Village of Cayuga Heights Planning Board Meeting #63 Monday, June 27, 2016 Marcham Hall – 7:00 pm Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, M. McMurry, R. Segelken, and Alternate E. Quaroni Code Enforcement Officer B. Cross, Deputy Clerk A. Podufalski, Attorney R. Marcus, Trustee J. Marshall Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:05 pm.
- D. Hay has resigned from the Board. Former Alternate J. Leijonhufvud has been appointed a full member of the Board and E. Quaroni has been appointed as the Board's new Alternate.
- Chair F. Cowett thanked D. Hay for her service and welcomed E. Quaroni to the Board.
- F. Cowett appointed E. Quaroni as a full voting member for the meeting.

Item 2 – May 23, 2016 Minutes

- Attorney R. Marcus noted that Resolution No. 184 in the draft minutes incorrectly referenced 1010 Triphammer Road rather than 1001 Highland Road.
- The Board revised the draft minutes as noted.

Motion: M. McMurry Second: R. Segelken

RESOLUTION No. 189 APPROVING MINUTES OF MAY 23, 2016

RESOLVED, that the written, reviewed and revised minutes of the May 23, 2016 meeting are hereby approved.

Aye votes – Chair F. Cowett, G. Gillespie, M. McMurry, R. Segelken
Abstained - E. Quaroni
Opposed - None

Item 3 – Public Comment

No members of the public wished to comment.

Item 4 – Continuation of Site Plan Review – 1001 Highland Road Minor Subdivision

- Chair F. Cowett stated that, at the Board's May 23 meeting, the Board adjourned the public hearing due to its concern with insufficient public notice.
- N. Hicks, 125 E. Remington Road, stated her opposition to the proposed minor subdivision; she believes the subdivision will change the character of Cayuga Heights, the Board should protect that character, and all the neighbors could subdivide if they wanted to; she voiced concerns for an increase in traffic on E. Remington Road which is already heavily travelled; she also stated that her neighbors were very frustrated after the ZBA hearing at which the subdivision received a variance.
- D. Donner, 107 E. Remington Road, stated his opposition to the proposed minor subdivision; he believes it is clear that Villagers do not want densification and that the Planning Board should not approve piecemeal densification more appropriate for a city.
- D. Lennox, the applicant, responding to the previous comments, does not believe that all the neighbors could subdivide if they wanted to, that it is not as easy as mentioned because subdivision requires a parcel of approximately one acre in size.

Motion: R. Segelken Second: M. McMurry

RESOLUTION No. 190 TO CLOSE THE PUBLIC HEARING

RESOLVED, that the public hearing regarding the site plan review for the proposed minor subdivision at 1001 Highland Road is hereby closed.

Aye votes – Chair F. Cowett, G. Gillespie, M. McMurry, E. Quaroni, R. Segelken Opposed- None

- The Board discussed Article IX Section 24, III, 2, factors to be considered by the Board in Site Plan Review for minor subdivisions in the Village's Residence Zoning District:
 - o a. Effect of the proposed subdivision on traffic and so traffic safety;
 - o b. Effect of the proposed subdivision on the environment;
 - o c. Any other factors reasonably related to the health, safety and general welfare of the community.

