The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 6:00 p.m. on Tuesday, January 4, 2022. This meeting will be held remotely as permitted by legislation S.50001 and A.40001, which extends virtual access to public meetings granted by the Governor’s Executive Order 202.1 A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg.

I. CONTINUED APPEALS
A. Appeal Number: 3203
   Address: 325 Dryden Road and 320 Elmwood Avenue
   Zone: CR-2 and CR-3
   Applicant: Jason Demarest
   Owner: Red Door Rentals/AdBro Development
   Public Hearing: Yes
   Description: Request for an area variance from §325-45.2E, Collegetown Residential 2 (CR-2) and Collegetown Residential 3 (CR-3) District Standards for Off-Street Parking, Lot Coverage by Buildings, Front Yard, Rear Yard, Required Vegetative Buffer, and Maximum Building Length as well as §325-20F(3), Maximum Parking Area Coverage for New Parking Areas in Residential Districts, to allow the construction of a new three-story multiple dwelling on the property at 325 Dryden Road and a new three-story two-family dwelling at 320 Elmwood Avenue.

B. Appeal Number: 3202
   Address: 815 S. Aurora Street
   Zone: R-3b
   Applicant: Susanne Dennis and South Hill Living Solutions
   Owner: IC Overlook, LLC
   Public Hearing: No
   Description: Request for an appeal of the Zoning Administrator’s determination that the construction of three multiple dwellings at 815 S. Aurora Street meets the requirements of §325-8, Column 14/15, Rear Yard; §325-20F(3)(b), Landscape Compliance Method for New or Enlarged Parking Areas with the Capacity for Three or More Parking Spaces on Lots within Residential Zoning Districts; and §325-29.9, Fall Zone and Setback Requirements for Tier Three Personal Wireless Service Facilities (PWSF).

II. NEW APPEALS
A. Appeal Number: 3205
   Address: 222 S. Cayuga Street
   Zone: CBD-100
   Applicant: Tilson Technology Management and Dish Wireless LLC
   Owner: David Hart
   Public Hearing: Yes

If you have a disability and would like specific accommodation in order to participate, please contact the City Clerk’s Office at 274-6570 by 12:00 p.m., no later than 2 days (not including weekends and holidays) before the meeting.
Description: Request for an area variance from §325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance to allow the modification of an existing personal wireless service facility that is located less than 250’ from a residential structure.

III. PRELIMINARY PRESENTATIONS & BOARD COMMENTS
   A. Catherine Commons

IV. ADMINISTRATIVE MATTERS
   A. February Agenda Review
   B. Joint Training with Planning and Development Board – February 8, 2022
   C. Membership

V. APPROVAL OF MINUTES

VI. ADJOURNMENT

PLEASE NOTE: The Board may take a 10-minute break around 8:00 p.m., if the meeting will continue for more than two hours.

ACCESSING ONLINE MEETING MATERIALS
Parties interested in reviewing application materials prior to the meeting may visit the City’s website at http://www.cityofithaca.org/368/Board-of-Zoning-Appeals (select “Most Recent Agenda”), beginning one week before the scheduled BZA meeting. Please do not hesitate to contact our office if you have any questions or need any assistance accessing the materials.

WRITTEN COMMENTS & QUESTIONS
Interested parties may submit comments for public hearings by mail or email. All comments must be received by 4 p.m. on the day of the meeting, and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing and please include your name and address. All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.
Appeal of Jason K Demarest Architecture on behalf of property owners Red Door Rental and AdBro Development for an area variance from Section 325-45.2E, Collegetown Residential 2 (CR-2) and Collegetown Residential 3 District Standards for Off-Street Parking, Lot Coverage by Buildings, Front Yard, Rear Yard, and Maximum Building Length as well as Section 325-45.2B(11), Required Vegetative Buffer, and Section 325-20F(3)(a), Setback Compliance Method for New or Expanded Parking Areas in Residential Districts, requirements of the Zoning Ordinance. The applicant proposes to demolish the existing structures at 325 Dryden Road and 320 Elmwood Avenue and construct two new residential structures. A new two-family dwelling will be constructed at 320 Elmwood Avenue, and a new multiple dwelling with 11 residential units will be constructed at 325 Dryden Road.

The applicants presented the appeal at the November 2, 2021 and December 7, 2021 BZA meetings, and Board members expressed concern about the magnitude of several of the requested variances. The Board encouraged the applicants to consider its comments and put forward a project that better meets the zoning. The applicants have revised the original project at 325 Dryden Road in response to the Board’s concerns. The applicants have also decided to maintain two separate lots, rather than consolidate the parcels as originally proposed. While this decision does not impact the appearance of the project, it impacts the requested variances as the project now includes two separate parcels.

The proposed uses are permitted primary uses of the CR-2 (320 Elmwood Avenue) and CR-3 (325 Dryden Road) districts, but the proposal will created several area deficiencies.

320 Elmwood Avenue:
- **Required Vegetative Buffer:** A minimum 10’ vegetative buffer from the rear property line is required for all properties within the CR districts. The proposed project does not provide sufficient vegetative buffer in the rear yard. This is an existing deficiency that will not be exacerbated by the proposal.
- **§325-20D(3)(a), Setback Compliance Method for New or Expanded Parking Areas in Residential Districts:** The setback compliance method does not allow parking areas within the minimum required side or rear yards. The proposed site plan shows an expanded parking area that is located within both the required rear and side yard. In addition, no more than 50% of the remaining yard areas be occupied by parking and/or vehicle maneuvering areas, and more than 50% of the rear yard is occupied by the parking area. These are primarily existing deficiencies; however, the expansion of the existing parking area necessitates that these requirements are met.
325 Dryden Road

- Off-Street Parking: The proposed multiple dwelling at 325 Dryden Road will require 12 off-street parking spaces and no off-street parking will be provided onsite. Two of the required spaces will be provided at the adjacent property, as allowed by the Zoning Ordinance. This results in a deficiency of 10 off-street parking spaces for the new residential building.

- Lot Coverage by Buildings: The new residential structure will occupy 46.1% of the lot, and the CR-3 district regulations limit lot coverage by buildings to 40%. The project meets the minimum green space requirement.

- Front Yard: The project site has one front yard along Dryden Road and a second front yard along Elmwood Avenue. Both districts require a minimum front yard of 10’. A corner of the building projects into the front yard along Dryden Road, creating a minimum front yard of 6.1’ in this location. The project meets the front yard requirements along Elmwood Avenue.

- Rear Yard: The rear yard of 325 Dryden Road is located between the two proposed buildings. The CR-3 district requires a minimum rear yard of 20’ or 20% of lot depth, whichever is less. The proposed project includes a rear yard of approximately 1’ or 1.7% of the lot depth.

- Maximum Building Length: The CR-3 district limits building width to 45’ in length; this regulation applies to the entire building, not individual facades. The full building length along Dryden Road measures 61’, which exceeds that maximum allowed by the Zoning Ordinance by 16’ or 35.6%.

- Required Vegetative Buffer: A minimum 10’ vegetative buffer from the rear property line is required for all properties within the CR-3 district. The proposed project does not provide sufficient vegetative buffer in the rear yard.

320 Elmwood Avenue is located in the CR-2 district and 325 Dryden Road is located in the CR-3 district in which the proposed uses are permitted. However, Section 325-38 requires that area variances be granted before a building permit is issued.
### Board of Zoning Appeals Worksheet

**Address:** 320 Elmwood Avenue  
**Date:** 1/4/2022  
**Owner:** Red Door Rentals/AdBro Development

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
<th>325-20F(3)(a)(1)</th>
<th>325-20F(3)(a)(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Title</td>
<td>Use Accessory Use Off-Street Parking Off-Street Loading Lot Area (Sq. Feet) Lot Width (Feet) Number of Stories Height in Feet % of Lot Coverage Rear Yard: % of depth or number of feet, whichever is less</td>
<td>Front Yard Side Yard Other Side Yard Minimum Building Height Setbacks Maximum Yard Coverage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td>Two Family Dwelling</td>
<td>4</td>
<td>4414</td>
<td>46.08</td>
<td>3</td>
<td>~27</td>
<td>35.2% Bldg. 21.5% Green</td>
<td>~6</td>
<td>5</td>
<td>~3</td>
<td>40' Def. Veg. Buffer</td>
<td>3, 27'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>One and Two Family Zone</td>
<td>2</td>
<td>None Required</td>
<td>4000</td>
<td>45</td>
<td>3</td>
<td>35</td>
<td>35% Bldg. 35% Green</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>20% or 20' whichever is less *10' Veg. Buffer Req.</td>
<td>20' Min. 2 Stories Min. No parking or maneuvering areas in required side or rear yards Parking area may not exceed 50% of remaining side or rear yard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td>Two Family Dwelling</td>
<td>4</td>
<td>4414</td>
<td>46.08</td>
<td>3</td>
<td>~27</td>
<td>22.7% Bldg. 37.7% Green</td>
<td>10</td>
<td>8.9'</td>
<td>6.4'</td>
<td>~44' or 45% Def. Veg. Buffer</td>
<td>3, 27' Parking and maneuvering area in side and rear yard Parking area exceeds 50% of remaining rear yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulation for Proposed</strong></td>
<td>One and Two Family Zone</td>
<td>2</td>
<td>None Required</td>
<td>4000</td>
<td>45</td>
<td>3</td>
<td>35</td>
<td>35% Bldg. 35% Green</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>20% or 20' whichever is less *10' Veg. Buffer Req.</td>
<td>20' Min. 2 Stories Min. No parking or maneuvering areas in required side or rear yards Parking area may not exceed 50% of remaining side or rear yard</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note Non-Conforming Conditions**  
**Proposed Condition and/or Use**  
**District Regulation for Proposed**  

**CR-2 FORM BASE REQUIREMENTS**

<table>
<thead>
<tr>
<th>Column Title</th>
<th>Structure Type</th>
<th>Doors &amp; Entries</th>
<th>Floor Height</th>
<th>Parking Setback</th>
<th>Primary Structure Spacing</th>
<th>Street Façade Length</th>
<th>Roof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Primary</td>
<td>1 entry on Elmwood Ave.</td>
<td>10'</td>
<td>Behind Bldg.</td>
<td>8' or 33%</td>
<td>&lt; 8'</td>
<td>Pitched Roof Proposed</td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Primary</td>
<td>Functioning entry on street-facing façade 1 min. Corner lots: 1 functioning entry on street facing façade. 9' min. 9'min.</td>
<td>20' min.</td>
<td>At front façade</td>
<td>Front Porch Required See: 325-42.2B(5)</td>
<td>20' Min. between primary structure on the same parcel Blank Wall 8' Max.</td>
<td>Pitch Roof: Required Shed Roof: Not allowed as primary 3rd Story Hab. Space: Fully contained in pitched roof. See: 325-45.2B(11) 50%</td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
</tr>
</tbody>
</table>

**NOTES:**  
* May be satisfied by landscape compliance method, if approved by Planning and Development Board.
**City of Ithaca Board of Zoning Appeals Worksheet**

**Appeal Number:** BZA-3203  
**Address:** 325 Dryden Road  
**Date:** 1/4/2022  
**Applicant:** Jason Demarest  
**Owner:** Red Door Rentals/AdBro Development  
**Application Type:** Area Variance

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
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<th>8</th>
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<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Title</td>
<td>Use</td>
<td>Accessory Use</td>
<td>Off-Street Parking</td>
<td>Off-Street Loading</td>
<td>Lot Area (Sq. Feet)</td>
<td>Lot Width (Feet)</td>
<td>Number of Stories</td>
<td>Height in Feet</td>
<td>% of Lot Coverage</td>
<td>Front Yard</td>
<td>2nd Front Yard</td>
<td>Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td>Multiple Dwelling</td>
<td>6</td>
<td>None Required</td>
<td>5390</td>
<td>97.03'</td>
<td>3</td>
<td>~29</td>
<td>24.9% Bldg. 44.8% Green</td>
<td>4</td>
<td>~50</td>
<td>2.4</td>
<td>10' or 17.4% No Veg. Buffer</td>
<td>3, 29'</td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>1-2 Family</td>
<td>4</td>
<td>None Required</td>
<td>3000</td>
<td>30</td>
<td>3</td>
<td>35</td>
<td>40% Bldg. 30% Green</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>20% or 20' whichever is less *10' Veg. Buffer Req.</td>
<td>20' Min. 2 Stories Min.</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td>Multiple Dwelling</td>
<td>2</td>
<td>None Required</td>
<td>5390</td>
<td>97.03'</td>
<td>3</td>
<td>32.7'</td>
<td>46.1% Bldg. 53.9% Green</td>
<td>6.1'</td>
<td>23.4'</td>
<td>5</td>
<td>1' or 1.7%</td>
<td>3, 32.7'</td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Proposed</strong></td>
<td>1-2 Family</td>
<td>12</td>
<td>None Required</td>
<td>3000</td>
<td>30</td>
<td>3</td>
<td>35</td>
<td>40% Bldg. 30% Green</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>20% or 20' whichever is less *10' Veg. Buffer Req.</td>
<td>20' Min. 2 Stories Min.</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions for Proposal</strong></td>
<td>OK</td>
<td>Def.*</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
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<td></td>
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</table>

**CR-3 FORM BASE REQUIREMENTS**

<table>
<thead>
<tr>
<th>Column Title</th>
<th>Structure Type</th>
<th>Doors &amp; Entries</th>
<th>Floor Height</th>
<th>Parking Setback</th>
<th>Porches</th>
<th>Primary Structure Spacing</th>
<th>Building Length</th>
<th>Roof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Primary</td>
<td>1 entry on Dryden Road</td>
<td>'0'</td>
<td>10</td>
<td>15' or 33% of façade length</td>
<td>61'</td>
<td>Pitched Roof Proposed</td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Primary</td>
<td>Functioning entry: on street-facing façade 1 min. Corner lots: 1 functioning entry on street facing façade.</td>
<td>9' min.</td>
<td>9'min.</td>
<td>20' min. from front façade</td>
<td>At front façade</td>
<td>Front Porch Required See: 325-42.2B(5)</td>
<td>10' Min. between primary structure on the same parcel</td>
</tr>
</tbody>
</table>

**Note:** 2 of the 12 required off-street parking spaces will be provided on the adjacent lot at 320 Elmwood Avenue, as permitted by §325-20D(4).
By Megan Wilson at 2:15 pm, Sep 17, 2021

CITY OF ITHACA
108 E. Green St. — Third Floor  Ithaca, NY  14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Megan Wilson, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550  Fax: 607-274-6558  E-Mail: mwilson@cityofithaca.org

BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:
   - [x] AREA VARIANCE
   - [ ] SPECIAL PERMIT
   - [ ] USE VARIANCE
   - [ ] SIGN VARIANCE
   - [ ] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

   APPEAL #: 3203 (FILLED IN BY STAFF)
   HEARING DATE: 11/2/21
   BUILDING PERMIT #: 41607 (REQUIRED)
   RECEIPT #: 66101 (FILLED IN BY STAFF)


   Owner’s Name: Red Door Rentals/AdBro Development  Owner’s Address: 1728 Slaterville Rd

   City: Ithaca  State: NY  Zip: 14850

3. Appellant’s Name: Jason K Demarest Architecture  Appellant’s Address: 950 Danby Rd Suite 105

   City: Ithaca  State: NY  Zip: 14850

   Telephone: 607-330-4555  E-Mail: team@jkdarchitect.com

4. Attach Reason for Appeal (see “Zoning Appeal Procedure Form”)

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

   [x] I have met/discussed this application with Zoning Division staff prior to submission.

   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this ______ day of
____________________, 20____

__________________________
Notary Public

IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

If ANOTHER CITY APPROVAL is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>§325-45.2E</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-20(F)(3)(a)</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
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<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: [ ] Type 1 [ ] Type 2 [ ] Unlisted

3. Environmental Assessment form used:

- [ ] Short Environmental Assessment Form (SEAF)
- [ ] Full Environmental Assessment Form (FEAF)
- [x] Completed by Planning Division at preliminary hearing for Site Plan Review
- [ ] Not Applicable (Type 2 Action)

4. A previous appeal [ ] has / [ ] has not been made for this proposal:

   Appeal No. 3203, dated 11/2/2021
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________
   Appeal No. __________, dated __________

5. Notes or Special Conditions:
   Appeal §325-45.2E requirements for: Off-Street Parking, Lot Coverage by Buildings, Front Yard, Rear Yard, and Building Length.
OWNER'S AUTHORIZATION FORM

TO PLANNING & DEVELOPMENT BOARD, Ithaca, New York:

I (We) Red Door Rentals, LLC

(Name of Property Owner)

of 1728 Sliderly Rd

(Street Address)

City of Ithaca

(Municipality)

NY 14850

(State/Zip)

Owner of the property at 325 Dryden Rd & 320 Elmwood Ave

(Street & Number)

☐ I am the sole owner of the above-mentioned property.

☐ This property is also owned by

and I have a Power of Attorney to authorize this application (attach POA).

I hereby authorize Jason K Demarest Architecture

(Name)

to submit a Site Plan Review/Subdivision

application on my (our) behalf. I (we) understand the application will be heard at the

meeting of the Planning & Development Board.

(Date)

Signature

Greg Neeve

Many's Member Red Door Rentals, LLC

STATE OF NEW YORK)

COUNTY OF TOMPKINS)

Sworn to on this ___ day of

20__

Notary Public

Special Note:

(1) Owners authorizing another to present an application on their behalf should be aware the Planning Board may, in granting the application, add reasonable conditions — which then become binding on the property.

