

Village of Cayuga Heights Planning Board
Meeting #80
Monday, June 25, 2018
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, G. Gillespie, J. Leijonhufvud, R. Segelken
Code Enforcement Officer B. Cross, Attorney R. Marcus, Deputy Clerk T. Johnson, Trustee
M. McMurry, Alternate E. Quaroni
E. Lindys, Alléchant Restaurant
W. Kimble-Dugan, 1010 Triphammer Rd
Members of the Public

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:06 pm.
- Chair F. Cowett appointed Alternate E. Quaroni a full voting member of the Board for the meeting.
- Chair F. Cowett stated that the public hearing scheduled by the Board for this meeting at its May 29, 2018 meeting for the minor subdivision at 543 Cayuga Heights Road has been cancelled because the applicant has withdrawn the application for the subdivision.
- Chair F. Cowett further stated that the Cornell North Campus development design team has postponed their next presentation until the Board's July 23rd meeting.

Item 2 – May 29, 2018 Minutes

- The Board reviewed the minutes of the May 29, 2018 meeting.

Motion: R. Segelken

Second: J. Leijonhufvud

**RESOLUTION No. 259
APPROVING MINUTES OF MAY 29, 2018**

RESOLVED, that the written, reviewed and revised minutes of the May 29, 2018 meeting are hereby approved.

Aye votes – Chair F. Cowett, J. Leijonhufvud, E. Quaroni, R. Segelken

Abstained – G. Gillespie

Opposed – None

Item 3 – Public Comment

- No members of the public wished to comment.

Item 4 – Special Use Permit – Alléchant Restaurant/Corners Community Shopping Center

- Chair F. Cowett stated that, at its April 23, 2018 meeting, the Planning Board approved a special use permit for Alléchant Restaurant in the space formerly occupied by JJ's Café, Corners Community Shopping Center; permit approval was based on the restaurant being open for breakfast and lunch only; subsequent to permit approval, the applicant decided to request that the restaurant be allowed to serve dinner on all evenings and to remain open until 9:00 pm on those evenings when dinner is served; the applicant has also decided to apply for a liquor license to serve beer, wine, and cider inside the restaurant and on the outside patio area; accordingly, the applicant is seeking an amendment to the special use permit from the Planning Board, which requires a public hearing.
- The public hearing commenced at 7:10 pm.
- No members of the public wished to speak.

Motion: G. Gillespie

Second: R. Segelken

**RESOLUTION No. 260
TO CLOSE THE PUBLIC HEARING**

RESOLVED, that the public hearing regarding amending the special use permit review for the proposed Alléchant Restaurant at Corners Community Shopping Center, (1) to allow the restaurant to serve dinner on all evenings and to remain open until 9:00 pm on those evenings when dinner is served, and (2) to serve beer, wine, and cider inside the restaurant and on the outside patio area, be closed.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken

Opposed – None

- The public hearing was closed at 7:12 pm.
- Chair F. Cowett stated that at the Board's previous meeting he had asked Attorney R. Marcus if the Board would need to conduct a new SEQRA review in considering the amended special use permit or if the Board could rely on SEQRA findings made previously for the special use permit approved at its April 23, 2018 meeting; Attorney R. Marcus advised the Board that, should the Board make a finding that the impact of the change of hours of operation and the serving of beer, wine, and cider associated with the amended special use permit would not be substantial enough to warrant a

change in its previous finding that the proposed restaurant would not result in any significant adverse environmental impacts, then the Board could categorize the amended special use permit as an Unlisted action and resolve to adopt wholesale the SEQRA findings made at its April 23, 2018 meeting.

- The Board categorized the amended special use permit as an Unlisted action, reviewed its SEQRA findings made previously for the special use permit approved at its April 23, 2018 meeting, and determined that the impact of the change of hours and the serving of beer, wine, and cider associated with the amended special use permit would not be substantial enough to warrant a change in its previous finding that the proposed restaurant would not result in any significant adverse environmental impacts.

