixtures will be Dark Sky compliant, but has yet to submit a lighting plan to confirm this. Regarding the Village's current Comprehensive Plan, its Economy section advocates re-invigorating the Community Corners Area, and the project will increase the number of the Area's residents which would likely benefit its businesses; its Housing section advocates increasing the range of housing options in the Village's Commercial zoning district, and the project provides townhouses which are not a housing option currently offered there; and its Transportation section advocates reducing vehicle traffic on Village streets by encouraging public transit use and creating a more pedestrian friendly environment, and the project provides good access to public transportation and the Village's existing sidewalk network.

- M. McMurry asked about § 305-52 Site Plan Requirements for a Planned Development Zone in the Village's Zoning Law; there are a series of requirements about how driveways connect with roads, how service areas are screened, whether there is accessible transit and parking, most of which the Board has discussed, but it isn't clear whether the Board needs to make additional findings for them.
- Attorney G. Middleton replied that the majority of those site plan requirements match, or almost match, the requirements that the Board has already reviewed and made findings for; they are all largely related to the site plan map itself; since there have been multiple iterations of the site plan, if the Board approves the site plan, it should note which site plan it is approving; the Board can go through § 305-52, but many of those requirements are duplicative of the general site plan review law.
- M. McMurry asked if it would be prudent then for the Board to make a statement that the project complies with the site planning requirements of Section 305; if they're redundant, there's no need to go through each one.
- Attorney G. Middleton replied that that would be fine, or the Board could just verbally discuss them and then note on the record that they were discussed and that all were complied with by the site plan that's being approved.
- M. McMurry stated that the Board did have that discussion and so the Board can then agree that the conditions of § 305-52 have been discussed or considered, but asked if height of buildings and size of lots should also be included.
- Attorney G. Middleton replied that height of buildings and size of lots need not be included because, although § 305-52 technically contains additional site planning requirements, those requirements almost identically coincide with the general site plan requirements; the site planning requirements in § 305-52 are almost legislative mandates rather than items for the Board to necessarily review; for example, Landscaping states that the number of trees to be planted in the PDZ shall at least be equal to the number of trees removed for development purposes; it is essentially a notation that these are requirements with which the project also needs to comply.
- The Board agreed that the findings made by the Board for § 305-117.B of the Village's Zoning Law based on the site plan contained in the August 20, 2026 Upland Estates submission package submitted by the applicant comply with the requirements stated in Article VIII § 305-52 of the Village's Zoning Law.
- B. Cross stated that he has two points to make; the first is that a PDZ is a similar type of action to a subdivision; with a subdivision, the applicant provides a final version of the site plan with a box which identifies the date of Planning Board approval, lists any conditions of approval, and contains the signature of the Board Chairperson which then needs to be filed at the county clerk's office.
- Chair F. Cowett stated that B. Cross is correct about the requirements for filing a subdivision plan approved by the Board, but questioned if this is applicable since the this project is based on a PDZ and not a subdivision.

- M. McMurry stated that § 305-53 of the Village's Zoning Law states that site plan approval for a PDZ shall have the same plan requirements as specified for major subdivisions.
- B. Cross stated that his second point relates to a finding made by the Board, that because there are no exact stormwater calculations, the potential impact is unknown or remains unclear; he doesn't dispute that as the case, but if the Board approves as a condition of site plan approval that the applicant must meet the Village's requirement that post-development runoff must be equal to or less than pre-development runoff, then from an engineering definition there would be no potential impact.
- Chair F. Cowett stated that he understands the point being made by B. Cross, but the findings made by the Board state what the Board knows at this point in time.
- J. von Mechow stated that he has no problem with the finding made by the Board.
- G. Middleton stated that the Planning Board does not need to make an additional separate finding for subdivision approval given that site plan approval under the PDZ is specific to the layout which the Board has reviewed; Planning Board approval of the PDZ site plan is also conditioned on final approval of the PDZ by the Village's Board of Trustees which is a required condition contained in § 305-53; the approved site plan cannot be signed by the Chairperson of the Planning Board until after final approval of the site plan by the Board of Trustees; the Planning Board can give the site plan conditional approval, but then the Trustees must grant final approval, and then the Chairperson of the Planning Board can sign the approved site plan.
- The Board discussed whether to approve, approve with conditions, or disapprove the site plan contained in the August 20, 2026 Upland Estates submission package; it agreed to approve that site plan subject to the following conditions.