(2) The owner may be the only person with detailed information about the property that is essential to the application. In such a case, authorizing another person to submit a Site Plan Review or Subdivision application may be detrimental to the application, unless the owner is either present at the hearing or sends another person fully prepared to answer questions about the property and the feasibility of using it consistent with the Site Plan Review Ordinance or Subdivision Ordinance.
ADOPTED RESOLUTION
S/CEQR Negative Declaration

City of Ithaca Planning & Development Board
Apartments (13 Units)
325 Dryden Road & 320 Elmwood Ave
November 23, 2021

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for site plan approval for construction of a duplex and an apartment building (13 units) located at 325 Dryden Road & 320 Elmwood Avenue by Red Door Rentals/AdBro Development, and

WHEREAS: the applicant proposes to combine two existing parcels, 325 Dryden Road, zoned CR-3, and 320 Elmwood Avenue, zoned CR-2, to create a new parcel totaling .23 acres (~10,000 SF). The applicant proposes to demolish (1) two-story residential unit located at 325 Dryden Road and (1) existing three-story residential duplex at 320 Elmwood Avenue, and to construct two buildings: a three-story multiple dwelling with a footprint of 2,857 SF and containing eleven units on the CR-3 portion of the site and a duplex with a footprint 1,003 SF on the CR-2 portion of the site. Combined, the site will have 13 dwelling units with 29 bedrooms. The project will require several area variances, including lot coverage by buildings, the minimum amount for green space per lot basis, rear yard setback, and parking. The proposed design will provide four parking spaces, whereas zoning requires 13 parking spaces. It is also subject to Collegetown Design Guidelines, and

WHEREAS: this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(I) and the State Environmental Quality Review Act ("SEQRA") §617.4 b. (9) and is subject to environmental review, and

WHEREAS: the Tompkins County Department of Health and NYS DEC, Region 7 have been identified as potentially Involved Agency in Environmental Review, and

WHEREAS: City of Ithaca Planning and Development Board, being the local agency which has primary responsibility for approving and funding or carrying out the action, did on July 27, 2021 declare itself Lead Agency in Environmental Review for the project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on November 23, 2021, review and accept as adequate: a Full Environmental Assessment Form (FEAF), Part 1, submitted by the applicant, and Parts 2 and 3 prepared by Planning staff; drawings titled Boundary and Topographic Map No. 325 Dryden Road & 320 Elmwood Avenue, City of Ithaca, Tompkins, New York dated 03/10/2021 and prepared by TG Miller P.C.; Context Map and Context Photos (CS0.00) dated 06/15/21, Demo Plan (AC0.01) dated 09/17/21, Site Plan (AC1.00) dated 10/01/21, Site Details (AC4.00) dated 9/20/21, 325 Dryden Concept Plans (CS1.0A) and 320 Elmwood Concept Plans both dated 09/17/21, Exterior Elevations (A2.00) and Concept Renderings (CS0.01) dated 9/20/21, and Street Context Views all prepared by by Jason K Demarest Architecture, and other application materials, and

WHEREAS: interested parties have been given the opportunity to comment on the proposed project, and any received comments have been considered, now, therefore, be it

RESOLVED: that the City Planning Board determined, as elaborated in the FEAF Part 3, that the proposed project will result in no significant adverse impacts on the environment and a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be issued in accordance with the provisions of Part 617 of SEQRA.

Moved by: Godden
Seconded by: Petrina
In favor: Petrina, Randall, Blalock, Glass, Godden, Lewis
Against: None
Abstain: None
Absent: Jones
Vacancies: None
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3203

TO: Owners of Property within 200 feet of 325 Dryden Rd & 320 Elmwood Ave and others interested.

FROM: Red Door Rentals, LLC applicable to property named above, in CR-3/CR-2 zone.

REGARDING: [X] Area Variance  [ ] Use Variance  [ ] Sign Variance

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The PLANNING BOARD will consider this case on 10/26/21 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RfaF/2IVCnTrrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 11/2/21 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.

2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Signature of Appellant

950 Danby Rd, STE 105, Ithaca

Date

10/19/21
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, ____________________________, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before 10/19/21. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Appellant's Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division
108 E. Green St., 3rd Fl.
Ithaca, NY 14850

Phone: (607) 274-6550
Fax: (607) 274-6558
<table>
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**List of Neighbors - 325 Dryden Rd and 320 Elmwood Ave**

22 total (21 with 407 Elmwood & 301 Bryant LLCs having same mailing address)
**REDDUCTION PROPOSAL**

**325 DRYDEN RD & 320 ELMWOOD AVE**

**SUMMARY: REDUCTION PROPOSAL**

This proposal to the right shows a reduced project to lessen the amount of the variances of greatest concern, and eliminate some of the variances. The first component to accomplish the reductions is to separate the project back into distinct parcels, so lot consolidation is no longer proposed. Although the lot consolidation was proposed to bind the two properties together as a mitigation for the lot coverage, this concept has not been embraced by the zoning. With the project now being split into separate properties the zoning analysis is required to be done separately, and that discussion follows. The project is now comprised of 13 dwelling units and 26 occupants. 320 Elmwood remains the same with two 3-bedroom apartments, but 325 Dryden has reduced the east wing of the building. The three 2-bedroom units are now 1-bedroom units and the top floor 1-bedroom unit is now a studio apartment.

**320 Elmwood**

The project is now largely zoning compliant. If one refers to the existing conditions and compares it to the current proposal the project is simply a replacement of the existing building along with a reconfiguration of the driveway location to access the existing parking area. The existing parking area is also being reduced in size. It is unclear if variances for parking area coverage and a vegetative buffer in the rear yard (west side of lot) are still generated when the project reduces the existing nonconformities. Other than these potential variances the project has eliminated the prior variances in relation to the proposed building at 320 Elmwood Ave as follows:

**SMALL:**
- Front & Rear Yard: COMPLIANT
- Parking Area Coverage: TBD (Potential elimination by planning board)
- Lot Coverage: COMPLIANT
- Building Length: COMPLIANT
- Off-Street Parking: COMPLIANT (2 spaces required/ 4 provided)

**325 Dryden**

The project is now more zoning compliant. This has been accomplished by relocating the front stoop behind the front setback line, shrinking the east end of the building by 13.4 feet, eliminating the covered back porch, stair, & ADA lift, and eliminating the lot consolidation. The building design can also be changed, albeit in an awkward way, by cutting off the northeast building corner (see red triangular area) to eliminate the front yard variance. This would accomplish strict adherence with zoning but with a detriment to the architectural character of the building, so this change is not being proposed. The requested variances are now as follows:

**SMALL:**
- Front Yard: YES, please refer to the "YARDS" diagram previously submitted. Although the variance can be described as a 39% reduction of the 10' required (yard depth 3.8' less), that is not a fair assessment from an impact standpoint. The front yard area provided by the project is now 830 SF larger than the minimum area (in the "YARDS" diagram, based on the original proposal, the yard area was 422 SF larger), and the one building corner projects over the setback in a minor way that is consistent with the existing buildings along Dryden Rd, i.e. the corner of the pool for 319 Dryden Rd is ~6' from the front lot line. Likewise, the total building area encroaching into the front yard is only 22 SF.
- Rear Yard: YES, the rear yard is unnecessary since the rear yard on a corner lot is an arbitrary assignment to a yard that is effectively a side yard. Likewise, the properties are owned in common and an amenity courtyard space to be shared by the two properties is proposed between the buildings. This open space creates a buffer zone, which is the intention of a traditional rear yard.
- Vei Buffer: YES. See "Rear yard" comments above.
- Spacing: NA
- Parking Area Coverage: NA
- Building Length: YES, 51" vs 47" MAX = 3% increase over allowable (Compare to 74.9" vs 47" MAX = 65% increase)
- Lot Coverage: YES, 2,861 SF vs 2,164 SF MAX = 26% coverage vs 40% MAX of 5,391 SF lot size
- Off-Street Parking: YES (12 spaces required/ 2 provided on 320 Elmwood)

Parking is still required by the developer to make the project successful. The market demand for housing is strong enough that parking in the Collegelawn area is offered at an additional cost to tenants, as is the case for this project. The location of the project is within a 1/4 mile of goods and services in the core of Collegelawn and within 1 mile of the Cornell campus. The tenants will be predominantly affiliated with Cornell, the largest employer and educational institution in the county. The site is adjacent to a Carbon vehicle location, on a bus route, and other forms of transportation (ride-sharing) exist to provide alternatives to the private automobile. All of the above provides a strong rationale for a Transportation Demand Management Plan, which the Planning Board has supported. The off-street parking can also be supplemented by the RPPS system in the neighborhood, which provides an opportunity to secure 4 additional parking spaces. This system also regulates parking in the neighborhood such that owning a car without on-site parking available discourages car ownership, which promotes the city’s goals to reduce reliance on the private automobile and discourages the construction of parking lots.

**IN TERMS OF DEMAND, WE CAN LOOK AT THE CURRENT CONDITION. BETWEEN THE TWO PROPERTIES THERES 18 OCCUPANTS ALLOWED, BUT ONLY 6 PARKING SPACES ARE CURRENTLY RENTED. THIS RESULTS IN 0.375 SLOTS PER OCCUPANT AS A POTENTIAL WAY TO DEFINE DEMAND. FOR THE PROPOSED 26 OCCUPANTS A DEMAND RATE OF 0.375 = 9.75 SPACES (ROUND UP TO 10). WITH 4 ON SITE SPACES THE PROPOSAL PROVIDES 40% OF THE DEMAND, BUT WITH THE 4 RPPS SPACES 80% OF THE DEMAND IS PROVIDED. IN EFFECT THIS VARIANCE COULD BE CHARACTERIZED AS A 20% REDUCTION OF THE PARKING DEMAND. HOWEVER, THE REALITY STILL EXISTS THAT PARKING IS NOT PROVIDED AS PART OF THE APARTMENT LEASES, SO NOT HAVING PARKING DOES NOT AFFECT THE PROPOSAL, AND WITHOUT CONSTRUCTING PARKING THE NEIGHBORHOOD WILL NOT BE IMPACTED BY MORE CARS. THE BENEFIT TO THE APPLICANT IS CLEAR, WHILE COMPLYING WITH ZONING WOULD BE DETERMINAL TO THE NEIGHBORHOOD BY BRINGING MORE TRAFFIC AND IMPAVERSIVE SURFACES.
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
Appeal of Susanne Dennis and South Hill Living Solutions, LLC of the Zoning Administrator’s determination that the construction of three multiple dwellings at 815 S. Aurora Street meets the requirements of §325-8, Column 14/15, Rear Yard; §325-20F(3)(b), Landscape Compliance Method for New or Enlarged Parking Areas with the Capacity for Three or More Parking Spaces on Lots within Residential Zoning Districts; and §325-29.9, Fall Zone and Setback Requirements for Tier Three Personal Wireless Service Facilities (PWSF).

In April 2019, the Zoning Administrator reviewed plans for the construction of a new 66-unit student housing complex on the property located at 815 S. Aurora Street. The property is an irregularly shaped 2.85-acre lot that is also the site of an existing cell tower facility. After a complete review of project plans, the Zoning Administrator determined that the new project met all requirements of the City’s Zoning Ordinance, and no variances were required.

On September 16, 2019, Susanne Dennis, owner of 117-119 Coddington Road, and Brian Grout¹, owner of 809 S. Aurora Street, submitted an application to the Board of Zoning Appeals to appeal the Zoning Administrator’s decision. The appellants claimed that the proposed project did require variances for (1) rear yard; (2) siting of a parking area in the fall zone of a cell tower; and (3) the landscape compliance method for locating a new parking lot in the rear and/or side yards. The Zoning Administrator determined that the appeal could not be heard by the BZA because it was submitted more than 60 days after the decision on the project’s zoning compliance. The appellants filed an Article 78 proceeding to challenge the rejection of their appeal. On September 16, 2019, the Appellate Division, Third Department, ruled that the Zoning Administrator’s rejection of the appeal was improper because the initial no-variance determination had not been formally filed with the City Clerk. The Court has ordered the BZA to hear the appellants’ appeal.

On October 22, 2021, the appellants Susanne Dennis and South Hill Living Solutions, LLC timely submitted an application to appeal the Zoning Administrator’s decision that the project at 815 S. Aurora Street is compliant with the following zoning regulations:

1) §325-8, Column 14/15, Rear Yard: The appellants assert that the average lot depth was calculated incorrectly and the project is deficient in the required rear yard.

2) §325-20D(2)(e), Access Requirements: The appellants argue that the driveway grade exceeds the 8% allowed by the Zoning Ordinance.

3) §325-20E(3), Front Yard Parking: The appellants claim that the proposed front yard parking and driveways exceed the 25% permitted by the Zoning Ordinance.

¹ Mr. Grout has since sold his property and has been replaced by South Hill Living Solutions LLC.
4) §325-20F(3)(b), Landscape Compliance Method: The appellants state that the proposed parking area does not meet the landscape compliance method for locating a parking area in the rear and side yards.

5) §325-29.9, Fall Zone and Setback Requirements for Tier Three Personal Wireless Service Facilities (PWSF): The project sites a parking area within the fall zone for the existing cell tower and the appellants assert that a parking area is an area of congregation and, as such, should not be permitted within the fall zone.

At the December 7, 2021 Board of Zoning Appeals meeting, the Zoning Administrator and the appellants’ presented their analyses of the project, and the Board held a public hearing on the appeal. The Board will continue its deliberation at the January 4, 2022 meeting.

The Board of Zoning Appeals must determine whether the Zoning Administrator’s application of the above referenced sections of the Zoning Ordinance to the subject property in April 2019 was correct.
TO: Board of Zoning Appeals

FROM: Megan Wilson, Zoning Administrator

DATE: November 16, 2021

RE: BZA 3202 – 815 S. Aurora Street: Appeal of Determination of Zoning Administrator

At the December 7th BZA meeting, the Board will hear an appeal of the Zoning Administrator’s decision that a new development project at 815 S. Aurora Street does not require any area variances. The appellants are two adjacent property owners who meet the Board’s definition of “interested party.” The appellants claim that the Zoning Administrator was incorrect in his review and the project must seek area variances from five separate requirements of the Zoning Ordinance. The case summary provides a history of this appeal and outlines the individual claims. In addition, both the Zoning Administrator and the appellants have submitted their respectively analyses on how the zoning requirements should be applied and both will present their information to the Board at the meeting. The owner of the subject property will also have an opportunity to present its position to the Board.

The Board of Zoning Appeals must determine whether the Zoning Administrator’s application of the Zoning Ordinance to the project at 815 S. Aurora Street was correct in this instance. The burden is on the appellants to demonstrate to the Board that the Zoning Administrator erred in one or more of his determinations. If the Board agrees with the Zoning Administrator’s application of the Zoning Ordinance to this project, the original decision will be upheld and no area variances will be required. If the Board agrees with the appellants and decides the project does require one or more area variances, a majority vote is required to overturn the Zoning Administrator’s determination. In case of a tie, the Zoning Administrator’s decision will stand. Whether a variance should be granted is not an issue before the Board at this time; consideration of any potential area variances would require the owner of the subject property to bring a separate appeal.

Board members will have the opportunity to ask City staff and the appellants questions related to this appeal at the December meeting. However, should you have any questions about this appeal process, please contact me at mwilson@cityofithaca.org
1. TYPE OF APPEAL:
- [ ] AREA VARIANCE
- [ ] SPECIAL PERMIT
- [ ] USE VARIANCE
- [ ] SIGN VARIANCE
- [X] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

2. Property Address: 815 South Aurora Street
   Use District: R-3b

   Owner's Name: 815 S Aurora QOZB, LLC
   Owner's Address:

   City: Ithaca
   State: NY
   Zip: 14850
   Susanne Dennis and
   South Hill Living Solutions, LLC
   Appellant's Address: 1075 Taughannock Blvd.

3. Appellant's Name: 
   City: Ithaca
   State: NY
   Zip: 14850

   Telephone: 607-246-3284
   E-Mail: russ@ithaca.legal

4. Attach Reason for Appeal (see "Zoning Appeal Procedure Form")

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

   [ ] I have met/discussed this application with Zoning Division staff prior to submission.

   [ ] Notary Public available at City Hall.

   SWORN STATE OF NEW YORK
   COUNTY OF TOMPKINS
   Sworn to this 22nd day of October, 2021
   Notary Public

   IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

   If ANOTHER CITY APPROVAL is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

   If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

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2. Application of SEQR determination: [ ] Type 1  [X] Type 2  [ ] Unlisted

3. Environmental Assessment form used:

- [ ] Short Environmental Assessment Form (SEAF)
- [ ] Full Environmental Assessment Form (FEAF)
- [ ] Completed by Planning Division at preliminary hearing for Site Plan Review
- [X] Not Applicable (Type 2 Action)

4. A previous appeal [ ] has / [ ] has not been made for this proposal:

Appeal No. ________, dated ___________
Appeal No. ________, dated ___________
Appeal No. ________, dated ___________
Appeal No. ________, dated ___________
Appeal No. ________, dated ___________

5. Notes or Special Conditions:

- [ ] This is an appeal of the Zoning Administrator’s determination that a new development project at 815 S. Aurora Street requires no area variances. The appellants claim that the determination was made in error, and five area variances are required. This proceeding is an appeal of the determination only. Consideration of any potential area variances would require the owner of the subject property to bring a separate appeal.
ONLY SUBMIT THIS FORM IF ZONING APPEAL APPLICATION IS BEING SUBMITTED/SIGNED BY SOMEONE OTHER THAN CURRENT RECORD PROPERTY OWNER.

OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: TBD 3202

DATE: 10/22/21

TO: BOARD OF ZONING APPEALS (Ithaca, NY):

I (We) South Hill Living Solutions, LLC of 1075 Taughannock Boulevard

Ithaca, New York, 14850

(City/Municipality) (State & Zip Code)

Owner of the property at 809 South Aurora Street, Ithaca NY 14850

(Street & Number)

☐ I am the sole owner of the above-mentioned property.

☐ This property is also owned by ____________________________

and I have a Power of Attorney to authorize this appeal (attach POA).

[Russ Moine] [Jen Tramillo]

I do hereby authorize Allen & Maines and Knauf Shaw, LLP to appeal or request a

Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the

TBD meeting of the Board of Zoning Appeals.

(Date)

(Signature)

Garth O. Dennis, Managing Member

Notary Public available at City Hall

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 22d day of October, 2021

Notary Public

Note to those signing this form:

(1) Owners authorizing another to present an appeal on their behalf should be aware the Board may, in granting
relief, add reasonable conditions which then become binding on the property.

(2) Especially where a Variance is being sought, the owner may be the only person with detailed information about
the property that is essential to the appeal. In such a case, authorizing another person to appeal may be detrimental
to the appeal, unless the owner is either present at the hearing or sends another person fully prepared to answer
questions about the property and the feasibility of using it consistent with the Zoning Ordinance.
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OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: TBD 3202 DATE: 10/22/2021

TO: BOARD OF ZONING APPEALS (Ithaca, NY):

I (We) Susanne Dennis of 1075 Taughannock Boulevard

Ithaca, NY 14850

(City/Municipality) (State & Zip Code)

Owner of the property at 117-119 Coddington Road, Ithaca, New York

(Street & Number)

[ ] I am the sole owner of the above-mentioned property.