- G. Gillespie asked Code Enforcement Officer B. Cross how E. Remington Road between Highland and Highgate Roads compared to other Village roads and about any issues with it.
- Code Enforcement Officer B. Cross stated that E. Remington Road is a tertiary level road with a low function ranking; the road is not in good condition, has to the best of his knowledge been repaved only once since 1990, and will probably be repaved soon; and it has a higher level of traffic customary for such a road, but there are no plans to reconstruct the road to accommodate more traffic.
- Code Enforcement Officer B. Cross further stated that the amount of traffic likely to be added by the subdivision to E. Remington Road would be minor relative to the overall traffic count; the variance condition imposed by the Village's Zoning Board of Appeals limiting the new subdivided lot to at most two unrelated occupants or a single family with no unrelated occupants would also limit the increase in traffic; and any increase in traffic from such occupancy would not affect the structural integrity or relative safety of the road.
- M. McMurry asked Code Enforcement Officer B. Cross about stormwater and whether any condition imposed by the Board dealing with stormwater management would need to be met prior to the issuance of a building permit?
- Code Enforcement Officer B. Cross stated that the Board could impose a condition dealing with stormwater management which, in his capacity as Village Stormwater Management Officer, he would need to approve and could then submit to the Board for their approval as well prior to the issuance of a building permit.
- G. Gillespie stated that the Village's comprehensive plan advocated the protection of residential neighborhoods, and asked Code Enforcement Officer B. Cross if there has been a trend towards subdivisions and increased density.
- Code Enforcement Officer B. Cross stated that minor subdivisions have been spotty and that he has not seen any such trend.
- M. McMurry asked Code Enforcement Officer B. Cross how many minor subdivisions have occurred over the past five years.
- Code Enforcement Officer B. Cross replied that there have only been three minor subdivisions over the past five years.
- R. Segelken asked Code Enforcement Officer B. Cross if any neighborhoods are ripe for subdivision or if subdivisions have occurred in any particular neighborhood.
- Code Enforcement Officer B. Cross replied that the three minor subdivisions have not occurred in any particular neighborhood and that their locations can be described as random.
- G. Gillespie stated that he does not see an overall trend to subdivide in the Village that would impair the general welfare of the community; the Board's recent decision to disapprove the proposed sorority on Wyckoff Road involved a much different case because the sorority would have greatly increased the population on that block and significantly changed the neighborhood.

- Chair F. Cowett stated that the size of residential tax parcels in the Village does not readily permit subdivision; research from several years ago conducted for the Village's fence law shows that 75% of residential parcels in the Village are 0.78 acres or less.
- Chair F. Cowett further stated that, mindful of neighbor concerns about a loss of privacy stemming from the subdivision, he had hypothetically located on a map a small house to the rear of the proposed subdivided lot and then measured distances between the house and the neighboring houses as well as the distances between other houses in the neighborhood; the hypothetical distance from this house to the nearest house to the east would be 77 feet and from this house to the nearest house to the north would be 112 feet; the distances between existing houses in the neighborhood varies and is sometimes more and sometimes less; distances between some houses nearby on Highgate Road are less than 42 feet; therefore, in his judgment, should a small house be built on the proposed subdivided lot, it would not mean as significant a change to neighborhood character as has been suggested.
- Code Enforcement Officer B. Cross reminded the Board of the variance condition imposed by the Village's Zoning Board of Appeals limiting the new subdivided lot to at most two unrelated occupants or a single family with no unrelated occupants and stated that in his judgment this would limit change to neighborhood character.
- R. Segelken stated that he had visited the site of the proposed new lot, observed that the vegetation in the site's northern and eastern setbacks is quite dense, and believes that, given the variance condition imposed by the Village's Zoning Board of Appeals to preserve vegetation in these setbacks, this provides privacy to the neighbors.
- Chair F. Cowett stated that the nearest house to the hypothetical new house would be the applicant's existing house in Parcel A; he suggested the Board might consider as a condition of approval the planting of a vegetative screen between the two houses.
- E. Quaroni opposed imposing such a condition and stated that the planting of a vegetative screen if needed could be dealt with by the applicant.
- M. McMurry asked whether locating the hypothetical new house to the rear of the new lot would require cutting down trees.
- Chair F. Cowett stated that it might require cutting a few trees, but that none of these trees would be within the northern setback.
- Code Enforcement Officer B. Cross informed the Board that some neighbors had previously expressed concern about the unsightliness of a deer fence located on the front boundary line of the proposed new subdivided lot and wondered whether the Board should consider as a condition of approval preservation of vegetation in the front yard setback similar to the condition imposed by the Village's Zoning Board of Appeals in the northern and eastern setbacks.
- M. McMurry asked N. Hicks her opinion about preserving trees in the front yard setback along E. Remington Road.