Motion: J. Leijonhufvud

Second: R. Segelken

**RESOLUTION No. 261
TO DETERMINE PROPOSED ACTION WILL NOT RESULT IN AN ADVERSE
ENVIRONMENTAL IMPACT**

RESOLVED, that the Village of Cayuga Heights Planning Board has determined that the amendment to the special use permit for the proposed Alléchant Restaurant at Corners Community Shopping Center will not result in any significant adverse environmental impacts, and that it accepts the SEQRA findings made at its April 23, 2018 meeting.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken
Opposed – None

- The Board discussed § 19.3.C of the Village’s Zoning Law, “Factors to be considered by the Planning Board in reviewing special use permit applications,” and made modifications (**bolded**) to the findings made at its April 23, 2018 meeting.
 - *Location and site of the use:*

The site is located at 903 Hanshaw Road in the Corners Community shopping center in the Village’s Commercial zoning district. The shopping center is approximately one mile north of Cornell University, one tenth of a mile west of the Town of Ithaca, and six tenths of a mile south of the Village of Lansing. Per Tompkins County, current property class is commercial and its description is neighborhood shopping center.

- *Nature and intensity of the use:*

The proposed use is the Alléchant Restaurant which replaces JJ's Café. The applicant estimates thirty to thirty-six seats and seasonal outdoor seating with five to seven employees. **Operating hours will be 8:00 am to 9:00 pm on those days when dinner is served and 8:00 am to 4:00 pm on those days when dinner is not served. The applicant estimates thirty-six to fifty-six customers per day for daytime seating, and thirty-six to fifty-six customers per day for evening seating.** The restaurant will be open weekends. **The applicant has applied for a liquor license and intends to serve beer, wine, and cider inside the restaurant and on the outside patio area.** The applicant states that truck deliveries will occur at similar frequencies and sizes to JJ's Cafe.

- *Location of the site in respect to road access:*

The shopping center is bounded by Hanshaw Road to the north, East Upland Road to the west, and Pleasant Grove Road to the east. Adjacent intersections are Hanshaw/North Triphammer/East Upland Roads and Hanshaw/Pleasant Grove Roads. Access to these roads consists of three driveways on East Upland Road, one driveway on Hanshaw Road, and one driveway on Pleasant Grove Road. The proposed use does not require physical changes to road access or driveways.

- *Provisions for parking:*

§ 12.3.F.4.b of the Village's Zoning Law requires that, in the Commercial zoning district, for places of public assembly such as a theater, church, or restaurant, one off-street parking space be provided for every three seats. There are currently thirty-four seats associated with the current use. The applicant estimates thirty to thirty-six seats and seasonal outdoor seating. Because the number of seats associated with Alléchant Restaurant will be approximately the same as the number of seats associated with JJ's Café, both **daytime** parking demand and the number of parking spaces required to be provided will be roughly the same as with JJ's Café. Parking demand is greatest in that part of the shopping center weekdays between 12 noon and 2:00 pm when all spaces are sometimes filled. However, additional parking is available elsewhere in the shopping center and the medical office building site plan review resulted in provision of offsite overflow parking if needed. **For dinner parking, most shopping center businesses close after 5:00 pm and existing shopping center parking lots should be able to handle any increase in parking demand generated by evening operating hours.** Therefore, provisions for **daytime and evening** parking look to be adequate.

- *Traffic and noise generated by the proposed use:*

The proposed use's location in the shopping center faces Hanshaw Road. Adjacent uses are commercial. Hours of operation will be 8:00 am to 4:00 pm seven days per week **and until 9:00 pm on those nights when dinner is served.** Outdoor music will not be played. Given

these factors, any noise generated by the proposed use will be minimal and unlikely to be a concern. With respect to traffic, given that the number of seats associated with the restaurant will be approximately the same as the number of seats associated with JJ's Café, it is unlikely that the proposed use will generate a meaningful increase in vehicular traffic either within or external to the shopping center.

- *Impact of the proposed use on adjacent land uses.*

Per Tompkins County, current property class is commercial and, per § 7.3.H of the Village's Zoning Law, a restaurant, deli, sandwich shop or coffee shop is a permitted commercial use in the Village's Commercial zoning district subject to special use permit approval by the Village's Planning Board. There are several nearby residential properties including single family homes along East Upland Road and Carriage House Apartments to the south of the shopping center. The proposed new use's hours of operation and its location facing Hanshaw Road are unlikely to create noise or privacy conflicts with these residential properties.