[ ] This property is also owned by

and I have a Power of Attorney to authorize this appeal (attach POA).

I do hereby authorize Allen & Maines and Knauf Shaw LLP to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the TBD meeting of the Board of Zoning Appeals.

(Date)

[Signature]

Susanne Dennis

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 22nd day of October, 2021

Notary Public

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NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3202

TO: Owners of Property within 200 feet of 815 S. Aurora Street and others interested.

FROM: South Hill Living Solutions, LLC & Susanne Dennis applicable to property named above, in R-3b zone.

REGARDING: (check appropriate box)

☐ Area Variance ☐ Use Variance ☐ Sign Variance ☒ Action, Decision, or Interpretation of Zoning Officer

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning- Appeals) under “Most Recent Agenda,” beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The PLANNING BOARD will consider this case on 11/23/2021 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 12/7/2021 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.

2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Russell E. Maines
Allen & Maines
417 N. Cayuga Street, Ithaca, NY 14850

Digitally signed by Russell E. Maines
Date: 2021.10.29 10:16:31 -04'00'

Signature of Appellant Address Date
To: Property Owners Within 200 Feet of
815 South Aurora Street, Ithaca, and Other Interested Persons

RE: Zoning Board of Appeals Hearing
Appeal No. 3202
Regarding 815 South Aurora Street, Ithaca

Dear Property Owners Near 815 South Aurora Street:

We represent South Hill Living Solutions, LLC; which, along with Susanne Dennis is appealing a determination of the City of Ithaca Zoning Administrator. The appellants’ request for this interpretation was initially filed on September 16, 2019 and we expect it to come before the Board of Zoning Appeals (“BZA”) on December 7, 2021 at 6 p.m. We expect that the hearing will be conducted by remote link; check the BZA’s website for more information or contact me. We also request that you make arrangements in advance to make comments at the hearing, or to submit written comments. Please review this letter and the enclosed notice of appeal.

At the City, Zoning Administrator Megan Wilson can be reached at (607) 274-6560 or at mwilson@cityofithaca.org.

We disagree with determinations made by a separate City Zoning Administrator, that that no area variances are required for the project. We request that the BZA determine that variances would be required; and that the appropriate city official or board revoke the building permit, or issue a restraining order prohibiting the continued construction of the three apartment buildings, consisting of about 66 apartments and parking facilities. The property is owned by 815 S Aurora QOZB, LLC. The developer at the time of the permit application was Visum Development Group, LLC.

On or about May 13, 2021, the City purportedly issued a permit for the construction of three new multi-family buildings. The permit was limited to foundation work until written approval from the Building Department was received. We believe that the initial permit was issued
in error. We believe that the City is claiming that authorization for further construction of two of the buildings, known as Building A and Building B, had been issued over the summer. We believe that those authorizations were issued in error.

On October 28, 2021, the Building Department issued a permit for complete construction of the third building, known as Building C, notwithstanding the fact that an appellate court had determined that the City should have considered our application for a Board of Zoning Appeals review of the matter more than two years ago. We believe that the Building Department’s issuance of the third permit was an error, as the others were.

We believe that at least five variances were required, and request that the Board of Zoning Appeals rule as follows:

First, the BZA should determine that rear setback variances are required. Ithaca City Code Section 325-8(14)(b), buildings in the zoning district must have a rear yard of at least 20% of the average lot depth, which in this case is slightly greater than 50 feet. In 2019, the Zoning Administrator miscalculated the average lot depth and instead measured from an arbitrary point. The result was an error of approximately 8.5 feet in the developer’s favor. Proposed “Building C” requires a variance of approximately 8.5 feet. Since no variance was issued, the construction violates the building setback requirement.

Second, the BZA should determine that the project includes a congregation area within a cell tower fall zone, in violation of Ithaca City Code. Ithaca City Code Section 329.9 prohibits congregation areas within cell tower fall zones. The parking area of the 815 South Aurora Street development is within a cell tower fall zone.

Third, the BZA should determine that a front yard variance is required. Ithaca City Code Section 325-20(E)(3) requires a maximum of 25% lot coverage for front yard parking. The 815 South Aurora Street construction would consist of 28.9% lot coverage.

Fourth, the BZA should determine that a variance is required for a driveway grade. Ithaca City Code Section 325-20(D)(2)(e)(2)(a) prescribes a maximum driveway grade of 8%. The 815 South Aurora Street driveway grade would exceed 10%.

Fifth, the BZA should determine that a variance is required because the parking area contains insufficient green space. The fifth error relates to construction of a parking area that has less than the required 25% area coverage for plantings as required by Ithaca City Code Section 276-7(C)(4).

We urge you to participate in the Board of Zoning Appeals hearing on December 7 at 6 p.m. and to voice your opinion regarding this project. We request that the BZA require a variance, and that the applicant’s variance application be heard at a later date.

If you wish to view additional documents relating to this appeal, please free to contact me or to view my firm’s website, in the blog relating to this appeal. We look forward to seeing you at the BZA hearing.
Enc:

Notice of Appeal
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ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Russell E. Maines
I, ____________________________, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before November 16, 2021. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

Russell E. Maines
(Appellant’s Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division
108 E. Green St., 3rd Fl.
Ithaca, NY 14850

Phone: (607) 274-6550
Fax: (607) 274-6558
To: Board of Zoning Appeals (BZA)

From: Gino Leonardi, Zoning Administrator

Date: November 18, 2021

Subject: 815 South Aurora Street Project Review

A court order by the Appellate Division, Third Department, is requiring the Board of Zoning Appeals to make a determination on the zoning approval for 815 South Aurora Street (the Project). The applicant requests a determination on the following, as outlined in the letter to the Board of Zoning Appeals dated September 16, 2019: (1) that the Project did not violate the requirement of City Code § 325-29.9 that no congregation area be within the fall zone of a cell tower, and (2) that the project would not require a setback variance for the parking using the Landscape Compliance Method §325-20F(3)(b)[2], and (3) the Project did not require a variance for the rear yard setback, driveway grade, or parking for onsite buildings. I have addressed these issues by outlining the review process that led to the zoning approval for the Project.

1. The Project does not violate City Code § 325-29.9 because there is no “congregation area” within the fall zone. The project review for a parking area within a fall zone led to multiple sources of information to determine if a parking area was permitted in a fall zone. The information reviewed included the Building Division’s property file for 815 South Aurora Street, the 2002 Zoning Ordinance Section 325-29, the 2016 zoning amendment [Ord. No. 2016-10], and general research for fall zones. The findings are as follows:

The Building Division’s property file revealed that since the 1960’s, a tower has been located on the property. In the 1990’s, the tower was replaced with a guyed-wire type tower, which is the tower currently located on the property. In 2002, the Telecommunication Ordinance was enacted, thereby causing the tower and the associated structures to be non-conforming with the 2002 ordinance. Non-conforming uses or structures are subject to the requirements of Section 325-32: for repair, changes in use, extension or enlargement of nonconforming uses or structures. Subsequently, many zoning variances are on file for antenna replacement, antenna installation, and a tower extension for the modifications to the tower. Therefore, a variance would be required for any changes or replacement of the tower.

In the 2002 Zoning Ordinance, the fall zone was specified as twice the height of the tower or 200%. Since the tower was constructed prior to 2002, the existing tower did not meet the fall zone requirements of the ordinance. The radius of 200% for the fall zone area, as applied to the existing tower, results in a fall zone that extends into other properties, Route 96B, and neighboring residential buildings. (See: Exhibit A).
In 2015, revisions to the Telecommunication Ordinance were proposed. The Planning Department’s review for amending the ordinance was prompted by a request from the developer for the proposed project at 815 South Aurora Street. The Planning Department thoroughly vetted the information provided and did extensive research on fall zone impacts. The review also contained information concerning the existing tower at 815 South Aurora. From the engineer’s report, the tower was designed to collapse on itself if there was a structural failure, minimizing the fall zone area. During the review concerning fall zones, the parking area for 815 S. Aurora Street was subject matter. “Ultimately, the decision to reduce the fall zone passed and the benefits of development outweighed the concerns” (See: Exhibit B). Reviewing this information revealed the intent of the zoning amendment approved by Common Council. [Amended 5-4-2016 by Ord. No. 2016-10].

Before approving the parking lot, additional research was performed to address the safety concerns of a parking area within the fall zone. Section 325-29.9(A)(1) of the Zoning Ordinance states: "No habitable structure or outdoor area where people congregate shall be within a fall zone of 120% of the height of the PWSF or its mount”. The ordinance does not specifically prohibit all uses in a fall zone. Rather, it provided certain exceptions for uses that could not be located in the fall zone. Due to the ordinance’s lack of defining the term congregate, the review required a definition: to collect into a group or crowd; assemble (See: Exhibit C). The terms within the definition refer to a large number of people gathered together or assembled in one place for a common purpose. Furthermore, fall zones and siting requirements are implemented to protect surrounding property values, radio frequency radiation, scenic views, and natural areas, to name a few. As a result of these findings and concerns, the Planning Board included conditions that the owner provide: “Signage in parking lot pertaining to cell tower fall zone must be installed before a certificate of occupancy is granted”, and “Submission to the Planning Board of the tenant lease including language regarding the fall zone of the cell tower” to ensure that no such area be used to congregate within a fall zone. (See: Exhibit D) The approval for a parking area in a fall zone was allowed based on the review, Site Plan Approval conditions, and the fall zone amendment approval by Common Council. The parking area is not a “congregation area” therefore it complies with the ordinance.

2. The Project does not violate City Code §325-20F(3)(b)[2], Landscape Compliance Method. The ordinance requires parking areas with three or more parking spaces to conform to either the Setback Compliance method or the Landscape Compliance method (emphasis added). In addition, the plans must comply with the all-other general standards and specific standards of 325-20 and with the District Regulations chart. For this Project, the developer chose to comply with the Landscape Method outlined in 325-20 F(3)(b).

Landscaping compliance method, Section 325-20F(3)(b):

(b) Landscaping compliance method.
[1] A plan for a parking area using the landscaping compliance method shall be submitted to the Planning and Development Board for review. The required building permit shall not be issued until a plan approved by the Board or the Board’s designee (and a certificate of appropriateness is on file with the Building Department where applicable; see below) is on file in the Building Department.
[2] The Planning and Development Board may, at its discretion, approve a parking area that covers more than 50% of any side or rear yard (as calculated after excluding the minimum setback areas specified for the applicable zoning district, per the District Regulations Chart), if the Board finds that mitigating factors such as, but not limited to, the following exist:
[a] Natural land forms or tall vegetation provide significant shielding of views toward the parking area from the street and/or adjacent properties.
[b] The configuration of the parking area protects and preserves existing healthy and mature vegetation, especially trees over eight-inch DBH (diameter at breast height).
[c] One or more curbed and landscaped planting areas are provided within the parking area. Any such interior planting area shall be a minimum of 80 square feet with no dimension being less than eight feet.
[d] The parking area will be substantially shaded by existing woodland or canopy trees, or the parking area plans call for the planting of trees of a species that, at maturity, will provide canopy shading. Trees currently or prospectively providing such shade may be located around the periphery of the parking area or in interior planting areas. Any such interior planting area accommodating such canopy trees shall be a minimum of 80 square feet with no dimension being less than eight feet. Such interior planting areas shall be curbed and have a minimum three-foot-deep excavation prior to planting.

[3] All property owners using the landscaping compliance method must notify surrounding property owners by placing a notice at the project site in a form prescribed by the Planning and Development Board.
[4] The Board shall be under no obligation to approve a parking area using the landscaping compliance method; any such approval is discretionary.
[5] In the event that the proposed parking area is under the jurisdiction of the Ithaca Landmarks Preservation Commission, the proposed plan shall also be submitted to the Commission for its review. The role of the Commission shall be limited to ruling on the appropriateness of the plan in relation to any adverse impact on the aesthetic, historical or architectural significance or value of the landmark or site in question. A building permit shall not be issued for a plan that has not received a certificate of appropriateness by the Commission, where such a certificate is required.

Section 325-20F(3)(b)[2], specifically allows the Planning Board the discretion to permit parking areas to cover more than 50% of any side or rear yard. Additionally, the ordinance provides a method of calculation to determine if a proposed parking area exceeds the 50%, (“as calculated after excluding the minimum setback areas specified for the applicable zoning district, per the District Regulations Chart”) This method does not exclude the area where parking can be permitted, rather it provides a consistent basis for determining if the parking area covers more than 50%. This is evident in the text deviation between the Setback Method and the Landscape Method.

Please note the underlined areas within the text for the Setback method are for illustration only. The Setback compliance method requires parking not be located in the required side or rear yard and that no more than 50% of the “remaining” side or rear yard be used for parking.

(a) Setback compliance method. Parking areas using the setback compliance method shall conform to the following standards:

[1] Setbacks. The parking area shall not be located within the required minimum side or rear yard setback areas established for the applicable zoning district by the District Regulations Chart. These setbacks shall not apply to any driveway up to 12 feet in width that provides access for vehicles.
[2] Maximum yard coverage. The parking area, excluding any driveway up to 12 feet in width that provides vehicle access to a street, but including all other turnaround and vehicle maneuvering areas associated with parking, shall not cover more than 50% of any remaining side or rear yard, as such percentage is calculated after excluding the required minimum side or rear yard setback areas specified for the applicable zoning district by the District Regulations Chart. For the purposes of this calculation,
the area of a side or rear yard shall not include the building area of any building or accessory structure located in the yard.

The landscape method has no such limitations that would reduce the parking area in the “remaining” or “required” side or rear yard. Rather it states: “a parking area that covers more than 50% of any side or rear yard”.

(b) Landscaping compliance method.

[1] A plan for a parking area using the landscaping compliance method shall be submitted to the Planning and Development Board for review. The required building permit shall not be issued until a plan approved by the Board or the Board's designee (and a certificate of appropriateness is on file with the Building Department where applicable; see below) is on file in the Building Department.

[2] The Planning and Development Board may, at its discretion, approve a parking area that covers more than 50% of any side or rear yard (as calculated after excluding the minimum setback areas specified for the applicable zoning district, per the District Regulations Chart), if the Board finds that mitigating factors such as, but not limited to, the following exist:

In accordance with the ordinance, the request for the Landscape Compliance method for the parking area was sent to the Planning Board for approval.

3. The Project does not violate City Code §325-8(A)(14)(a) for the rear yard setback for onsite buildings. The parcel at 815 South Aurora Street is an irregular shaped pentagon that fronts on South Aurora Street. In assessing the rear yard setback for such a parcel, the ordinance must be applied, and established practices used to maintain uniform enforcement. Although this is an irregular shaped parcel, the principles of the Zoning Ordinance were strictly followed as explained below:

Section 325-3 contains the relevant definitions for the review:

Yard: That part of a lot not occupied by the principal building or structure and which shall not be occupied by any other building or structure from the ground upward unless specifically authorized in this chapter or other provisions of the City of Ithaca Code.

Front Yard: An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

Side Yard: An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

Rear Yard: An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.
The zoning ordinance Section 325-3, provides a diagram for the location of the yards in relationship to a building. It is depicted in a regularly shaped lot:

![Diagram of yard locations](image)

Section 325-8(A)(14)(a) provides the requirements for an irregular lot using the average of the two unequal side lot lines to determine the rear yard depth:

*Subject to the provisions of the following Subsection A(14)(b), buildings hereafter erected in each district must have a rear yard of at least the depth which is the percentage figure listed in this column. Such percentage shall be taken of the lot depth. If the two side lot lines are of unequal lengths, the rear yard percentage shall be taken of the average of the two lengths. (See illustration below.)*

![Diagram illustrating calculation](image)
In accordance with Section 325-8(A)(14)(a), the average rear lot line must be calculated by taking the average of the two unequal side lot lines. Using the diagram, it depicts that the side lot line lengths should be drawn at a 90-degree angle perpendicular to the front lot line to determine the unequal lengths. When an irregular lot is reviewed, such as in the case of 815 South Aurora Street, a 90-degree angle perpendicular to the front lot line, from each end point extending to the furthest rear line, was used to calculate the average lot depth (See: Exhibit E).

The parcel at 815 South Aurora Street contains five lot lines of varying lengths as shown (See: Exhibit E). The side lot lines are indicated with the letter’s “E”, “B”, and “C”. The front lot line is indicated as letter “A” and the rear lot line is indicated as letter “D”. The rear yard extends from the rear most building (the smaller of the three) and extends the full width of the lot between the rear most building and the rear lot line. Depth 1 totals 342.81’, which extends at a 90-degree angle perpendicular to the front lot line to the furthest point of the property line. Depth 2 totals 183.52’ and extends at a 90-degree angle perpendicular to the front lot line, to the furthest point at the back of the parcel, to the line indicated with the letter “C”.

The average of the two calculated side lot line depths were used to determine the location of the rear lot line, as follows:

\[ 342.81’ + 183.52’ = 526.33’ \]
\[ 526.33’ \text{ divided by } 2 = 263.16’ \]

The calculated average lot depth is 263.16’ from the front property line. The rear yard setback for the R-3b zone district, according to the District Regulations Chart is 20% or 50’, but not less than 20’. Therefore, the most restrictive rear yard setback of 50’ was applied. (See: Exhibit E)

This is the precise method used to calculate the rear yard for the project located at 815 South Aurora Street. The buildings were positioned accordingly, respecting the required setbacks for both the side and the rear yards. The Project fulfilled the setback requirements of the ordinance.