- N. Hicks replied that the existing vegetation along E. Remington Road does provide a privacy screen to her house across the street; her house used to have trees in front which unfortunately had to be cut down.
- D. Lennox, the applicant, stated opposition to a condition preserving front yard setback vegetation; creating a viable lot with a driveway and view to E. Remington Road from a house located on the new subdivided lot will require some clearing of the vegetation along E. Remington Road.
- Chair F. Cowett stated that much of the vegetation in the front yard setback along E. Remington Road consists of poor quality trees such as *Morus alba*.
- E. Quaroni stated her concern about the length of driveway to a new house located to the rear of the proposed subdivided lot.
- Chair F. Cowett stated that a detached garage could be built closer to the front of the property which would shorten driveway length; he reminded the Board that it had discussed at previous meetings imposing as a condition of subdivision approval Board approval of site design including house location prior to issuance of a building permit.
- Attorney R. Marcus stated that the Board, were it to consider subdivision approval
 with conditions, should include as one of these conditions adoption of the conditions
 imposed by the Village's Zoning Board of Appeals in granting variances to the project.
- Code Enforcement Officer B. Cross stated that the Board, in previously granting approval with conditions to the subdivision at 105 Berkshire Road, had required that both Planning Board and Zoning Board of Appeals conditions be included on the subdivision plat.
- Attorney R. Marcus agreed with inclusion of all conditions on the subdivision plat; he
 stated that Board approval of site design including house location prior to issuance of
 a building permit could also include approval of a stormwater management plan and
 that together this would comprise an additional limited site plan review.
- The Board found the following for Article IX Section 24, III, 2:
 - o a. *Effect of the proposed subdivision on traffic and so traffic safety*: Additional car trip generation is likely to be minor due to the limited impact of a single family home on overall traffic counts. Moreover, the Zoning Board of Appeal's variance condition #4, that the subdivided lot can only be used by at most two (2) unrelated occupants or a single family with no unrelated occupants, will further limit any increase in traffic. Therefore, the effect of the proposed subdivision on traffic and traffic safety can be expected to be minor.
 - b. Effect of the proposed subdivision on the environment:

 There will likely be some loss of trees and vegetation and an increase in impervious surface and stormwater runoff from any future construction; however, tree and vegetation loss will be substantially limited by the Zoning Board of Appeal's variance condition #5 that "the existing vegetation in the East and North building setback areas will be maintained to the greatest extent

- possible," and the increase in stormwater runoff can be mitigated through conditions imposed by this Board.
- o c. Any other factors reasonably related to the health, safety and general welfare of the community.

The new lot created by the proposed action will increase population density and intensity of land use in the neighborhood. However, the Planning Board found in conducting SEQRA that these increases in density and intensity of land use would be minor and the new lot created by the subdivision, which would not be the smallest lot on the block, is in character with the neighborhood and is of sufficient size to permit the building of a suitable single family home. In addition, the Zoning Board found that the density resulting from building a house on the proposed new lot would not be greater than the density allowed under Village law on any two lots of their cumulative size. The Zoning Board did recognize neighbor concerns about the increase in density and the potential for loss of privacy and therefore imposed variance condition #5 in response. The Planning Board also notes these concerns and believes the conditions imposed by the Zoning Board together with conditions imposed by this Board will be sufficient to preserve and protect the health, safety, and welfare of the community.

Motion: G. Gillespie Second: R. Segelken

RESOLUTION No. 191 TO APPROVE WITH CONDITIONS THE PROPOSED MINOR SUBDIVISION FOR 1001 HIGHLAND ROAD

RESOLVED, that the proposed minor subdivision at 1001 Highland Road is hereby approved subject to the following conditions:

- (1) Approval by the Planning Board of a site plan showing building location and the site design of the new subdivided lot (Parcel B) prior to the issuing of a building permit by the Village's Code Enforcement Officer;
- (2) Approval by the Village's Stormwater Management Officer of a stormwater management plan showing stormwater runoff equal or less than pre-construction stormwater runoff prior to the issuing of a building permit by the Village's Code Enforcement Officer;
- (3) Adoption by the Planning Board of the conditions imposed on this subdivision by the Village's Zoning Board of Appeals at its June 6, 2016 meeting;

(4) These conditions, as well as those approved by the Village's Zoning Board of Appeals on June 6, 2016, must be noted on the subdivision plat.

Aye votes – Chair F. Cowett, G. Gillespie, M. McMurry, E. Quaroni, R. Segelken Opposed- None

Item 5- Other Business

- The Board's next meeting is scheduled for July 25, 2016. The agenda for this meeting is expected to include continuation of site plan review for the minor subdivision at 1010 Triphammer Road and submittal of a revised plan for the new medical office building proposed for Corners Community shopping center.
- Attorney R. Marcus told the Board that he would not be attending the Board's July Meeting and had arranged for his partner Peter Grossman to attend in his place.

Item 6 – Adjourn

• Meeting adjourned at 8:37 pm.