Motion: M. Johnston

Second: J. Kuszniir

RESOLUTION No. 461

TO APPROVE WITH CONDITIONS THE SITE PLAN FOR THE PROPOSED UPLAND HEIGHTS PROJECT ON EAST UPLAND 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 Upland Heights project on East Upland Road contained in the August 20, 2026 Upland Estates submission package submitted by the applicant is hereby approved with the following conditions:

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

- (A) An Erosion and Sediment Control Plan applicable to construction activity which shall include but not be limited to the identification of any temporary and/or permanent erosion control measures that will be used to mitigate any impacts.
- (B) A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of NYSDEC redevelopment standards which shall include but not be limited to:
- (i) 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 24-hour precipitation events;
 - (ii) A downstream analysis of 1, 10, and 100-year 24-hour precipitation events including peak discharge rates, total runoff volumes, and evaluation of impacts to receiving waters, wetlands, and Village stormwater infrastructure;
 - (iii) Limitation to the greatest extent practicable of any stormwater discharge from the site's driveway to the Village's stormwater swale on the east side of East Upland Road.
- (C) A signed Stormwater Management Agreement with the Village stating that it is the responsibility of the applicant, and any successor to the applicant, to maintain all stormwater management practices and that the Village has the right to perform such maintenance if the applicant fails to do so, and that the applicant, and any successor to the applicant, shall keep a log notating the occurrence and description of any maintenance and provide annually a maintenance inspection report to the Village's Stormwater Management Officer.
- (D) A study of the soils on site including but not limited to load-bearing capacity, water table depth, contamination if any, and areas of Soil Conservation Service (SCS) Hydrologic Soils Groups A, B, C, and D.
- (E) Final construction drawings including but not limited to a Construction Staging Plan stating the details of project construction including hours of construction and any other drawings or documents requested by the Village's Code Enforcement Officer such as estimated water consumption, the purchase of sewer units, an NYSDEC construction stormwater notice of intent, and an MS4 SWPPP acceptance form.
- (F) A site utility plan mapping out all proposed underground and overhead public and private utility connections including but not limited to water, sewer, and electrical connections, and
- (i) the location of any fire hydrant(s) onsite and/or offsite that meet the requirements of the NYS Fire Code, and
 - (ii) Written confirmation from Bolton Point that there will be adequate flow and pressure to satisfy water demand without impacting the quality of existing service on East Upland Road;
- (G) A lighting plan that is Dark Sky compliant with the specifications of the International Dark Sky Association (IDA) including lamps with a Correlated Color Temperature (CCT) rating of 3000 or lower and fully shielded fixtures, and the type, height, and location of the fixtures used.
- (H) A non-binding plan for parking including parking for visitors, tradespeople, and truck loading, and contingency measures should parking demand prove greater than estimated and additional parking be needed.

(2) The double row of staggered evergreen trees growing along East Upland Road, not including any trees removed to provide driveway and sidewalk access, shall be preserved during and after construction such that a vegetative screen is continuously provided to the neighboring properties on East Upland Road subject to consultation with and approval by the Village Forester.

(3) Any land and water areas encompassed by the Village's Natural Resources Overlay Zone and which are not included in this project's approved site plan, shall not be improved by the applicant, or by any successor to the applicant, unless approved in a site plan review by the Planning Board pursuant to Article IX of the Village's current Zoning Law.

(4) The applicant must satisfy these conditions and obtain a building permit within three (3) years. This deadline may be extended upon mutual agreement by the Planning Board and the applicant after determining that the project remains in compliance with site plan approval and with any conditions of approval stipulated by the Planning Board.

(5) Proposed changes to the approved site plan, whether before, during, or after construction, must be submitted to the Code Enforcement Officer for review to determine whether the effect of the proposed changes warrants reconsideration, and possible modification, by the Planning Board of the project's site plan approval. The Code Enforcement Officer shall make one of the following determinations:

(a) That the changes are not a potentially significant deviation from the approved site plan and do not affect the approval status of the site plan and project; or

(b) That the changes are a potentially significant deviation from the approved site plan and require a review of the modified site plan in which case the Planning Board would determine whether a review of the modified site plan is sufficient or if a new site plan review is required.

Aye votes – M. Johnston, J. Kuszniir, M. McMurry, G. Tierney

Opposed – Chair F. Cowett

Item 5 – New Business

- Chair F. Cowett stated that the next meeting of the Planning Board will be held on Monday October 26, 2026 at 7:00 pm at Marcham Hall.

Item 6 – Adjourn

- Meeting adjourned at 8:29 pm.