The applicant provided an alternate method for determining the rear yard setback. The method used is inconsistent with the uniform enforcement and text of the ordinance. The applicant used one of the dimensioned property lines for a lot depth and then used a calculated point for the other lot depth line. Then calculated the sums to find the average depth of the lot. This is an inconsistent method and causes questions as to how such method was derived and how it meets the ordinance. If a consistent method is used, it would require that North and South dimensioned lot lines be used to calculate the average rear yard. The North line is 163.99’ in length and the South line is 551.42’ in length. Resulting in an average rear yard of 357.7’, which puts the calculated rear lot line into an adjacent property. Similarly, if both lot line dimensions were used on the northern portion of the lot, the average rear yard would equal (163.99 + 227.33 + 551.42 divided by 2) 471.37’, which is even further into the adjacent property. The ordinance requires: “If the two side lot lines are of unequal lengths, the rear yard percentage shall be taken of the average of the two lengths. (See illustration below.)” Therefore, to determine a rear yard that would be on the property, calculating both lot lengths using the same method would be required. Using 90-degree angles perpendicular to the front property line, meets the intent of the illustration in the ordinance and provided an adequate rear yard for the 2.5-acre parcel.
3a. The Project does not violate City Code §325-20(D)(2)(c)[2][a] for the maximum driveway grade requirements. The ordinance states:

*Maximum driveway grades. Driveways to areas containing parking spaces for three or more vehicles shall be graded to form a street entry with a maximum grade of 8% for a distance of 25 feet from the curbline.*

Per the plans submitted for review, the following Driveway Profile was provided.

![Driveway Profile Diagram]

As a matter of practice, driveway grades are determined by using the top of the curb as the bench mark for calculating the maximum grade. The above drawing reflects the grade from 3.5% to the transitioning 10% slope. In Exhibit F, the grade heights are show and the 25-foot depth of the driveway is indicated. The street grade is 746.28 and the topo line at the 25-foot depth is 748.50.

Calculating the percentage of grade for the first 25-feet of driveway is as follows:

\[
(748.50-746.28) = 2.22, \text{ minus the curb height (7" curb height) = 1.637 feet of grade elevation,}
\]

\[
(1.637 \text{ divided by } 25') = .06548 \times 100 = 6.548\% \text{ driveway grade.}
\]

The ordinance requires that driveways be “graded to form” a maximum grade of 8%. As a result, the average grade of 6.5% for the driveway complies with the ordinance.

3b. The Project does not violate City Code §325-20(E)(3) for parking in front yards.

*In all residential districts, parking in the front yard of lots which have a width at the street line of more than 50 feet shall be restricted to an area not greater than 25% of the total area of the front yard, including turnaround and other vehicle maneuvering areas and driveways leading to garages and parking areas. The setback for any such parking area must meet the minimum front yard setback dimensions specified in § 325-8, District Regulations Chart,[9] for the zoning district in which the parking area is to be constructed.*
As depicted in Exhibit G, the Developer provided the front yard area calculations for the portions of the driveway and the parking located in the front yard. The total front yard area is 13,548 square feet, resulting in an allowable area of 3,387 square feet (25% of 13,548 SF). The plan indicates that the driveway and parking total area was calculated at 3,212 square feet. Therefore, the front yard parking complied with the ordinance.

Please note: the paved area in front of the Buildings A and B, is a required area for areal access to meet the requirements of the NYS Fire Code. The Ithaca Fire Department has required this area to be designated as a Fire Lane. Therefore, it is not applicable to the requirements of the Zoning Ordinance §325-20(E)(3).

In conclusion, with thorough knowledge of the written text of the Zoning Ordinance and past practices, an in-depth review of the project was performed in accordance with the Zoning Ordinance. The Project was found to be in compliance with the Zoning Ordinance.

Sincerely,

Gino Leonard, Zoning Administrator
For the City of Ithaca Zoning Division
At the July 23, 2019 Planning Board meeting, staff was asked to look into the question of a parking lot within the fall zone of the cell tower located at 815 S Aurora Street. The primary questions were 1) are parking lots restricted within fall zones under current zoning 2) should they be restricted in fall zones, and 3) what is Common Council’s awareness of this issue (e.g. was it discussed when the fall zone was reduced in 2016).

Please find attached information that addresses these question. I have included an email discussion between JoAnn Cornish, Gino Leonardi, Seph Murtagh and me. The email chain includes the concept memo that was sent to Council to introduce the proposed zoning change. Also attached are the FEAF Part 3 and engineering reports.
Hi JoAnn and Lisa,

I reviewed Phyllis's research file for Telecommunication Facilities and both the 2002 and the 2016 ordinance/CC minutes. The 2016 fall zone standard states: "No habitable structure or outdoor area where people congregate shall be within a fall zone of 120% of the height of the PWSF or its mount."[Amended 5-4-2016 by Ord. No. 2016-10] From the documents I reviewed from Phyllis's research file, the main concern for designating a fall zone was to minimize the physical damage to nearby homes, maintain property values, and for health reasons. There were references to parks, playgrounds, and athletic areas in association with the fall zones, which were prohibited within the designated area. Unfortunately, I could not find any notes by Phyllis concerning a parking area within the fall zone. But I do remember numerous discussions with Phyllis concerning the reduction of the fall zone. In particular, the proposed project at 815 S. Aurora Street, which prompted the zoning amendment. From my recollection, we did discussed the parking area and both Phyllis and I felt that it would be the owners responsibility to prohibit the public from congregating within the fall zone. I recently spoke to Phyllis concerning this issue to confirm my recollection. She did remember that the parking area for 815 S. Aurora was not considered an area of congregation and that the issue was also discussed with Ari prior to her determination.

I hope this helps,

Gino Leonardi
Zoning Administrator
City of Ithaca Zoning Division
(607) 274-6513

From: Lisa Nicholas
Sent: Wednesday, August 07, 2019 1:45 PM
To: Gino Leonardi
Cc: JoAnn Cornish
Subject: FW: Fall zone 815

Gino,

Below is the conversation about the fall zone and if parking lots should be restricted or be considered areas of assembly/congregation under zoning.

Could you provide a brief expatiation of 1) why or why not parking lots are areas of assembly and 2) if they can be restricted in a fall zone under zoning.

Thanks you so much.

Lisa Nicholas, AICP, Deputy Director of Planning
Planning Division
108 E Green Street
Ithaca, NY 14850
607-274-6557

"Diversity: The art of thinking independently together." Malcolm Forbes (Business leader and publisher, 1919-1990)
The City has received a request to consider revising City Zoning Ordinance, Article VA, “Telecommunications Facilities and Services” (hereafter referred to as “TCO”), Section 325-29.9. A. (1) concerns the fall zone setback requirements for Tier III telecommunications facilities and applies to the siting of towers, monopoles, and lattice structures. The area of a fall zone is where: “No habitable structure or outdoor area where people congregate shall be within a fall zone of two times the height of the PWSF [personal wireless service facility] or its mount.”

Specifically, the request is in regard to the existing telecommunications tower located at 815 South Aurora Street in the City of Ithaca. The tower is on a 2.5-acre parcel and has an estimated height of 170 feet. In accordance with the existing ordinance, this would require any development to be outside a radius of 340 feet from the base of the tower. The request is to reduce the fall zone to 120% of the height of the tower, the distance the cell tower will actually fall based on two engineering reports submitted to the city, (available upon request) which state that in the worst situation, if all three-guy wires supporting the tower fail, the tower’s fall will be equal to the tower’s height, or 170 feet and that a debris field may extend beyond the collapsed tower an additional 10-15 feet.

The City of Ithaca adopted its Telecommunications Services and Facilities Ordinance (TCO) in 2002, carefully avoiding any violation of Federal law. The FCC imposed limitations on communities so that local governments could not prohibit cell towers from within their municipalities. The City based the fall zone requirement on its authority to adopt laws that protect the safety and welfare of its citizens as well as to protect the natural features and aesthetic character of the City.

The required fall zone was determined, in part, to insure that cell towers were not placed in the City’s valley or “flats” as we commonly describe our downtown. Several locations were proposed by various carriers that included Cass Park, Stewart Park, Newman Golf Course, the NYSDOT site, and Inlet Island. Essentially, with a fall zone requirement of twice the height of the tower, there are very few places in the city where a cell tower could be sited. If the fall zone is reduced, it may allow for more towers to be built in the city but it will also allow projects on land where previously the fall zone prohibited development.
Hi Gino (and JoAnn and Mike),

I received the below question from Denny Grout - her brother in law is concerned about the fall zone and how it impacts people congregating in the parking lot of the 815 Aurora Street project. I wasn't really sure how to answer - what's your read of code on this one?

Thanks,

Seph

Seph Murtagh, Common Council
City of Ithaca, Second Ward
585-703-2582

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From: Denise Grout [denny743@gmail.com]
Sent: Thursday, July 25, 2019 8:50 PM
To: Joseph Murtagh
Subject: Fwd: Fall zone 815

Hey Seph....my brother in law wanted me to ask you about this....the restricted use of the fall zone,how many people allowed to congregate in it( I believe none as it is a danger zone) etc....if 815 S. Aurora goes through there will definitely be people in this area..parking,exiting buildings,etc...
Thanks for any input you might have.

Denny😊

- 

Begin forwarded message:

From: Roger Dennis <roger@flytac.com>
Date: July 25, 2019 at 3:34:43 PM EDT
To: Denny Grout <denny743@gmail.com>
Subject: Fall zone 815

Denny
The question that I have about the fall zone is the use
The 815 project is taking advantage of this to put in parking (a lot of people) and the only exit out of some buildings in into the fall zone
So what was the intent back In 2016 when the fall zone was established
The word congregating I believe was to restrict people from being in fall zone
This project group and the city planing board is acting like this word doesn’t even exist

There needs to be a # of people allowed in zone at one time

Roger

Sent from my iPhone
City of Ithaca
FULL ENVIRONMENTAL ASSESSMENT FORM - Part III

Request to Revise City Zoning Ordinance, Article VA, “Telecommunications Facilities and Services” to Lower Required Fall Zone, April 6, 2016 (Prepared by J. Cornish, Director of Planning and Development) Revised April 15, 2016

PROJECT DESCRIPTION

The City is considering revising City Zoning Ordinance, Article VA, “Telecommunications Facilities and Services” (hereafter referred to as “TCO”), Section 325-29.9. A. (1) concerns the fall zone setback requirements for Tier III telecommunications facilities and applies to the siting of towers, monopoles, and lattice structures. The area of a fall zone is where: “No habitable structure or outdoor area where people congregate shall be within a fall zone of two times the height of the PWSF [personal wireless service facility] or its mount.”

Currently the City has one existing telecommunications tower located at 815 South Aurora Street. The tower is on a 2.5-acre parcel and has an estimated height of 170 feet. In accordance with the existing ordinance, this would require any development to be outside a radius of 340 feet from the base of the tower. The proposed revision to the zoning ordinance is to reduce the fall zone to 120% of the height of the tower. This would apply to any existing and any future tower constructed in the City. In the case of the existing tower on Aurora Street, Taitem Engineering physically surveyed the tower and determined the following:

- The tower height is 165 feet
- The tower height with antenna is 170 feet
- The tower height to the highest point of the lightning rod is 185 feet.
- Based on the Survey and engineer’s recommendations, the fall zone would be 195 feet.
- Providing and additional buffer would help to guarantee safety, such as allowing 35 feet for debris throw off, bring the fall zone to 120% the height of the tower.

Based on two engineering reports submitted to the city in regards to the existing tower, (available upon request) the worst situation, if all three-guy wires supporting the tower fail, the tower’s fall will be equal to the tower’s height, or 170 feet and that a debris field may extend beyond the collapsed tower an additional 10-15 feet.

IMPACT ON LAND

Much of the city is developed and there are
few places where a +/- 200’ diameter fall zone would not strike an existing building. However, should this amendment to the ordinance be passed, other areas in the city could be impacted. These areas could include; locations in Cass Park, Stewart Park, Inlet Island, West Hill, and areas in the Southwest, to name the most obvious. All telecommunication tower proposals need to be vetted through a fairly vigorous approval process and this change to the ordinance would not eliminate that process. Additionally, (See City Zoning Ordinance, Article VA, “Telecommunications Facilities and Services”.)

With the fall zone for the existing tower, (340’) the parcel cannot be developed. If the fall zone were reduced to 120% (170’) of the height of the tower it would leave developable land outside the proposed fall zone.

Should the ordinance be revised and a development project proposed, the project would be subject to site plan review, which would include environmental review.

**IMPACT ON WATER**
No Impact anticipated

**IMPACT ON DRAINAGE**
No Impact anticipated

**IMPACT ON AIR**
No Impact anticipated

**IMPACT ON PLANTS AND ANIMALS**
No Impact anticipated

**IMPACT ON AESTHETIC RESOURCES**
Normally, the addition of a cell tower would impact aesthetics. This would be true if a cell tower were proposed for areas in the City where there is room to accommodate them (see Impact on Land above). However, only one cell tower exists in the City currently and it is not likely to be removed at any time in the near future. The existing tower is currently located on an asphalt parking lot adjacent to lawn area on three sides and Route 96B on the fourth side. The tower can be seen from many areas of the City and has a negative impact on views of South Hill as well as from South Hill to the north where one can see panoramic views of Cayuga Lake and the distant hills.

Several buildings exist in the fall zone of the existing tower, currently regulated by the Telecommunications Ordinance (340 feet). The addition of buildings and especially landscaping within the proposed fall zone of 170 feet will lessen the visual impact within the immediate vicinity of the cell tower but will have little to no impact on other longer distance views.

Should a new cell tower be proposed within the city limits, the ordinance does not allow PWSFs in avoidance areas including flood hazard zones, historically and culturally significant resource areas, unique natural areas and/or critical environmental areas, parks, greenways, and natural areas, scenic or visual corridors as defined by the City, wetlands.
IMPACT ON HISTORIC RESOURCES
No Impact anticipated

IMPACT ON OPEN SPACE AREA
No Impact anticipated

IMPACT ON TRANSPORTATION
No Impact anticipated

IMPACT ON ENERGY
No Impact anticipated

IMPACT ON NOISE AND ODORS
No Impact anticipated

IMPACT ON PUBLIC HEALTH The tower at 815 South Aurora Street is a non-conforming structure and would not be allowed under current zoning. The original tower was erected many years ago and residential buildings are within 180 feet of the tower and will be impacted if the tower fails. If the tower were to fall in a southerly direction, it would likely hit an existing apartment building. Were it to fall in a northerly direction, it would demolish the telecommunications facility building, including the exterior fuel tank located on its southern wall, and fall onto the concrete building on site. Were it to fall in a westerly direction, it would fall across Route 96B, taking down power lines. Because of the tower’s size and weight, anything it hits will likely be severely damaged.
Several structural analysis reports from New York State Licensed Engineering firms have been completed over the past several years. They include:

- Towerkraft Engineering, P.C. Design and Analysis of Communication Structures, Prepared by Steven Fehlhafer, P.E. and reviewed and certified by Alvin Kraft, P.E., August 14, 2007,
- Towerkraft Engineering, P.C. Design and Analysis of Communication Structures, Prepared by Steven Fehlhafer, P.E. and reviewed and certified by Alvin Kraft, P.E., May 29, 2008,
- Taitem Engineering, Letter/Report prepared by Javier E. Rosa, P.E., Partner and Senior Engineer, Structural Department, certifying the fall zone for the existing guy wire tower located at 815 S. Aurora Street, dated January 15, 2015,
- SPEC Consulting, Letter/Report prepared by Gary Bush, P.E., for the Tower Fall Zone, Cell Phone Tower, 815 S. Aurora Street, Ithaca, NY, dated February 3, 2016,

*(All reports available upon request in the City of Ithaca Planning Department.)*

Findings in the reports varied slightly but concluded:

- The tower height is 170 feet and has a steel lattice frame.
- The tower is supported at its base by a single point in a ball-and-socket configuration which allows rotational motion of the tower at the connection point and prevents undue stresses which would be present if this were a rigid connection.
- The tower is held upright by a set of guy wires which are anchored to concrete foundations set into the ground and sized to resist the wind loads expected by the tower and its appurtenances.
The fall zone would be equal to the height of the tower.

The debris field may extend beyond the collapsed tower an additional 10-15 feet although the engineering reports state this is unlikely because the communication components attached to the tower can withstand higher loads, and most likely will remain attached to the tower frame during and after collapse.

Analysis was performed with a 70 MPH basic wind speed (the designated wind speed for Tompkins County, NY) as stated by ANSI EIA/TIA design standard 222-F (Electronic Industries Association Structural Standards for Steel Antenna Tower and Antenna Supporting Structures) and included loading of all tower members with an accumulation of ½” of radial ice accumulation.

The tower is at or slightly above its capacity and at its maximum height per its structural load. Based on the structural capacity of the structure, the tower cannot physically go any higher. Therefore, reconstruction of the tower base would be required.

Geotechnical information was not available so actual soil properties are not known. Assumptions were made that the soil type was “normal” and that the bearing pressure at the base is not considered a risk to failure since safety factors are included in the determination of allowable bearing capacity.

The reports did not investigate the potential hazards of burning and falling antenna arrays igniting nearby trees or buildings.

Any new tower proposed for locations within the city would be analyzed under the TCO, including regular inspections and monitoring of radio frequency radiation.

§325-29.8, Standards, D. Safety Standards, Personal wireless service facilities shall meet the following safety standards: (1) Hurricane and tornado design standards shall be those of the local building codes used in the City of Ithaca or EIA-TIA 22 (latest version), whichever is stricter, and (2) Roof mounts on buildings shall have railings, if necessary, to protect workers. Notices shall be posted, as directed by the Director of Planning and Development or designee to warn of radio frequency radiation.

§325-29.17, Registry, monitoring, inspection, abandonment and obsolescence, B. Inspection, (1) The owner or operator of PWSF shall provide for and conduct an inspection of mounts at least once every five years. A report shall be provided to the Department of Planning, Building and Economic Development verifying compliance with previous approvals and the City Code, and (2) The owner or operator of PWSF shall provide for and conduct an inspection of radio frequency radiation at least once every two years by a licensed radio frequency engineer. Three copies of a report shall be provided to the Department of Planning, Building and Economic Development, verifying that the radio frequency radiation is in compliance with FCC Guidelines.

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBOORHOOD**

No Impact anticipated
From: Javier E. Rosa
To: Todd Fox
Company:
Cc:

Re: Fall Zone for Communications Tower located at 815 S. Aurora St, Ithaca, NY

This letter is to certify the fall zone for the existing communications guy-wire tower at the mentioned above address.


In addition, a collapse/failure mode analysis was evaluated based on engineering principles, and historic tower collapse data.