- *Impact of the proposed use on the environment.*

The Planning Board categorized the proposed use as an Unlisted Action under SEQRA, conducted a SEQRA review, and has made a negative declaration of adverse environmental impact and found compliance with SEQRA for the proposed use.

- *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.*

The proposed use will connect to public potable water and public wastewater treatment facilities, but its utilization of these facilities will not significantly impact them.

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

On January 13, 2014, the Village's Board of Trustees adopted the Village's current Comprehensive Plan which stated as an objective the re-invigoration of the Community Corners area as the Village's economic and social hub and included as a recommendation the provision of everyday neighborhood retail services in the Community Corners area. The proposed use is consistent with both this objective and recommendation.

- Deputy Clerk T. Johnson stated that 16 certified notices of the public hearing had been mailed out and 13 notices were confirmed as having been delivered.

Motion: J. Leijonhufvud

Second: R. Segelken

RESOLUTION No. 262

TO APPROVE THE AMENDMENT TO THE SPECIAL USE PERMIT FOR THE PROPOSED ALLÉCHANT RESTAURANT AT CORNERS COMMUNITY SHOPPING CENTER

RESOLVED, that, based upon the findings made by the Village of Cayuga Heights Planning Board in consideration of § 19.3.C of the Village’s Zoning Law, the Board approves the amendment to the special use permit for the proposed Alléchant Restaurant at Corners Community Shopping Center.

Aye votes – Chair F. Cowett, G. Gillespie, J. Leijonhufvud, E. Quaroni, R. Segelken

Opposed – None

Item 5 – Site Plan Review – 1010 Triphammer Road

- Chair F. Cowett stated that, at its January 23, 2017 meeting, the Planning Board granted conditional approval to a minor subdivision at 1010 Triphammer Road in which a new subdivided lot was created to the north of the existing lot; conditions of approval were that, prior to the issuance of a building permit, and pursuant to the purpose of protecting an intermittent stream and wetland area located in the parcel’s northwest corner and their associated environmental values, the Planning Board needed to approve (1) a site plan showing the locations of any improvements on the new subdivided lot and (2) physical delineation of these improvements on site; the applicant has provided a site plan showing locations of proposed improvements on the new subdivided lot, including a house, detached garage with accessory apartment, and driveway, and these improvements have been physically delineated on site.
- Chair F. Cowett further stated that the task before the Planning Board is to conduct site plan review; the site plan cannot be approved unless the applicant has satisfied the conditions that the Planning Board established in its subdivision approval; the Board is conducting preliminary consideration of the applicant’s site plan at this meeting; if the Board requests revision of the site plan necessary for site plan approval, the applicant can revise the site plan prior to the next Planning Board meeting at which the Board would schedule SEQRA review and a public hearing.
- Code Enforcement Officer B. Cross stated that the applicant’s site plan meets zoning requirements for maximum lot coverage, setback distances, and building height; the site plan shows a detached garage with accessory apartment which is not compliant with the Village’s Zoning Law which only allows an accessory apartment within a primary structure; a detached garage is not a primary structure.

- W. Kimble-Dugan stated that she has sold the existing house at 1010 Triphammer Road and no longer lives there, and asked when the subdivided new lot would receive a new street address.
- Code Enforcement Officer B. Cross replied that assigning a street address to a new lot is the responsibility of the Village's Board of Trustees; he will arrange for this item to be added to the agenda of the Board of Trustees' next meeting on July 16, 2018.
- Chair F. Cowett asked about the number of bedrooms in the new house.
- W. Kimble-Dugan replied that there will be two upstairs bedrooms and a downstairs den that can be used as a third bedroom.
- R. Segelken asked whether the applicant could seek a variance from the Village's ZBA to permit the detached garage with accessory apartment.
- Code Enforcement Officer B. Cross replied that such a variance could be sought from the Village's ZBA.
- J. Leijonhufvud asked why the site plan shows a covered walkway connecting the house with the detached garage.
- Code Enforcement Officer B. Cross replied that a covered walkway was suggested by the applicant as a means of making the detached garage part of the primary structure and therefore compliant with the Village's Zoning Law; however, he has yet to rule on whether this would render the accessory apartment compliant with zoning.
- E. Quaroni stated that she is aware of accessory apartments associated with garages, but the garages in these cases are physically connected to houses.
- Chair F. Cowett stated concern with the house's proximity to the wetland associated with the intermittent stream in the northern portion of the lot; his field inspection of proposed improvements on site indicated 25 feet from the house's northwest corner to a stand of cattails suggestive of the wetland boundary, which is too close to protect the wetland area; at the Board's January 23, 2017 meeting, the applicant had stated that the house would be located 75 feet south of the lot's northern boundary, but the site plan shows the house's location to be 50 feet south of the northern boundary; he stated that locating the house 75 feet south of the lot's northern boundary probably would be adequate to protect the wetland area and suggested that incorporating the garage into the house would both remedy the issue of zoning noncompliance and protect the wetland.
- W. Kimble-Dugan replied that she has already gone to considerable expense to have architectural plans drafted and incorporating the garage into the house would require additional time and expense in revising those plans; she questioned the proximity of the wetland to the house's proposed location.
- Code Enforcement Officer B. Cross stated that he had not received a phone call from the architectural firm asking about site details, such as the wetland; he noted that the Board had not required the applicant to arrange for a wetland delineation at its January 23, 2017 meeting, but suggested that the applicant might want to consider having the wetland delineated at this time.

