

Minutes of the Planning Board of the
Village of Cayuga Heights
March 31, 2009 @ 9:00 AM

Present: Mayor Gilmore, Trustees Bors, Collyer, Donner, Riesman, Staley and
Szekely, Supt. Cross, Attorney Marcus, Clerk Manning
Others: Bob Andolina, Neil Olver

Mayor Gilmore called the meeting to order at 9:05 stating the purpose of the meeting, to consider an application for a minor subdivision of tax parcel 10.-3-5.2 into two separate tax parcels. Supt. Cross gave an overview of the reason for this request. A subdivision approval is required by Planning Board law. When one lot is subdivided into two lots, it is called a minor subdivision. There is no public hearing required. The Zoning Board has already reviewed a variance for this subdivision and the Zoning Board meeting included a public hearing. The public is aware of Neil Olver's plans.

Supt. Cross showed the dividing line of the lot as it was drawn for this subdivision. Trustee Bors asked what the dividing line looked like before this subdivision was put forth. Supt. Cross showed the drawing of the proposed line vs. what the dividing line looked like before the proposal.

The ZBA granted the variance and made the recommendation to the Planning Board of the condition that if there were any more construction on the existing lot, the total coverage of both lots together would not exceed the 15% lot coverage. Trustee Riesman asked if the Village can state that the maximum building is set on the lot now.

Trustee Bors asked Trustee Riesman for clarification of her previous statement. She said that she wants there to be no more building done on the one parcel. Mr. Olver said that he doesn't have any intent to build anything else.

The Planning Board can impose wording stronger than the wording the ZBA proposed. There was discussion about what could be added to the original building to complete the lot coverage. The smaller building lot is the problem lot.

The intent is to never build in excess of 15% of the entire lot area.

Trustee Staley asked about parking. Can Mr. Olver build a garage? Supt. Cross said yes. The two lots have 18 1/2% coverage and 12% coverage. The ZBA says to look at the lots as one so there is not over 15% coverage. Trustee Riesman said that the lot should be limited to what is there now. The lot with the existing buildings and parking spaces is built out.

There are no specific zoning regulations on parking in the Village of Cayuga Heights. If there was a need for additional parking, Mr. Olver has the ability to write an easement or right of way to allow employees of the new building to park behind the existing building. Trustee Staley asked if the resolution that is before the Planning Board become part of the title/abstract. The PB can make the condition that it is. Supt. Cross said that all zoning variances are kept in his files. The map has to be filed so you can attach the resolution to the map to avoid having to file the resolution on the title/abstract, although this has not

typically been done. Trustee Bors said that that seems like a good compromise, but is bothered that this hasn't been done in the past.

**Motion by Trustee Donner
Seconded by Trustee Bors**

**Motion to pass Resolution 6448: PLANNING BOARD APPROVAL OF A MINOR
SUBDIVISION OF LOT 10-3-5.2 INTO TWO LOTS.**

Whereas, Neil Olver, Owner, has applied for a zoning permit to subdivide his lot on E. Upland Road into two separate lots, each with existing buildings, and

Whereas, such action is defined as a Minor Subdivision by LL#2 of 1992, Establishment of a Planning Board, which does not require that a Public Hearing be conducted for a Minor Subdivision approval, and

Whereas, such application is subject to the Village Planning Board's review and approval, and

Whereas, the Zoning Officer has determined that both lots will meet all zoning area regulations except that the configuration of one of the new lots will result in a lot coverage of 18.5%, where only 15% lot coverage is allowed, and

Whereas, the Zoning Board of Appeals has granted a variance for the 18.5% lot coverage based on a recommendation that the Planning Board approve the minor subdivision with a condition that any new construction on either subdivided part of the original lot will be limited so as not to exceed the allowable 15% lot coverage of the two subdivided lots calculated as together, and

Whereas, as part of the Site Plan Review process for the new building on the lot, the Village Planning Board has duly conducted a public hearing to collect comments on the potential environmental impacts of this project, and subsequently made a negative declaration of significant environmental impact as required by NYCRR 617.5.,

Now, therefore, the Village of Cayuga Heights Planning Board approves the subdivision of tax parcel 10-3-5.2 into two separate tax parcels, which approval is expressly conditioned upon the permanent requirement that new construction on the original lot may not result in lot coverage for the two subdivided lots combined in excess of the 15% lot coverage that would have been allowed before subdivision of the original lot. This paragraph will be included on the subdivision plot map to be filed at the County Clerk's office.

**Mayor Gilmore, Trustees Bors, Collyer, Donner, Staley and Szekely voted YES
Trustee Riesman voted NO**

Another issue that came up was a letter distributed by Joseph and Tim Ciaschi requesting that the Village lift the condition to restrict left hand turns from the Chemung Canal Bank parking lot onto Pleasant Grove Road. The Mayor has asked to police to watch the traffic patterns in the next month. This will be discussed again at a later meeting. Both the Police

Dept. and the Fire Dept. will be asked to weigh in on this issue. Signage on the bank building will also be discussed.

**Motion by Trustee Szekely
Seconded by Trustee Riesman**

Motion to adjourn the meeting of the Planning Board at 10:10 AM.

Mayor Gilmore, Trsutees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.

At this time, the Board of Trustees convened a special meeting to discuss an issue arisen without advance notice.

As a result of extensive meetings and emails received from the Board and concerned citizens, the Mayor and Supt. Cross wish to release a letter to Krisy Gashler of the Ithaca Journal stating that the Village of Cayuga Heights will discontinue taking drill water for the time being until further testing is done.

Trustee Riesman felt that a better process would be for the Board to discuss the issue before the decision to stop taking the well water was made. The Board as a group should vote on this decision, which shows that the Board is behind the decision. She agreed with the decision to stop taking the well water, but would have preferred that it be bounced off the Board first. Trustee Staley agreed. He felt that as procedure, a discussion should have been held with all the Trustees. Supt. Cross said that this decision is being done not as a Board action, but as an operating decision that he has the responsibility and authority to make.

There then was discussion on the TCCOG meeting the previous night on drill water.

Further discussion ensued about public relations and how the Board needs to be equally in the loop and up to speed on all decisions made. Trustee Szekely said that she will issue updates on meetings that she attends and other issues regarding this subject that arise.

Trustee Bors said that there is no question about the role in overseeing the WWTP. He doesn't understand why the whole Board passed judgment on this last year. Supt. Cross stated that the Board entered into the contract, he didn't and can't. Jerry Smith can stop the water coming into the plant at any time as our contract is with Yaws. Trustee Bors said that this is the single most important issue in the Village now. He agreed with Trustee Riesman that all the trustees should be involved. He asked why the Village is taking the water and other municipalities are not? More questions and answers to this issue will be discussed in the near future.

**Motion by Trustee Bors
Seconded by Trustee Szekely**

Motion to adjourn the meeting of the Board at 11:25 AM.

Mayor Gilmore, Trsutees Bors, Collyer, Donner, Riesman, Staley and Szekely voted YES.