Existing tower description: steel lattice frame, approximately 170'-0" tall, (3) guy-wires on (3) sides @ 57'-0", 103'-0" & 160'-0" respectively. Tower supported on poured concrete pier foundation. Guy-wires anchored to ground with concrete deadmen.

The results are as follows:

Three (3) modes of collapse:

1- Single side (3) guy-wire failure
2- Steel lattice frame failure
3- Single guy-wire failure
Explanation of failure modes:

1- Failure scenario - All (3) guy-wires from a single side break away. This would cause the tower to fall in the opposite direction of the failed guy-wires due to the pulling force from the remaining (2) sides, and collapse laterally. The fall zone would be equal to the height of the tower.

2- Failure scenario – Tower base collapsing onto itself. This would cause the tower to twist, buckle, and collapse in the vertical axis. The fall zone would have a radius of 60'-0" approximately.

3- Failure scenario – A single guy-wire from a single side break away. Tower frame folding and collapsing onto itself. This would cause the tower to bend and fold at the guy-wire break away point, and collapse laterally & on the vertical axis. The fall zone would have a radius of 75'-0" to 80'-0" approximately.

All the failure modes scenarios will have a fall zone no larger than the height of the tower. Furthermore, debris from the different communication components (i.e. antennas) can add approximately 15'-0" to the fall zone only in failure mode #1. However, the debris impact has a low probability due engineering design of such components attachment. They can withstand higher loads, and most likely will remain attached to the tower frame during and after collapse.

In conclusion, based on the above outlined data, analysis and results, construction of new buildings and/or structures can be located no closer than 180'-0" from the base of the tower in any direction.

Feel free to give me a call or e-mail if you have any questions.

Javier E. Rosa, PE
Partner - Senior Engineer
Structural Department
Taitem Engineering
x104
February 3, 2015

Prepared for:
Todd Fox
Modern Living Rentals
P.O. Box 6707
Ithaca, NY 14851

Background:
The purpose of this report is to document the required fall zone for the cell phone tower located at the address noted above in order to determine the extents of the property on this parcel that is available for further development.

As part owner of local wind turbine design and manufacturing company Weaver Wind Energy, I deal with towers on a regular basis, including designing them, climbing them, installing them, inspecting them and maintaining them.

Findings:
A site visit to the subject property, performed on January 22, 2015, revealed that the tower in question is known as a “guyed lattice tower.” This type of tower is supported at its base by a single point in a ball-and-socket configuration which allows rotational motion of the tower at this connection point and prevents undo stresses which would be present if this were a rigid connection. The tower is held upright by a set of guy wires which are anchored to concrete foundations set into the ground and sized to resist the wind loads expected by the tower and its appurtenances.

With guyed towers, if one guy wire fails, the tower will fail in a buckling mode in which it folds in on itself. If this happens, the affected area around the tower will typically be less than half of the tower height.

In order for the tower to simply fall over, one entire set of guy wires would have to fail simultaneously. This is possible if the guy wire foundations are improperly sized or improperly installed or if one of the anchors connecting the guy wires to the foundation fails. If this happens, the base of the tower will remain in place and the tower will simply fall over. In this
case, the affected area around the tower will be no more than the tower height plus the height of any appurtenances.

Summary:
Based on the site visit and the findings noted above, it is my professional opinion that the potentially affected area around the tower should be considered the height of the tower including any appurtenances. Oftentimes, an additional ten feet is added to this dimension as a factor of safety. The fall zone will then be a circle, centered at the centerline of the tower and with a radius equal to the tower height, including appurtenances, plus ten feet.

Respectfully Submitted,

Gary R. Bush, PE, LEED AP
In response to a request from Alderperson Brock (at the 4/13/16 Planning Committee meeting) to define congregate:

verb, [con*gre*gate | -gət
Definition of CONGREGATE
: to collect into a group or crowd: assemble
: to come together into a group, crowd, or assembly

Origin of CONGREGATE
Middle English, from Latin congregatus, past participle of congregare, from com- + greg-, grexflock

First Known Use: 15th century
See also:
congregate
WHEREAS: the City of Ithaca Planning and Development Board has one pending application for Site Plan Review for a new 66-unit student housing complex comprised of three buildings, located at 815 South Aurora Street by Stream Collaborative on behalf of the owner, and

WHEREAS: The project applicant proposes a new 66-unit student housing complex comprised of three buildings constructed on hillside on the east side of Route 96B, overlooking the proposed Chain Works District. The proposed buildings will contain (2) one-bedroom units, (41) two-bedroom units, and (23) three-bedroom units. Amenities will include a gym and media room, with access to an outdoor amenity space on the first floor of building B, and a roof terrace and lounge on the fourth floor of building B. The project shares the 2.85-acre site with an existing cell tower facility, garages, an office and a one-bedroom apartment. Site improvements will include walkways and curb cuts to be tied into a public sidewalk proposed by the Town of Ithaca. Fire truck access is proposed at existing site entry at the south end of the property, with a new fire lane to be constructed in front of the buildings A & B at the northern end of the site. The project will include 67 parking spaces, as required by zoning. The property is located in the R-3b Zoning District, and

WHEREAS: this is Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4(B)(1)(k), (n), (B)(2), and the State Environmental Quality Review Act ("SEQRA") §617.4(b)(11), and

WHEREAS: New York State Department of Environmental Conservation, and the Tompkins County Department of Health, and the New York State Department of Transportation, all potentially involved agencies in this action, all consented to the Planning Board acting as Lead Agency for this project, and,

WHEREAS: the Planning Board, being the local agency which has primary responsibility for approving and funding or carrying out the Action, did, on March 26, 2019 declare itself Lead Agency for environmental review of the Project, and

WHEREAS: legal notice was published and property posted, and adjacent property owners notified in accordance with Chapter 290-9 C. (1), (2), & (3) of the City of Ithaca Code, and

WHEREAS: the Planning and Development Board held a required Public Hearing on April 23, 2019, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, has on July 23, 2019 reviewed and accepted as adequate a Full Environmental Assessment Form ("FEAF"), Part 1, submitted by the applicant, and Parts 2 & 3, prepared by Planning staff and amended by the Planning Board, the following drawings: “Topographic Map, No. 815 South Aurora Street, City of Ithaca, Tompkins County, New York” dated 9-26-16 and prepared by T.G. Miller P.C; “Demolition Plan (C1.0)”, “Site Plan (C2.0)”, “Site Plan Future Access (C2.1) (showing bike parking)”, “Grading, Drainage and Erosion Control Plan (C3.0 & 3.1)”, “Lighting Plan (C5.0)”, “Rock Plan (C6.0)”, “Detail Sheet (C9.0, 9.1, 9.2, 9.3, 9.4 & 9.5)” and “Driveway Plan (C10.0, 10.1, 10.2 & 10.3) with a latest revision date of 5-21-19; “Truck Plan (C8.0 & 8.1)” with a latest revision date of 5-23-19 and “Utility Plan (C4.0)” with a latest revision date of 6-14-19 all prepared by Marathon Engineering, and “Building A Unit Area Plans (A.00)”, “Building B Unit Area Plans (A.01)”, “Building A Exterior Elevations (A2.00)”, “Building B Exterior Elevations (A2.01)”, “Building A Sections (A3.01)” and “Building B Sections (A3.03)” dated 6-03-19 “Building C Unit Area Plans (A.00)”, “Building C Exterior Elevations (A2.00)”, “Building B Exterior
Elevations (A2.01)” and “Building C Sections (A3.00)” dated 6-07-19, all prepared by Stream Collaborative et al; and “Planting Plan (L103)’ dated 6-21-19; “site Sections (L301)’ dated 5-22-19, “Solar Study (A9.1, 9.2 & 9.3)”, Context Images (A9.4 & 9.5) dated 5-09-19; “815 Aurora Updated Drawings from the Public Way Submitted June 19, 2019”, and unattributed renderings showing the rooftop mechanicals layout and screening, hand dated 6-25-19, and other application materials, and

WHEREAS: the City of Ithaca Parks, Recreation, and Natural Resources Commission, Tompkins County Department of Planning & Sustainability, and other interested parties have been given the opportunity to comment on the proposed project and any received comments have been considered,

WHEREAS: the City Planning Board, acting as Lead Agency, has determined, as more clearly elaborated in the FEAF, that the proposed Project will result in no significant adverse impacts on the environment and did issue a Negative Determination of Environmental Significance, and

WHEREAS: 25% landscaping rationale

WHEREAS: the Planning Board did, on July 23, 2019 grant Preliminary Site Plan Approval to the project. Such approval applied to the major elements of the site layout including building placement and footprints, location and design of major routes of site circulation pertaining to emergency access, personal, commercial and service vehicles, and pedestrians and bikes, grading and demolition, and placement of major hardscape features such as walls, patios, stairways, etc. Preliminary approval does not apply to the placement and arrangement of building façade features, building and hardscape materials and colors, planting plans, lighting, signage, site furnishings and other site details, and

WHEREAS: Preliminary Approval for this project was subject to the following conditions:

Before Final Site Plan Approval:
   i. Submission to the Planning Board of colored and keyed building elevations for all facades, and
   ii. Submission to the Planning Board of documentation of the hours of operation of the exterior amenity spaces, and
   iii. Submission to the Planning Board of all site details including building materials and colors, signage, lighting, exterior furnishings, paving, wall and railing materials and details, and
   iv. Applicant to consider additional exterior bike racks, and
   v. Submission to the Board of the layout of covered bike parking, and
   vi. Acceptance of the SWPPP by the City Stormwater Management Officer, and

Before issuance of a Building Permit
   i. Confirmation from the City Transportation Engineer that all concerns have been addressed, and
   ii. Documentation of a binding commitment for winter sidewalk snow removal, and
   iii. Documentation from Ithaca Fire Department and DOT that all transportation and emergency access issues have been satisfied, and

Before Certificate of Occupancy
   iv. Any future changes should be submitted to the Planning Board for review and approval, and
   v. Bike racks must be installed before a certificate of occupancy is granted, and
   vi. Execution of a easement agreement between the City and the property owner for portions of the sidewalk on private property, and
   vii. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits, etc., and
WHEREAS: the applicant is requesting that the Planning Board review the proposed parking lot in the
tear yard under the provisions of landscape compliance method in accordance with §325-20 F (3)(b) of
the City Code. The Board has accepted the landscape compliance method in consideration of the
following mitigating factors:
- The applicant is proposing fencing and landscape plantings to screen the parking from the
  adjacent property

WHEREAS: the Board has determined that 25% internal landscaping is not required within the parking
lot due to the following reasons:
- 25% Internal plantings would require a significantly larger overall parking area, and
- There is a substantial amount of landscaped area surrounding the parking lot, and

WHEREAS: the Board did, on August 27, 2019, after reviewing elevations of the buildings instruct the
applicant to explore ways to reduce the apparent height and massing of the building, particularly
‘Building A’ as it abuts the residential property to the north.

WHEREAS: the Planning Board, has on September 24, 2019 reviewed and accepted as the following
new, and revised drawings: “1” showing the previous and proposed street level perspectives of the west
façade of Building A, “2” showing the revised proposed street level perspectives of the west facades of
Buildings A & B, “3” showing the revised proposed street level perspectives of the west facades of
Buildings A, B and C, “4” showing street level perspectives of the revised buildings A & B looking
southeast, “Street View of Building A (5)”, “View of North Property Line (6)”, “View of Fire Lane
Retaining Wall (7)”, “Building A Exterior Elevations (A2.00)”, “Building B Exterior Elevations (B2.00)”
“Building C Exterior Elevations (A2.00)” and “Exterior Features” all dated 9-17-19 and “Enlarged
Planting Plan (L302)” dated 8-6-19 and an undated and unattributed drawing showing the layout interior
bike storage at “Site Plan (L001)” and ‘Site Layout and Building A & B (L101)”, ‘Site Layout and
Building C (L102)”, “Grading Plan – Buildings A & B (L201)”, “Grading Plan – Buildings C (L202)”
and “Planting Plan (301)”, all dated 8-19-19 and all prepared by Stream Collaborative and other
application materials, and

WHEREAS: the Planning Board, agrees that the applicant reduced the apparent height and massing of the
building, particularly ‘Building A’ as it abuts the residential property to the north by doing the following:
- The previously proposed cultured stone base of the buildings was replaced with brick which was
  wrapped around the north faced of Building A
- The previously proposed cornice was redesigned and located at the top of the 3rd story
- The materials and color of the exterior finishes on the top story has been changed
- A thinner wall profile was used on the top story of Building allowing for a slight recess

WHEREAS: the Planning Board has determined that the applicant has satisfied the following conditions
imposed above Before Final Site Plan Approval:
  i. Submission to the Planning Board of colored and keyed building elevations for all facades, and
  ii. Submission to the Planning Board of documentation of the hours of operation of the exterior
      amenity spaces. The applicant has submitted a letter dated 8-5-19 stating quiet hours that will be
      in the lease as well as hours of the rooftop patio, and
  iii. Submission to the Planning Board of all site details including building materials and colors,
      signage, lighting, exterior furnishings, paving, wall and railing materials and details, and
  iv. Applicant to consider additional exterior bike racks. The applicant has submitted drawings
      showing additional bike racks in front of Buildings A & C, and
v. Submission to the Board of the layout of covered bike parking. The applicant has submitted a
drawing showing the layout, and
vi. Acceptance of the SWPPP by the City Stormwater Management Officer, now therefore be it

**RESOLVED**: the Planning Board does herby grant final site plan approval subject to the following new
and unsatisfied conditions:

**Before issuance of a Building Permit**

i. Submission to the Planning Board of a monitoring plan by a qualified professional detailing
steps that will be taken to protect the structural integrity for the cell tower and any proximate off-site
structures, as needed, during foundation construction, and
ii. Noise producing construction activities will be limited to the hours between 7:30 A.M. and 5:30
P.M., Monday through Friday (or Saturday 9:00 A.M. to 5:30 P.M. with advance notification to
and approval by the Director of Planning and Development).
iii. Confirmation from the City Transportation Engineer that all concerns have been addressed, and
iv. Documentation of a binding commitment for winter sidewalk snow removal, and
v. Documentation from Ithaca Fire Department and DOT that all transportation and emergency
access issues have been satisfied, and

**Before Certificate of Occupancy**

vi. Any future changes should be submitted to the Planning Board for review and approval, and
vii. Bike racks must be installed before a certificate of occupancy is granted, and
viii. **Signage in parking lot pertaining to cell tower fall zone must be installed before a certificate of
occupancy is granted, and**
ix. Execution of an easement agreement between the City and the property owner for portions of the
sidewalk on private property, and
x. Submission to the Planning Board of the tenant lease including language regarding the fall zone
of the cell tower, and
xi. This site plan approval does not preclude any other permit that is required by City Code, such as
sign permits, tree permits, street permits, etc., and

Moved by: Jones
Seconded by: Petrina
In favor: Blalock, Elliott, Glass, Johnston, Jones, Lewis, Petrina
Against: None
Abstain: None
Absent: None
Vacancies: None
YARD
That part of a lot not occupied by the principal building or structure and which shall not be occupied by any other building or structure from the ground upward unless specifically authorized in this chapter or other provisions of the City of Ithaca Code.

REAR YARD
An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Per 325-8(14)a:
Subject to the provisions of the following Subsection A(14)b, buildings hereafter erected in each district must have a rear yard of at least the depth which is the percentage figure listed in this column. Such percentage shall be taken of the lot depth. If the two side lot lines are of unequal lengths, the rear yard percentage shall be taken of the average of the two lengths.

AVERAGE LOT DEPTH CALCULATION:
183.52' + 342.81' = 526.33'/2 = 263.16 = AVG. LOT DEPTH
x 20% = 52.6' - USE 50' MAX

EXHIBIT E

---

City Zoning: Average Lot Depth

Rear Lot Line
Avg. Rear Lot Line
84.53' + 55'/2 = 70'
D = 33.7' per city graphic

Required Rear Yard
Measurement to actual rear line
allowed to be less than required

Example of actual yard
greater than required
In accordance with Section 325-R(A)(14)(a) of the Zoning Ordinance, an average rear lot line must first be calculated by taking the average of two side lot lines to determine the average lot depth. The graphic depiction in the Zoning Ordinance provides that side lot lines should be drawn at a 90-degree angle perpendicular to the front lot line to determine the average lot depth. Accordingly, when a parcel is irregular in shape, the side lot lines are drawn by extending lines at a 90-degree angle perpendicular to the front lot line from each end point of the front lot line and extending to the furthest rear line.

That is precisely the method that I employed with respect to the Project, as evidenced by the following map prepared by Jason K. Demarest dated April 23, 2019, which depicts the calculation of the rear setback as approved by the City:

Example of Unequal Side Lot Lines -
With Markups Based of Affidavit
Base Source: Zoning Ordinance Section 325-8(A)(14)(a)

Keynote Legend For Sheet
1. Front Lot Line Shown With Heavy Black Line.  
2. Side Lot Line Shown With Heavy Blue Line.  
3. Average Lot Depth Shown With Heavy Black Line. Average Lot Depth Parallel To Front Lot Line.  
4. Furthest Rear Line Shown With Heavy Red Line.  
5. End Point of Front Lot Line Center of Blue Circle.  
6. Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.  
7. Intersection of Side Lot Line With Furthest Rear Line at Center of Red Circle.

Mr. Leonardi's Average Rear Lot Line Explanation
Base Source: Affidavit of Gino Leonardi
Dated November 27, 2019
Board of Zoning Appeals: Appeal #3202

In Regards To The Project Located At:
815 S. Aurora Street, Ithaca, NY 14850

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Provided Zoning Analysis By Project Architect
Base Source: SPR Complete Application Updates
Dated July 3, 2019

Code Analysis For Appeal
Issue 1 - Zoning: Method of Calculating Rear Yard Setback

Keynote Legend For Sheet

1. Explanation Dimension and Placement of Dimension For Building Distance From Required Rear Yard Line is Incorrect. Dimension Should Be Perpendicular From Required Rear Yard Line To The Closest Point Of The Structure Resulting in The Shortest Possible Dimension.

2. Location of “DEPTH 1” is Incorrect. This Dimension Should Be Perpendicular From The End Point of Front Lot Line. Therefore “DEPTH 1” as Shown is Invalid.