- G. Gillespie stated that he is comfortable with the site plan and the proposed siting of structures.
- E. Quaroni asked if a basement was planned for the house.
- W. Kimble-Dugan replied that the house would have a basement.
- J. Leijonhufvud stated that the wetland's boundaries are unclear and it may be necessary to delineate the wetland so as to better understand the location of its boundaries and their distance to proposed structures; she suggested that the applicant consider incorporating the garage with accessory apartment into the house as a means of achieving zoning compliance and moving the house further to the south.
- W. Kimble-Dugan replied that she is not interested in an attached garage with an accessory apartment.
- R. Segelken stated concern about construction activity within 25 feet of the wetland.
- W. Kimble-Dugan stated that G. Fowler, an environmental engineer, has offered to do a site inspection, identify wetland plants, and photograph them for the Board.
- Chair F. Cowett stated support for J. Leijonhufvud's suggestion to delineate the wetland as the best next step moving forward; once the wetland's boundaries are known, it may be possible to increase the distance between the house and the wetland by shifting the house closer to Triphammer Road and further south towards the lot's southern boundary without requiring a revision in the architectural plans; however, it is difficult to know what changes to make in the site plan without mapping the wetland boundaries.
- Attorney R. Marcus stated that § 9.6.G of the Village's Zoning Law allows wetland delineation by a qualified professional approved by the Planning Board, under guidelines established by the United States Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC) for wetlands without a USACE jurisdictional determination or a NYSDEC boundary determination.
- Chair F. Cowett asked the applicant if G. Fowler would be able to delineate the wetland boundaries and map them on the site plan.
- W. Kimble-Dugan replied that she believed G. Fowler would be able to do this.
- Code Enforcement Officer B. Cross stated that he is familiar with G. Fowler and believes that he is qualified to delineate and map the wetland on the site plan.
- W. Kimble-Dugan stated that switching the house and garage in the site plan and reorienting the house and garage might also help to create more distance from the wetland.
- Chair F. Cowett replied that the applicant's idea might be a good one, but repeated the need to map the wetland on the site plan as the next step moving forward.
- W. Kimble-Dugan stated she cannot attend the Board's July 23rd meeting, but wishes to begin house construction to start in the fall, is concerned that site plan review will not be completed by then, and asked if a revised site plan could be submitted to and considered by the Board at its July meeting in her absence.

- Chair F. Cowett replied that, once the wetland is delineated by G. Fowler and mapped on the site plan, the applicant should meet promptly with Code Enforcement Officer B. Cross to expedite submittal of a revised site plan to the Board at its July 23rd meeting.
- W. Kimble-Dugan agreed to do so.
- E. Quaroni stated that she still has a problem with the noncompliance of the detached garage and accessory apartment with the Village's Zoning Law.
- W. Kimble-Dugan stated that the accessory apartment would be removed from the plans for a detached garage.

Item 6 – New Business

- The next meeting of the Planning Board is scheduled for July 23, 2018.

Item 7 – Adjourn

- Meeting adjourned at 8:43 pm.