3. This Should Have Been The Location of “DEPTH 1”.

4. Note That The Front Lot Line “A” is Composed of (3) Property Lines That are Not Parallel. Sit Survey Confirms This.

5. Dimension From “Building B” To Required Rear Yard Line Correctly Shown.

6. Dimension From “Building C” To Required Rear Yard Line Not Shown. This Should Be Shown To Verify Compliance With Zoning Code.

7. “Building C” as Shown is Over Required Rear Yard Line. This is a Violation of The Zoning Ordinance. This Document Should Have Been Required To Be Corrected and Resubmitted (Which is Not Indicated in Any Available Public Documents) or Have Been Required To Seek a Variance.

Reviewer’s Note:
It Does Appear in Other Documents That “Building C” Footprint Was Changed To be In Compliance With Incorrect Rear Yard Calculation. However an Updated Zoning Analysis Should Have Been Required. Also The New Footprint Is Still in Violation Of The Required Rear Due To The Incorrect Placement of “DEPTH 1”. This Will Be Shown Later In This Document.
Board of Zoning Appeals: Appeal #3202
In Regards To The Project Located At:
815 S. Aurora Street, Ithaca, NY 14850

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Code Analysis For Appeal
Issue 1 - Zoning: Method of Calculating Rear Yard Setback

Provided Zoning Analysis Marked Up By JSA
Base Source: SPR Complete Application Updates
Dated July 3, 2019

Project Architect Provided Values & Calculations

DEPTH 1: 342.81'
DEPTH 2: 183.52'

Average Lot Depth (ALD) = (DEPTH1 + DEPTH 2)/2
ALD = (342.81' + 183.52')/2
ALD = (526.33')/2
ALD = 263.17'

Required Rear Yard = ALD(20%) OR 50'MAX
Required Rear Yard = 52.63' OR 50'MAX
Required Rear Yard = 50'MAX

ISA Zoning Analysis Values & Calculations

DEPTH 1: 325.69'
DEPTH 2: 183.52'

Average Lot Depth (ALD) = (DEPTH1 + DEPTH 2)/2
ALD = (325.69' + 183.52')/2
ALD = (509.21')/2
ALD = 254.61'

Required Rear Yard = ALD(20%) OR 50'MAX
Required Rear Yard = 50.92' OR 50'MAX
Required Rear Yard = 50'MAX

Keynote Legend For Sheet

1. Front Lot Line Shown With Heavy Black Line.
   Front Lot Line is Composed of (3) Property Lines.

2. Side Lot Line Shown With Heavy Blue Line.

3. Average Lot Depth Shown With Heavy Black Line.
   Average Lot Depth is Parallel To Front Lot Line.

4. Required Rear Yard Line Shown With Heavy Black Dotted Line.

5. End Point of Front Lot Line Center of Blue Circle.

6. Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.


   Rounding Error.

Reviewer’s Note:
Project Architect’s Incorrect “DEPTH 1” Resulted In:
8.56’ ERROR OF AVERAGE LOT DEPTH

“Building C” Further Violates Required Rear Yard. “Building B” Is Approximately 3’ From Required Rear Yard. Later In This Document It Will Be Shown That The Updated Footprint of “Building C” Is Still In Violation.
Code Analysis For Appeal

Issue 1 - Zoning: Method of Calculating Rear Yard Setback

Updated Site Plan By Project Engineer Marked Up By JSA
Base Source: SPR Complete Application Updates
Dated July 3, 2019

Keynote Legend For Sheet

1. Front Lot Line Shown With Heavy Black Line. Front Lot Line is Composed of (3) Property Lines.
2. Side Lot Line Shown With Heavy Blue Line.
3. Average Lot Depth Shown With Heavy Black Line. Average Lot Depth is Parallel To Front Lot Line.
4. Required Rear Yard Line Shown With Heavy Black Dotted Line.
5. End Point of Front Lot Line Center of Blue Circle.
6. Side Lot Lines Drawn Perpendicular To Front Lot Line At Front Lot Line End Points.
8. "Building B" Distance From Required Rear Yard Line is Approximately 3'-4" Away. "Building B" is in Compliance.
9. "Building C" Distance From Required Rear Yard Line is Approximately Negative 8'-5" Away. "Building B" is Not In Compliance.

Reviewer's Note:
"Building C" as Currently Presented in The Approved Site Plan Application Does Not Comply With Zoning. A Variance Was Never Granted. Given This Information It Appears That The Site Plan Application Was Approval was Issued in Error.

AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING Variance Was REQUIRED
Section 325-20 Off-street parking

D. General requirements

(2) General standards for all off-street parking areas, driveways and curb cuts.

(e) Access requirements. All parking spaces shall have access to the street by way of a driveway.

[2] Driveways must be at least eight feet wide in residential zoning districts and at least 10 feet wide in nonresidential zoning districts, and must have clear visibility to the street. Any required screening must be so designed that it shall not interfere with sight lines necessary for pedestrian and driver safety.

[a] Maximum driveway grades. Driveways to areas containing parking spaces for three or more vehicles shall be graded to form a street entry with a maximum grade of 8% for a distance of 25 feet from the curbline.

This measurement was taken between street entry and topography line 747' following the curbline of the driveway.

1. Transparent Pink Line Indicates Driveway Curve.
3. Scale Reference of 5'. Indicated With Blue or Yellow Line Typically Unless Otherwise Noted.
4. 25' Distance From Curbline Indicated By Black Dotted Line.
5. Measurement Was Taken Between Topography Line 747' and Topography Line 748' Following The Curbline of the Driveway.
7. This is a clear admission of violating the Zoning Ordinance.
8. Reviewer’s Note: “Building C” as currently presented in the approved site plan application does not comply with zoning. A variance was never granted. Given this information it appears that the site plan application was approved in error.

Updated Driveway Plan By Project Engineer Marked Up By JSA
Base Source: SPR Complete Application Updates
Dated July 3, 2019

Code Analysis For Appeal

Issue 2 - Zoning: Driveway Access Requirements - REVISION 1

AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING VARIANCE WAS REQUIRED
City of Ithaca, NY / The Code / Chapter 325 Zoning

Section 325-20 Off-street parking

E. Parking in front yards

(3) In all residential districts, parking in the front yard of lots which have a width at the street line of more than 50 feet shall be restricted to an area not greater than **25% of the total area of the front yard, including turnaround and other vehicle maneuvering areas and driveways leading to garages and parking areas.** The setback for any such parking area must meet the minimum front yard setback dimensions specified in § 325-8, District Regulations Chart.[9] for the zoning district in which the parking area is to be constructed.

[9]Editor's Note: A copy of the District Regulations Chart is on file in the City Clerk's office.

City of Ithaca, NY / The Code / Chapter 325 Zoning

Section 325-3 Definitions and word usage.

B. Specific terms or words...(Section Abrivated For Clarity)

**YARD**
That part of a lot not occupied by the principal building or structure and which shall not be occupied by any other building or structure from the ground upward unless specifically authorized in this chapter or other provisions of the City of Ithaca Code.

(1) **FRONT YARD**
An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the **depth of which shall be the least distance between the front lot line and the front of such main building.**

**Example of Front Yard**
Base Source: Zoning Ordinance Section 325-3(Yard)

**Code Analysis For Appeal**
**Issue 3 - Zoning: 25% Front Yard Parking Maximum - REVISION 1**

Board of Zoning Appeals: Appeal #3202
In Regards To The Project Located At:
815 S. Aurora Street, Ithaca, NY 14850
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**Keynote Legend For Sheet**

1. Furtherest Extents of Front Yard Indicated By Black Dotted Line. The Location of This Line is Determined By "Concrete Block Building - Print Shop" As it is The Closest To The Front Lot Line at 22.08' Away.

2. Front Yard Not Encumbered With Parking Lot, Turnaround,Other Vehicle Maneuvering Areas, or Driveways Leading To Parking Is Indicated By Transparent Red Region.

3. Front Yard Encumbered With Parking Lot, Turnaround,Other Vehicle Maneuvering Areas, or Driveways Leading To Parking Is Indicated By Transparent Green Region.

**Front Yard Parking Percentage**

<table>
<thead>
<tr>
<th>Region</th>
<th>Area (SF)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>8,785</td>
<td>72.7%</td>
</tr>
<tr>
<td>Red</td>
<td>3,301</td>
<td>27.3%</td>
</tr>
<tr>
<td>Total</td>
<td>12,086</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**Reviewer's Note:**
The Driveway and Some Parking Leading To The Required Parking For All (3) Building Exceeds The Allowable Coverage Of The Front Yard.

**AS THE PROJECT CURRENTLY STANDS, AN APPROVED ZONING VARIANCE WAS REQUIRED**

---

**Updated Site Plan By Project Engineer Marked Up By JSA**
Base Source: SPR Complete Application Updates (Imaged Clipped) Dated July 3, 2019
Code Analysis For Appeal

Current Sequence of Events For The Project and Concerns
A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. An application for a building permit shall include all of the following:

1. Construction Documents that satisfy the requirements of Section 106.2;
2. Any and all other submittal documents required by Section 106;
3. Any and all other information and documentation that may be required by the stricter of the authority having jurisdiction's Code Enforcement Program or a Part 1203 - Compliant Code Enforcement.
4. Such other information and documentation as the authority having jurisdiction may determine to be necessary to allow the authority having jurisdiction to determine whether the proposed work conforms with the Uniform Code, the Energy Code, and other applicable laws.

Reviewer's Note: This Code Section Was Apart Of The Old Building Code However Has Been Removed From The Current Code. This is Cause For Concern That This Practice is No Longer Allowed.

The issuance or granting of a building permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or any other applicable law. A building permit purporting to give authority to violate or cancel any provision of the Uniform Code, the Energy Code, or any other applicable law shall not be valid.

Reviewer's Note: If the State is no longer allowing partial permits then the currently issued permits would be invalid.

In Regards To The Project Located At:
815 S. Aurora Street, Ithaca, NY 14850
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City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
Appeal of Tilson Technology Management and Dish Wireless LLC on behalf of property owner David Hart for an area variance from Section 325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance. The applicant proposes to add a Dish Wireless antenna array to an existing personal wireless service facility (PWSF) located on the rooftop of the property at 222 S. Cayuga Street. The new array will replace existing communication equipment that is scheduled to be removed and is considered a modification of the existing PWSF. The City recently amended Article VA, Telecommunications Facilities and Services, of the Zoning Ordinance, and the amendment requires all PWSF to be located at least 250’ from adjacent residences. The existing PWSF at this property is approximately 170’ from the nearest residential building. This is an existing deficiency that will not be exacerbated by this proposal.

222 S. Cayuga Street is located in the CBD-100 district in which the proposed PWSF is permitted. However, Section 325-29.28 requires that an area variance be granted before a building permit is issued.
CITY OF ITHACA
108 E. Green St. — Third Floor  Ithaca, NY  14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Megan Wilson, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550 Fax: 607-274-6558 E-Mail: mwilson@cityofithaca.org

BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:
   [X] AREA VARIANCE
   [ ] SPECIAL PERMIT
   [ ] USE VARIANCE
   [ ] SIGN VARIANCE
   [ ] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

   APPEAL #: 3205 (FILLED IN BY STAFF)
   HEARING DATE: 4/22
   BUILDING PERMIT # NOT YET RECEIVED (REQUIRED)
   RECEIPT #: 66508 (FILLED IN BY STAFF)

2. Property Address: 222 South Cayuga Street, Ithaca NY 14850 Use District: CBD-100
   Owner’s Name: David Hart Owner’s Address: 617 Dinges Street
   City: Buffalo State: NY Zip: 14205

3. Appellant’s Name: Tilson Technology Management (on behalf of Dish Wireless, LLC)
   Appellant’s Address: 16 Middle Street, Fourth Floor
   City: Portland State: ME Zip: 04101
   Telephone: 207-789-1871 E-Mail: mdorn@tilsontech.com

4. Attach Reason for Appeal (see “Zoning Appeal Procedure Form”)

5. Appellant Certification: I certify the information submitted with the appeal is true to the best of my knowledge/belief; and I have read and am familiar with City of Ithaca Zoning Ordinance sections that apply to this appeal (incl. Section 325-40, describing the powers and duties of the Board of Zoning Appeals). I also acknowledge the Board of Zoning Appeals may visit the property and I specifically permit such visits.

   [X] I have met/discussed this application with Zoning Division staff prior to submission.

   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 28TH day of November, 2021

Notary Public

Notary Public available at City Hall.

IMPORTANT: INCOMPLETE applications will be returned to the applicant and the applicant will have to reapply.

If ANOTHER CITY APPROVAL is required (e.g., Site Plan Review, Subdivision Review, Ithaca Landmarks Preservation Commission Review), this application will likely not be considered at the next scheduled BZA meeting date.

If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>§325- 29.8C(1)</td>
<td>§272-</td>
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<td>§325-</td>
<td>§272-</td>
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<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: [ ] Type 1  [x] Type 2  [ ] Unlisted

3. Environmental Assessment form used:
   - [ ] Short Environmental Assessment Form (SEAF)
   - [ ] Full Environmental Assessment Form (FEAF)
   - [ ] Completed by Planning Division at preliminary hearing for Site Plan Review
   - [x] Not Applicable (Type 2 Action)

4. A previous appeal [ ] has / [x] has not been made for this proposal:
   - Appeal No. _________, dated _____________
   - Appeal No. _________, dated _____________
   - Appeal No. _________, dated _____________
   - Appeal No. _________, dated _____________

5. Notes or Special Conditions:
To Whom It May Concern:

This letter authorizes Dish Wireless, LLC, and their agent, Tilson Technology Management, Inc., to apply for all necessary permits in order to add an additional communications antenna array and related equipment to the rooftop located at: 222 South Cayuga Street, Ithaca, New York, 14850.

Sincerely,

David Hart
President & CEO
617 Dingens Street, Buffalo, NY 14206
Company: Lenroc, L.P. a New York limited partnership
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3205

TO: Owners of Property within 200 feet of 222 South Cayuga Street and others interested.

FROM: Tilson Technology Management, Inc (on behalf of Dish Wireless) applicable to property named above, in CBD-100 zone.

REGARDING: Area Variance

City regulations require you be notified of this appeal to the Board of Zoning Appeals (BZA), as described in the attached letter and provide the opportunity for you to comment on it and/or attend the meetings listed below. Anyone considered an interested party may speak for or against the appeal at the meetings listed below, or submit a written statement to the BZA before its designated meeting. There is a time limit of three (3) minutes for each interested party to address the BZA during the Public Hearing portion of the meeting.

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review on the City’s website (http://www.cityofithaca.org/368/Board-of-Zoning-Appeals) under “Most Recent Agenda,” beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The PLANNING BOARD will consider this case on 12/21/2021 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVcTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 1/4/2022 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting to zoningdivision@cityofithaca.org and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing. You must provide your name and address.
2. To speak at the meeting, sign up and receive instructions by contacting zoningdivision@cityofithaca.org or Anya Harris at (607) 274-6550 or aharris@cityofithaca.org. You must provide your name and address.

Signature of Appellant

16 Middle Street, Fourth Floor, Portland ME 04101

Date

12/8/2021
City of Ithaca NY
Zoning Board of Appeals
108 E. Green St. 3rd Floor
Ithaca, NY 14850

November 24, 2021

RE: Area Variance Application, Rooftop Personal Wireless Service Facility at 222 South Cayuga Street
Ithaca NY 14850

To Whom It May Concern:

Tilson Technology Management, Inc., (“Tilson”) on behalf of Dish Wireless, LLC, (“Dish”) is applying for Area Variance in order to permit a Personal Wireless Service Facility (“PWSF”) to add an antenna array to the rooftop at 222 South Cayuga Street Ithaca NY 14850. This rooftop has existing, previously approved communications antennas. The scope of work includes adding nine panel antennas (three per sector) and related equipment necessary for operation. This building is owned by the Hotel Ithaca.

As advised by Megan Wilson (Zoning Administrator) and Lisa Nicholas (Acting Director of Planning & Development), Tilson is submitting for an Area Variance to be relieved from the requirement to be at least 250’ from residences. Except for the area variance, this proposal is being reviewed administratively as a “modification” under City of Ithaca Ordinance § 325-29.16, as this new installation is taking the place of existing communications equipment that is scheduled to be removed.

The City of Ithaca recently amended Article VA “Telecommunications Facilities and Services” which imposes a new requirement to maintain at least 250’ from adjacent residences. This rooftop facility has currently existing PWSFs and approximately 170’ from the nearest residential building (221 Geneva St). This site is approximately 230’ from the next nearest residential building (210 South Cayuga St).

This site will not adversely affect these residences nor pose any issue to public health. Antennas are strictly regulated by the FCC to maintain safe radiofrequency emissions, which this site will comply with. Further, there will be no further visual impact as there are already existing PWSFs located on this rooftop and this proposal will be taking the space of soon-to-be removed PWSFs.

To support this application, we affirm that this proposal meets the standards laid out in Article VII “Administration and Enforcement” § 325-40(C)(3) “Area Variances”:

- § 325-40(C)(3)(a): Tilson is applying to the Zoning Board of Appeals because, as demonstrated by this Subsection, the Zoning Board has the power to grant area variances from certain zoning requirements.
- § 325-40(C)(3)(b): Tilson affirms that this variance will have no adverse impact on the health, safety, and welfare of the neighborhood or community if this area variance is granted.
  - § 325-40(C)(3)(b)[1]: If granted, this variance will not change the character of the neighborhood at all, as these PWSFs will be installed in places where soon-to-be-removed PWSFs currently exist.
  - § 325-40(C)(3)(b)[2]: The benefit sought in this application cannot be achieved by another method, as this site achieves Dish’s coverage goals while also meeting the City’s goals of collocating and minimizing visual impact.
  - § 325-40(C)(3)(b)[3]: This area variance is not substantial. The existing PWSFs on this rooftop are already located at this distance from residences and therefore would not be different from what is currently permitted.
  - § 325-40(C)(3)(b)[4]: This area variance will not have an adverse effect on the physical or environmental conditions as this building already has PWSFs located on the rooftop. There will not
be an effect on the environment either, as the building will not be altered other than adding the PWSFs.

- § 325-40(C)(3)(b)(5): This difficulty was not self-created, as the Applicants have been working on a lease with this building for about a year, and a newly amended Ordinance with this distance restriction was passed approximately one month ago.

- § 325-40(C)(3)(c):
  - § 325-40(C)(3)(c)(1): This requested area variance is minor as the existing PWSFs at this rooftop are already within the 250’ space that the newly amended Ordinance imposes. This site is only being modified slightly and is an opportunity site per the City Ordinance PWSF Ordinance.
  - § 325-40(C)(3)(c)(2): This site will bring a positive change to the character of the neighborhood by bringing critical infrastructure that Dish will provide. This PWSF will bring a new wireless carrier for the neighborhood.
  - § 325-40(C)(3)(c)(3): This Section is not applicable.
  - § 325-40(C)(3)(c)(4): This Section is not applicable.
  - § 325-40(C)(3)(c)(5): This proposal will foster the preservation of the area by collocating antennas on a building that already has antennas located on the rooftop. This site is being proposed to have the least visual impact on the neighborhood by being painted to blend in with the architectural landscape and not proliferate the need for new PWSF sites.

Should the Zoning Board of Appeals require any further information, please do not hesitate to reach out.

Thank you for your time and work on this application.

Sincerely,

Melanie Dorn
Staff Attorney
Tilson Technology Management, Inc.
16 Middle Street, Fourth Floor
Portland, Maine, 04101
mdorn@tilsontech.com
508.789.1871
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals                  Zoning Appeal # 3205

I, ___________________________________, affirm all property owners within two hundred (200) feet of the
boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before
____________________.  I affirm the notice was mailed to the property owners at the addresses shown on
the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office
or an official depository under the exclusive care and custody of the United States Post Office.  I further affirm
the names and addresses of the property owners are the same as the most recent assessment roll.

____________________________________
(Appellant’s Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division                      Phone: (607) 274-6550
108 E. Green St., 3rd Fl.                          Fax: (607) 274-6558
Ithaca, NY 14850
Massicci, Peter
Massicci, Michael
114-18 S Cayuga St

Urban Core, LLC
123 W State St

Boronkay, Richard J
Boronkay, Carolyn
150 Pearsall St

Nitsios, Doris A
2 Woodland Rd

G & S Properties of Ithaca LLC
4102 Nutcracker Trail

Urban Core, LLC
123 W State St

Family & Childrens Svcs of Ith
127 W State St, Fl 1

Family & Childrens Svcs of Ith
127 W State St, Fl 1

Urban Core, LLC
123 W State St

State Theatre of Ithaca, Inc
117 W State St

Urban Core, LLC
123 Green St W

Ladies Union Benevolent Soc
701 Mcgraw House

Halpert, David H
Deschanes, Teresa
209 S Geneva St

119 WG Jenscott, LLC
119 W Green St 2nd Fl

Crossmore, Deena G
115 W Green St

MDC Coast 6, LLC
3200 Hackberry Rd

Lenroc, LP
609 Dingens St

County of Tompkins
125 E Court St

Mcgraw Housing Inc
221 S Geneva St

Minnick, David
Minnick, Deborah
225 Geneva St S

Ladies Union Benevolent Soc
701 Mcgraw House

Cayuga Flats Hsng Dev Fund
115 W Clinton St

Varricchio, Shane C
427 N Cayuga St

Ladies Union Benevolent Soc
701 Mcgraw House

Balakrishnan, Jitendra
Menon, Purnima
530 E State St, Apt 3

Cayuga Flats Hsng Dev Fund
115 W Clinton St

INHS, Inc
115 W Clinton St

Pritchard, William T
304 S Cayuga St

Pritchard, William T
304 S Cayuga St

Perialas, LLC
123 Troy Rd

Perialas, LLC
123 Troy Rd

Pritchard, William
Pritchard, Caroline
304 S Cayuga St

Battaglia, Alexandra
109 W Clinton St

Perialas, LLC
123 Troy Rd

Pritchard, William
Pritchard, Caroline
304 S Cayuga St

Pritchard, William T
304 S Cayuga St

Ithaca Urban Renewal Agency
108 E Green St

HH Cayuga Lofts Property, LLC
131 E Green St Ste 201
Ithaca NY 14850
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Liverpool NY 13090
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Irving TX 75063
Buffalo NY 14206
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GROUNDING PLAN

GROUNDING KEY NOTES

1. GROUNDING IS SHOWN SYMBOLICALLY ONLY.

2. CONTRACTOR SHALL INSTALL ALL COMPONENTS OF THE COMPLETE SYSTEM. GROUNDING SHALL BE IN COMPLIANCE WITH ALL CODES AND DISH WIRELESS LLC. REQUIREMENTS AND MANUFACTURER'S SPECIFICATIONS.

3. ALL GROUND CONDUCTORS SHALL BE COPPER; NO ALUMINUM CONDUCTORS SHALL BE USED.

4. NO EXTENDING WELDS ON ROOFTOP

GROUNDING ROOFTOP KEY NOTES

1. ROOFTOP GROUNDING REQUIREMENTS:
   - All grounding conductors shall be the same size and type as the equipment they are grounding.
   - Grounding conductors shall be run in a manner that will not interfere with the operation of the equipment.
   - Grounding conductors shall be run in a manner that will not interfere with the operation of the equipment.

2. GROUNDING ROOFTOP SYSTEM:
   - The grounding system shall be installed in accordance with all applicable codes and DISH WIRELESS LLC specifications.
   - The grounding system shall be installed in accordance with all applicable codes and DISH WIRELESS LLC specifications.

3. GROUNDING ROOFTOP REQUIREMENTS:
   - All ground conductors shall be copper; no aluminum conductors shall be used.
   - No extending welds on rooftop.

4. GROUNDING ROOFTOP KEY NOTES:
   - All equipment grounding shall be done in accordance with all applicable codes and DISH WIRELESS LLC specifications.
   - All equipment grounding shall be done in accordance with all applicable codes and DISH WIRELESS LLC specifications.
### RF Jumper Color Coding

#### 0.6" Tube Welds with 0.6" Spacing

<table>
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#### Hybrid/Recirc Cables

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#### Fiber Jumper to RF

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#### Antennas at RF

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#### Microwave Radio Links

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### PRELIMINARY DOCUMENTS

- **Not Used**
- **Not Used**
GENERAL:
1. COORDINATE THE STRUCTURAL WORK WITH THE ARCHITECTURAL, CIVIL, MECHANICAL, ELECTRICAL AND PIPING WORKS.
2. VERIFY ALL DIMENSIONS IN THE FIELD. DURING ERECTION AND CONSTRUCTION PHASES, PROVIDE ADEQUATE SHORING AND TEMPORARY BRACING OF ALL STRUCTURAL COMPONENTS AND ASSEMBLIES. NOTIFY BEST OF ALL FIELD CHANGES OR DIMENSION DISCREPANCIES PRIOR TO FABRICATION OR ERECTION.
3. THE STRUCTURAL STEEL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ANCHOR BOLT LOCATIONS, ELEVATION OF TOP OF CONCRETE COLUMN AND BEARING PLATES, ALIGNMENT ETC. PRIOR TO THE START OF STEEL ERECTION.

CODES:
1. ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE 2020 NEW YORK STATE BUILDING CODE (BASED ON IBC 2018.)
2. ADDITIONAL REFERENCED STANDARDS:
   A. AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) MANUAL OF STEEL CONSTRUCTION – ALLOWABLE STRESS DESIGN 2016, 15TH EDITION
   B. AMERICAN SOCIETY OF CIVIL ENGINEERS ASCE 7-16 MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES
3. ALL APPLICABLE FEDERAL DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) AND THE AMERICANS WITH DISABILITIES ACT (ADA).

STRUCTURAL AND MISCELLANEOUS STEEL:
2. HIGH STRENGTH BOLTS SHALL BE IN ACCORDANCE WITH AISC – SPECIFICATION FOR STRUCTURAL JOINTS USING ASTM A325 OR 490 BOLTS.
3. WELDING SHALL BE IN ACCORDANCE WITH AWS D1.1 USE AWS PREQUALIFIED JOINT DETAILS.
4. STRUCTURAL STEEL MATERIALS SHALL CONFORM TO THE FOLLOWING:
   A. CONNECTION MATERIAL, EMBEDDED ITEMS, NOT ROLLED STRUCTURAL SHAPES, BASE PLATES AND MIS. STEEL ASTM A36
   B. STRUCTURAL TUBES ASTM A606 GRADE B
   C. STEEL PIPE ASTM A53, GRADE B
   D. STRUCTURAL BOLTS ASTM A325-W U.H.O.
   E. ANCHOR BOLTS ASTM A327 OR ASTM A36
   F. THREADED RODS ASTM A36 OR ASTM A307
   G. WELDING ELECTRODES E70XX

DESIGN CRITERIA:
1. THE STRUCTURES DETAILED IN THESE DRAWINGS HAVE BEEN DESIGN TO RESIST THE FOLLOWING CODE-REQUIRED MINIMUM GRAVITY AND LATERAL LOADS:
   1.1. RISK CATEGORY
   1.2. BASIC WIND SPEED (V) 110 MPH
   1.3. WIND EXPOSURE CATEGORY B
   1.4. ICE THICKNESS 1.0 IN.
   1.5. ICE CUST SPEED 40 MPH
**On a Mission LLC,**

**S-2**

---

### Material Schedule

<table>
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<tr>
<th>Item</th>
<th>Manufacturer</th>
<th>Part No</th>
<th>Quantity</th>
<th>Length</th>
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<td>3</td>
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<tr>
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</table>

* Quantities reflect 1 sector, Alpha.

** Contractor shall field verify lengths prior to material orders and fabrication.**

---

**TILSON On a Mission**

16 WEDGE STREET, 4TH FLOOR, PORTLAND, ME 04101

Email: info@tilsononamission.com

---

**Preliminary Documents**

**Sheet Title:** Alpha antenna mounting details

**Sheet Number:** S-2

---

**Dish Network LLC Template Version 4.0: 09/13/2001**
On a Mission

**MATERIAL SCHEDULE**

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<th>QUANTITY</th>
<th>LENGTH</th>
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<td>8°-9°</td>
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<tr>
<td>116°-6°</td>
<td>6</td>
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</tbody>
</table>

* Quantities reflect (1) sector, Gamma

**Contractor shall field verify lengths prior to material orders and fabrication.

---

**EXISTING PENHOUSE**

**EXISTING PENHOUSE COLUMN**

**PROPOSED 1/2" L-BOLT (TOTAL OF 4)**

**PROPOSED 3/4" x 7/8" PLATE (TOTAL OF 4)**

**PROPOSED 4" x 7/8" PLATE (TOTAL OF 1)**

**EXISTING PENHOUSE MOUNTING DETAILS**

**SIDE ELEVATION**

**TOP ELEVATION**

**FRONT ELEVATION**

---

**PRELIMINARY DOCUMENTS**

**SHEET TITLE**

**SHEET NUMBER**

---

**DISH WIRELESS LLC**

SUITE 102
222 SOUTH CAYUGA ST
ITHACA, NY 14850

**STATE OF NEW YORK PROFESSIONAL ENGINEERING ON SALE**

**SHEET TITLE**

**SHEET NUMBER**

---

**DISCLAIMER**

This document is for informational purposes only and does not constitute legal advice. Users should consult with their own legal counsel to determine the legal implications of any information contained herein.
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1. **CONCRETE FOUNDATIONS AND REINFORCING STEEL:**
   - All concrete work shall be in accordance with the ACI 301, ACI 318, ACI 336, ASTM A194, ASTM A185 and the Design and Construction Specification for Cast-In-Place Concrete.
   - Unless noted otherwise, soil bearing pressure used for design of slabs and foundations is assumed to be 1000 psf.
   - All concrete shall have a minimum compressive strength (f_c) of 2000 psi at 28 days, unless noted otherwise. No more than 60 minutes shall elapse from start time to time of placement unless approved by the Engineer of Record. Temperature of concrete shall not exceed 90°F at time of placement.
   - Concrete exposed to freeze-thaw cycles shall contain air entrainment, amount of air entrainment to be based on size of aggregate and f_c class exposure. Cement used to be Type II Portland cement with a minimum water-to-cement ratio (W/C) of 0.45.
   - All steel reinforcing shall conform to ASTM A615. All welded wire fabric (WWF) shall conform to ASTM A85. All splines shall be class "B" tension splines. Unless noted otherwise, all hooks shall be standard 90 degree hooks. Unless noted otherwise, yield strength (f_y) of standard deformed bars are as follows:
     - #4 bars and smaller 40 ksi
     - #6 bars and larger 60 ksi
   - The following minimum concrete cover shall be provided for reinforcing steel unless shown otherwise on drawings:
     - Concrete cast against and permanently exposed to earth 3"
     - Concrete exposed to earth or weather;
     - #4 bars and larger 2";
     - #6 bars and smaller 1-1/2";
     - Concrete not exposed to earth or weather;
     - Slabs and walls 3/4"
     - Beams and columns 1-1/2"
   - A tool cut edge or a 3/4" chamfer shall be provided at all exposed edges of concrete, unless noted otherwise, in accordance with ACI 301 Section 4.3.4.

2. **ELECTRICAL INSTALLATION NOTES:**
   - All electrical work shall be performed in accordance with the NEC and all applicable Federal, State, and local codes/regulations.
   - Conduct routings. Contractor shall install conduits so that access to equipment is not blocked and trip hazards are eliminated.
   - Wiring, raceway and support methods and materials shall comply with the requirements of the NEC.
   - All circuits shall be segregated and maintain minimum cable separation as required by the NEC.

3. **ALL EQUIPMENT SHALL BE UNDERWORLDER LABORATORIES, LABEL OF APPROVAL, AND SHALL CONFORM TO REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE.**
   - All overcurrent devices shall have an interrupting current rating that shall be greater than the short circuit current to which they are subjected. 22,000 AC NEC minimum. Minimum available short circuit current does not exceed the rating of electrical equipment in accordance with Article 110.12 NEC or the most current adopted code prior to the governing jurisdiction.
   - Each end of every power phase conductor, grounding conductor, and telco conductor or cable shall be labeled with color-coded insulation or electrical tape (3M brand, 1/2" plastic electrical tape with UV protection, or equivalent). The identification method shall conform with NEC and CSA.
   - All electrical components shall be clearly labeled with label tags showing their rated voltage, phase configuration, wire configuration, power or amperage rating and branch circuit number (i.e., panel board and circuit #3).
   - Panel boards (O Numbers) shall be clearly labeled with plastic labels.
   - Tie wraps are not allowed.
   - All power and equipment ground wiring in tubing or conduit shall be single copper conductor (8 AWG or larger) with Type THWN, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, or RHW-2 insulation unless otherwise specified.
   - Supplemental equipment ground wiring located outdoors shall be single copper conductor (8 AWG or larger) with Type THWN, THW, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, or RHW-2 insulation unless otherwise specified.
   - Power and control wiring in flexible cord shall be multi-conductor, type SOUF (14 AWG or larger) unless otherwise specified.
   - Power and control wiring for use in cable tray shall be multi-conductor, type THHN (14 AWG or larger) with Type THWN, THW, THWN-2, XHHW, XHHW-2, THW, THW-2, RHW, or RHW-2 insulation unless otherwise specified.
   - All power and grounding connections shall be crimp-style compression wire lugs and wire nuts by Thomas and Betts (or equal). Lugs and wire nuts shall be rated for operation not less than 75°C (165°F).
   - Raceway and cable tray shall be listed or labeled for electrical use in accordance with NEMA, UL, ANSI/IEEE and NEC.
   - Electrical metallic tubing (EMT), intermediate metal conduit (IMC), or rigid metal conduit (RMC) shall be used for exposed indoor locations.

4. **ELECTRICAL METALLIC TUBING (EMT) OR METAL-CLAD CABLE (MCM) SHALL BE USED FOR CONCEALED INDOOR LOCATIONS.**
   - Schedule 40 PVC underground on straight and schedule 80 PVC for all ELM/MCM and all approved above grade PVC conduit.
   - Liquid-tight flexible metal conduit (liquid-tight flex) shall be used indoors and outdoors, where vibration occurs or flexibility is needed.
   - Conduit and tubing fittings shall be threaded or compression-type and approved for the location used. Set screw fittings are not acceptable.
   - Cabinets, boxes and wire ways shall be labeled for electrical use in accordance with NEMA, UL, ANSI/IEEE and the NEC.
   - Racks shall be metal with an enamel finish and include a hinged cover designed to swing open downward (shelf bracket specifications to be determined by DISH Wireless LLC).
   - Slotted wiring duct shall be PVC and include cover (mount type E or equal).
   - Conductors shall be permitted securely in place with approved non-flammable straps and hangers. Exploded devices (i.e., power-activated) for attaching hangers to structure will not be permitted. Closely follow the lines of the structure, maintain close proximity to the structure and keep conductors in that environment. Changes in direction to route around obstacles shall be made with conduit outlet boxes. Conduit shall be installed in a neat and workmanlike manner, parallel and perpendicular to structure wall and ceiling lines. All conduit shall be pinned to clear obstructions. Ends of conduits shall be temporarily capped flush to finish grade to prevent concrete, plaster or dirt from entering. Conductors shall be firmly clamped to boxes by galvanized metal on inside and galvanized metal on outside and inside. Neon refrigeration or mechanical equipment.
   - Equipment cabinets, terminal boxes, junction boxes and pull boxes shall be galvanized or epoxy-coated sheet steel. Sheet steel, sheet or two layers of metal shall be NEMA 1 (or better) for interior locations and NEMA 2 (or better) for exterior locations.
   - Metal receptacles, switch and device boxes shall be galvanized, epoxy-coated or non-corroding, sheet metal, sheet or two layers of metal shall be NEMA 1 (or better) for interior locations and weather protected (MP or better) for exterior locations.
   - Nonmetallic receptacles, switch and device boxes shall be NEMA 1 (or better) for interior locations and weather protected (MP or better) for exterior locations.
   - The contractor shall notify and obtain necessary authorization from the tenant and/or DISH Wireless LLC and tower owner before commencing work on the AC power distribution panels.
   - The contractor shall provide necessary signage on the breakers, cables and distribution panels in accordance with the applicable codes and standards to safeguard life and property.
   - Install laminated labels on the meter cover to show "DISH Wireless LLC."

5. **ALL EMPTY/SPARE CONDUITS THAT ARE INSTALLED ARE TO HAVE A METERED WAHL PULL CORD INSTALLED.**
GROUNDING NOTES:

1. ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION AND AC POWER GETS) SHALL BE BONDED TOGETHER AT OR BELOW GRADE (BY TWO OR MORE COPPER BONDING CONDUCTORS IN ACCORDANCE WITH THE NEC).
2. THE CONTRACTOR SHALL PERFORM SEE FILL-UP VOLTAGE RESISTANCE TO EARTH TESTING (PER IEEE 1100-87) FOR GROUND ELECTRODE SYSTEMS. THE CONTRACTOR SHALL FURNISH AND INSTALL SUPPLEMENTAL GROUND ELECTRODES AS NECESSARY TO ACHIEVE A TEST RESULT OF 5 OHMS OR LESS.
3. THE CONTRACTOR IS RESPONSIBLE FOR PROPERLY SEQUENCING GROUNDBED AND UNDERGROUND CONDUCT INSTALLATION AS TO PREVENT ANY LOSS OF COMMUNICATION IN THE GROUNDING SYSTEM OR DAMAGE TO THE CONDUIT AND PROVIDE TESTING RESULTS.
4. METAL CONDUIT AND TRAY SHALL BE GROUNDED AND MAKE ELECTRICALLY CONTINUOUS WITH LISTED GROUNDING FITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH #6 COPPER WIRE UL APPROVED GROUNDING TYPE CONDUIT CLAMPS.
5. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED GROUND CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULATION, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER CIRCUITS TO ITS EQUIPMENT.
6. EACH CABINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRE, #6 STRANDED COPPER OR LARGER FOR INSIDE SITES #8 BARE SOLID TINNED COPPER FOR OUTDOOR SITES.
7. CONNECTIONS TO THE GROUND BUS SHALL NOT BE DOUBLE UP OR STACKED BACK TO BACK CONNECTIONS ON OPPOSITE SIDE OF THE GROUND BUS ARE RECOMMENDED.
8. ALL EXTERIOR GROUND CONDUCTORS BETWEEN EQUIPMENT/GROUND BARS AND THE GROUNDING RING SHALL BE #2 BARE TINNED COPPER UNTIL OTHERWISE INDICATED.
9. ALUMINUM CONDUCTOR OR COPPER CLAD STEEL CONDUCTOR SHALL NOT BE USED FOR GROUNDING CONNECTIONS.
10. USE OF BEND RIMS IN THE PROTECTION GROUNDING CONDUCTORS SHALL BE AVOIDED WHEN 45 DEGREES CAN BE ADEQUATELY SUPPORTED.
11. ELECTRIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
12. GROUND CONNECTIONS ABOVE GRADE (INTERIOR AND EXTERIOR) SHALL BE FORMED USING HIGH PRESSURE CLAMPS.
13. GROUNDING CONDUCTOR CONNECTIONS MAY BE REPLACED BY ELECTRIC WELD CONNECTIONS.
14. ICE BRIDGE BONDING CONDUCTORS SHALL BE ELECTRICALLY BONDED OR BOLTED TO THE BRIDGE AND THE TOWER GROUND BUS.
15. APPROVED ANTI-OXIDANT COATINGS (I.E. CONDUCTIVE SIL OR PARAFFIN) SHALL BE USED ON ALL COMPRESSION AND BOLTED GROUND CONNECTIONS.
16. ALL EXTERIOR GROUND CONNECTIONS SHALL BE COATED WITH A CORROSION RESISTANT MATERIAL.
17. MISCELLANEOUS ELECTRICAL AND NON-ELECTRICAL METAL BOXES, FRAMES, AND SUPPORTS SHALL BE BONDED TO THE GROUND RING IN ACCORDANCE WITH THE NEC.
18. BOND ALL METALLIC OBJECTS WITHIN 6 FT OF MAIN GROUNDING RING WITH #2 BARE SOLID TINNED COPPER GROUND CONDUCTOR.
19. GROUND CONDUCTORS USED FOR THE FACILITY GROUNDING AND LIGHTNING PROTECTION SYSTEMS SHALL NOT BE BOUND THROUGH METALLIC OBJECTS THAT FORM A PATH AROUND THE CONDUCTOR (SUCH AS METAL CONDUIT, METAL SUPPORT CLIPS OR SLEDGE THROUGH WALLS OR FLOORS). WHEN IT IS NOT POSSIBLE TO BOND IN ACCORDANCE WITH CODE REQUIREMENTS OR LOCAL CONDITIONS, NON-METAL MATERIAL SUCH AS PVC CONDUIT SHALL BE USED. WHERE USE OF METAL CONDUIT IS UNACCEPTABLE (I.E. NON-METALIC CONDUIT PROHIBITED BY LOCAL CODE) THE GROUND CONDUCTOR SHALL BE BONDED TO EACH END OF THE METAL CONDUIT.
20. ALL GROUNDS THAT TRANSITION FROM BELOW GRADE TO ABOVE GRADE MUST BE #8 BARE SOLID TINNED COPPER IN 3/4" NON-METALLIC, FLEXIBLE CONDUIT FROM 24" BELOW GRADE TO WITHIN 3" OF CAD-WELD TERMINATION POINT. THE EXPOSED END OF THE CONDUIT MUST BE SEALED WITH SILICONE CAULK. (ADDITIONAL GROUNDING STANDARD METAL AS WELL).
21. BUILDINGS WHERE THE MAIN GROUNDING CONDUCTORS ARE REQUIRED TO BE BOUND TO GRADE, THE CONTRACTOR SHALL BOND TWO GROUNDING CONDUCTORS FROM THE ROOFTOP, TOWERS, AND WATER TOWERS TO GROUND, TO THE EXISTING GROUNDING SYSTEM, THE GROUNDING CONDUCTORS SHALL NOT BE SMALLER THAN 2/0 COPPER. ROOF TOP GROUNDING RING SHALL BE BONDED TO THE EXISTING GROUNDING SYSTEM, THE BUILDING STEEL COLUMNS, LIGHTNING PROTECTION SYSTEM, AND BUILDING MAIN WATER LINE (FERROUS OR NON-FERROUS METAL PIPING ONLY). DO NOT ATTACH GROUNDING TO FIRE SPRINKLER SYSTEM PIPES.
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

LEGEND
- Tax Parcels w Related Historic Prop
- City Owned Property
- Historic District
- All Historic Properties
- Parking Lots and Garages
- Buildings
- Railroad
- Parcel
- Border
- Park
- Impervious Surfaces
  - Paved Walk or Surface or Private Road
  - Paved Parking
  - Paved roadway or Public Road
  - Unpaved Drive or Walk or Surface
- Waterway

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Catherine Commons

Zoning Analysis
CR-3 – Use – Multiple Dwelling (Building 4)

Lot Criteria – Figure 1A

Lot Size
- allowed actual complies
  - Minimum area, Multiple dwelling 3,500 SF 8,007 SF YES
  - width at street line, Multiple dwelling 40’ 60’-2” YES

Lot Coverage
- allowed actual complies
  - Maximum, by building 40% (3,179 SF) 39.7% YES
  - Minimum green Space 30% (2,816) 35.1% YES

Min off-street parking
- required actual complies
  - 1 space per unit 13 5 NO

Siting – Figure 1B

Principal building
- allowed actual complies
  - Front setback 10’ 10’ YES
  - Side setback 5’ 47’-6” YES
  - Rear setback 20’ 5’ NO

Height – Figure 2

Principal building
- allowed actual complies
  - Maximum height (stories/feet) 3/35’ 3/34’-10” YES

Floor Height Principal Building
- allowed actual complies
  - Minimum floor height 9’ 9’ YES

Roof
- allowed actual complies
  - Pitched roof required Pitched Pitched YES
  - Roof Pitch min/max 6:12/12:12 12:12 YES

Activation – Figure 2

Street Facade
- allowed actual complies
  - Maximum façade length 45’ 45’ YES
  - Maximum length of blank wall 8’ <8’ YES

Doors and Entries
- allowed actual complies
  - Functioning entry on street facing façade Required Provided YES

Porch
- allowed actual complies
  - Front porch Required Provided YES

Variances Required:
- Minimum Off-Street Parking
- Rear setback
CR-4 – Use – Multiple Dwelling (Buildings 2a and 2b)

Lot Criteria – Figure 3

Lot Size allowed actual complies
Minimum area, Multiple dwelling 3,500 SF 19,698 SF YES
width at street line, Multiple dwelling 40’ 147’-8” YES

Lot Coverage allowed actual complies
Maximum, by building 50% (9,836 SF) 49.9% YES
Minimum green Space 25% (7,220) 36.7% YES

Min off-street parking required actual complies
Demand management plan required 0 0 YES

Siting – Figure 3

Principal building allowed actual complies
Front setback 10’ 10’-6 ½” YES
Side setback, rowhouse 0’ NA YES
Side setback, all other 5’ 32’-2” YES
Rear setback 20’ 5’ NO
Minimum spacing between primary structures 5’ 13’-0” YES

Height – Figure 4

Principal building allowed actual complies
Maximum height (stories/feet) 4/45’ 4/44’-8” YES

Floor Height Principal Building allowed actual complies
Minimum floor height 9’ 9’-4” YES

Roof allowed actual complies
Pitched or flat roof allowed Pitched or flat Flat YES

Activation – Figure 4

Street Facade allowed actual complies
Maximum façade length, rowhouse 100’ 73’-8” YES
Maximum façade length, all other 45’ 42’-7” YES
Maximum length of blank wall 8’ <8’ YES

Doors and Entries allowed actual complies
Functioning entry on street facing façade Required Provided YES

Porch allowed actual complies
Front porch, stoop or recess @ each entry Required Provided YES

Variances Required:
- Rear setback
MU-1 - Use - Multiple Dwelling (Buildings 3a and 3b)

Lot Criteria - Figure 5

Lot Size
- Minimum area, Multiple dwelling: 3,500 SF, actual: 19,945 SF, complies: YES
- Width at street line, Multiple dwelling: 40’, actual: 221’-1”/100’, complies: YES

Lot Coverage
- Maximum, by building: 70%, actual: (13,648) 68.4%, complies: YES
- Minimum green Space: 10%, actual: (2,569) 12.9%, complies: YES

Siting - Figure 5

Principal building
- Front setback: 5’, actual: 5’, complies: YES
- Side setback, rowhouse: 0’, actual: 3’-0”, complies: YES
- Side setback, all other: 5’, actual: 5’, complies: YES
- Rear setback: 10’, actual: 10’, complies: YES

Height - Figure 6

Principal building

Accessory structure not applicable

Floor Height Principal Building
- Minimum floor height, residential: 10’, actual: 10’, complies: YES

Roof
- Pitched or flat roof allowed: Pitched or flat, actual: Flat, complies: YES

Activation - Figure 6

Street Facade
- Maximum façade length, rowhouse: 150’, actual: 150’-0”/89’-10”, complies: YES
- Maximum façade length, all other: 75’, actual: 56’-7”, complies: YES
- Maximum length of blank wall: 12’, actual: <12’, complies: YES

Doors and Entries

Recessed Entry
- Required for each functional entry: Required, actual: Provided, complies: YES

Rowhouse Definition
- Functional entry required: Each rowhouse module, actual: Each rowhouse module, complies: YES

Variances Required:
- Building Height - Stories
- Building Height - Feet
MU-2 – Use - Multiple Dwelling / Retail Store or Service Commercial Facility (Building 1)

**Lot Criteria** - Figure 7

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum area, Multiple dwelling</td>
<td>2,500 SF</td>
<td>13,334 SF</td>
<td>YES</td>
</tr>
<tr>
<td>width at street line, Multiple dwelling</td>
<td>25’</td>
<td>152’-10/61’-6”</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Coverage</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum, by building</td>
<td>100%</td>
<td>(11,484) 86%</td>
<td>YES</td>
</tr>
<tr>
<td>Minimum green Space</td>
<td>0%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Siting**

<table>
<thead>
<tr>
<th>Principal building</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback, min/max</td>
<td>0’/2’</td>
<td>0’</td>
<td>YES</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’</td>
<td>0’</td>
<td>YES</td>
</tr>
<tr>
<td>Rear setback</td>
<td>10’</td>
<td>10’-2 ½”</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principal building</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height (stories/feet)</td>
<td>6/80’</td>
<td>8/90’</td>
<td>NO</td>
</tr>
</tbody>
</table>

**Height**

<table>
<thead>
<tr>
<th>Floor Height Principal Building</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum floor height, street level</td>
<td>12’</td>
<td>12’</td>
<td>YES</td>
</tr>
<tr>
<td>Minimum floor height, upper story</td>
<td>10’</td>
<td>10’</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Roof</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat roof required</td>
<td>Flat</td>
<td>Flat</td>
<td>YES</td>
</tr>
</tbody>
</table>

**Activation** - Figure 8

<table>
<thead>
<tr>
<th>Street Facade</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum glazing at street level</td>
<td>65%</td>
<td>90%</td>
<td>YES</td>
</tr>
<tr>
<td>Maximum length of blank wall</td>
<td>12’</td>
<td>&lt;12’</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Doors and Entries</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum distance bet. Street facing entries</td>
<td>60’</td>
<td>58’</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recessed Entry</th>
<th>allowed</th>
<th>actual</th>
<th>complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required for each functional entry</td>
<td>Required</td>
<td>Provided</td>
<td>YES</td>
</tr>
</tbody>
</table>

**Chamfered Corner**

Required at corners in MU2 district | NO |

**Variances Required:**
- Building Height - Stories
- Building Height - Feet
- Chamfer at Corners in MU-2 District
ZONE - CR-3
USE - MULTIPLE DWELLING

Lot Criteria

<table>
<thead>
<tr>
<th></th>
<th>Lot Size</th>
<th>Building</th>
<th>Green Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Color</td>
<td>8,007 SF</td>
<td>3,179 SF</td>
<td>2,816 SF</td>
</tr>
</tbody>
</table>

Siting

See figure below for setbacks

FIGURE 1A

FIGURE 1B
ZONE - CR-3
USE - MULTIPLE DWELLING

Height

<table>
<thead>
<tr>
<th>Height (Stories/Feet)</th>
<th>Activation</th>
<th>Roof Shape</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/34'-10&quot;</td>
<td>Blank Wall</td>
<td>Pitched 12:12</td>
</tr>
<tr>
<td>Minimum Floor Height</td>
<td>9'-0&quot;</td>
<td>Porch</td>
</tr>
<tr>
<td></td>
<td>Functioning Entry</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>&lt;8'-0&quot;</td>
<td>Yes</td>
</tr>
</tbody>
</table>

GRADE PLANE 670'-11"

BUILDING HEIGHT 34'-10"

FUNCTIONAL ENTRY / PORCH

FIGURE 2
ZONE - CR-4
USE - MULTIPLE DWELLING

Lot Criteria

| Lot Size | 19,698 SF |
| Building | 9,836 SF |
| Green Space | 7,220 SF |

Siting

See figure below for setbacks

FIGURE 3
ZONE - CR-4
USE - MULTIPLE DWELLING

Height

<table>
<thead>
<tr>
<th>Height (Stories/Feet)</th>
<th>Activation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/44'-10&quot;</td>
<td>Blank Wall</td>
</tr>
</tbody>
</table>

Minimum Floor Height

<table>
<thead>
<tr>
<th>Minimum Floor Height</th>
<th>Facade Length, Rowhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>9'-4&quot;</td>
<td>73'-6 1/2&quot;</td>
</tr>
<tr>
<td></td>
<td>42'-7&quot;</td>
</tr>
</tbody>
</table>

Roof Shape

<table>
<thead>
<tr>
<th>Roof Shape</th>
<th>Facade Length, Rowhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat</td>
<td>73'-6 1/2&quot;</td>
</tr>
<tr>
<td>Recessed Entries</td>
<td>42'-7&quot;</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

FIGURE 4
ZONE - MU-1
USE - MULTIPLE DWELLING

Lot Criteria
- Lot Size: 19,945 SF
- Building: 13,648 SF
- Green Space: 2,569 SF

Siting
See figure for setbacks

FIGURE 5
ikon.5 architects
**ZONE - MU-1**  
**USE - MULTIPLE DWELLING**

<table>
<thead>
<tr>
<th>Height</th>
<th>Activation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (Stories/Feet)</td>
<td>7/78'-0&quot; Blank Wall</td>
</tr>
<tr>
<td>Minimum Floor Height</td>
<td>10'-0&quot; Fac. Length, Rowhouse 150'-0&quot;/89'-10&quot;</td>
</tr>
<tr>
<td>Roof Shape</td>
<td>Flat Recessed Entries Yes</td>
</tr>
</tbody>
</table>

**FIGURE 6**

---

**BUILDING 3B**
- Height: 78'-0"
- Grade Plane: 691'-6"
- Recessed Entry

**BUILDING 3A**
- Height: 78'-0"
- Grade Plane: 701'-6"
- Flat Recessed Entries Yes

---

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ZONE - MU-2
USE - MULTIPLE DWELLING / RETAIL STORE OR SERVICE COMMERCIAL FACILITY

Lot Criteria

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>13,334 SF</th>
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<tbody>
<tr>
<td>Building</td>
<td>11,484 SF</td>
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</table>

Siting

See figures below for setbacks

FIGURE 7A

FIGURE 7B
# ZONE - MU-2

**USE - MULTIPLE DWELLING / RETAIL STORE OR SERVICE COMMERCIAL FACILITY**

<table>
<thead>
<tr>
<th>Height</th>
<th>Activation</th>
<th>Activation Details</th>
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</thead>
<tbody>
<tr>
<td>Height (Stories/Feet) 8/90'-0&quot;</td>
<td>Blank Wall</td>
<td>&lt;12'-0&quot;</td>
</tr>
<tr>
<td>Minimum Floor Height, Ground 12'-0&quot;</td>
<td>Ground Level Glazing</td>
<td>90%</td>
</tr>
<tr>
<td>All Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roof Shape Flat</td>
<td>Recessed Entries</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**BUILDING 1**

- **Building Height:** 90'-0"
- **Grade Plane:** 712'-0"
- **Recessed Entry:**

**FIGURE 8**

- **Recessed Entry**

**ikon.5 architects**