BOARD OF ZONING APPEALS (BZA)

AGENDA

The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 6:00 p.m. on Tuesday, February 8, 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. TELECOMMUNICATIONS APPEALS
   A. Appeal Number: 3208
      Address: 110 Dryden Road
      Zone: MU-2
      Applicant: Tilson Technology Management/Dish Wireless LLC
                Nixon Peabody LLP/Verizon Wireless
      Owner: TTEPA Associates, LLC
      Public Hearing: YES
      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 on the roof of a residential structure.

II. NEW APPEALS
   A. Appeal Number: 3201
      Address: 430 N. Cayuga Street
      Zone: R-2b
      Applicant: Gimme Coffee
      Owner: 430 N Cayuga LLC
      Public Hearing: Yes
      Description: Request for an area variance from Section 325-8, Column 4, Off-Street Parking, of the Zoning Ordinance to permanently allow additional outdoor seating on the property’s existing parking area. The property is currently deficient in parking and this will eliminate all on-site parking. The property also has existing deficiencies in Section 325-8, Column 6, Lot Area, Column 7, Lot Width, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, 2nd Front Yard, and Column 13, Other Side Yard, of the Zoning Ordinance that will not be exacerbated by the proposal.

   B. Appeal Number: 3204
      Address: 308 Ithaca Road
      Zone: R-1b
      Applicant: Michael Cook and Laura Miller, Owners
      Public Hearing: Yes
      Description: Request for an area variance from Section 325-25, Location of Accessory Structures to allow the demolition of an existing single-car garage and construction a new garage in approximately the same location, which is located
4.8’ of the 6’ side setback required by the Zoning Ordinance. Section 325-8, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance that will not be exacerbated by the proposal.

C. Appeal Number: 3206  
Address: 1203 N. Cayuga Street  
Zone: R-2b  
Applicant: Mark and Micaela Karlsen, Owners  
Public Hearing: Yes  
Description: Request for an area variance from Section 325-8, Column 6, Lot Area, Column 7, Lot Width, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, Side Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance to allow the construction of a new landing and steps to the front entry. The property has an existing front yard deficiency, and the proposal will exacerbate that deficiency. The construction of the new landing will also increase the maximum lot coverage by buildings to 35.5% of the 35% allowed by the Zoning Ordinance. The property has existing deficiencies in lot area, side yard, and other side yard that will not be exacerbated by the proposal.

D. Appeal Number: 3207  
Address: Cayuga Park (Carpenter Circle)  
Zone: Carpenter Circle PUD  
Applicant: Whitham Planning & Design  
Owners: Cayuga Medical Center  
Public Hearing: Yes  
Description: Request for a sign variance from §272-6 B(2), Number and Size of Permitted Signs in a Commercial Zone, to allow five building signs on the new medical office building at Cayuga Park. This proposal exceeds the maximum number of signs per business by three additional signs. Three of these signs will also exceed the maximum square footage of 50 SF allowed for individual signs.

III. CONTINUED APPEALS  
A. 815 S. Aurora Street, Appeal #3202 – Finalization of Decision

IV. PRELIMINARY PRESENTATIONS & BOARD COMMENTS  
A. None

V. ADMINISTRATIVE MATTERS  
A. March 1st Agenda Review  
B. Joint Training with Planning and Development Board – February 15, 2022

VI. APPROVAL OF MINUTES

VII. 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 # 3208       110 DRYDEN ROAD

Appeal of Tilson Technology Management and Dish Wireless LLC as well as Nixon Peabody LLP and Verizon Wireless on behalf of property owner TTEPA Associates, LLC for an area variance from Section 325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance. Dish Wireless proposes to add an antenna array to an existing personal wireless service facility (PWSF) located on the rooftop of the property at 110 Dryden Road. The new array will be an addition to existing communications antennas on the property and is considered a modification of the existing PWSF. Verizon Wireless is proposing to replace an existing array on the property with new equipment and this is also 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 located on top of a residential building. This is an existing deficiency that will not be exacerbated by this proposal.

110 Dryden Road is located in the MU-2 district in which the proposed PWSF is permitted. However, Sections 325-29.6 and 325-29.16 require compliance with Article VA, including the location requirements set forth in Section 325-29.8, before a building permit may be issued. Section 325-29.28 authorizes the Board of Zoning Appeals to grant a variance from any provision of Article VA.
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 #: 3208 (FILLED IN BY STAFF)
   HEARING DATE: 2/8/2022
   BUILDING PERMIT #: NOT YET RECEIVED (REQUIRED)
   RECEIPT #: 66757 (FILLED IN BY STAFF)

2. Property Address: 110 Dryden Road, Ithaca, NY
   Use District: MU-2

   Owner’s Name: Travis Hyde Properties
   Owner’s Address: PO Box 6531

   City: Ithaca
   State: NY
   Zip: 14851

3. Appellant’s Name: Tilton Technology Management (on behalf of Dish Wireless, LLC)
   Appellant’s Address: 16 Middle Street, Fourth Floor

   City: Portland
   State: ME
   Zip: 04101

   Telephone: 508 789 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.

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

   Appellant Signature: [Signature]

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 16TH day of December, 2021

Notary Public: [Signature]

Eliza Rancourt-Smith
Notary Public, State of Maine
My Comm. Expires October 2, 2026

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>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<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)
☐ 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. ________, dated ____________
Appeal No. ________, dated ____________
Appeal No. ________, dated ____________
Appeal No. ________, dated ____________

5. Notes or Special Conditions:
OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: 3208

DATE: 1/29/2021

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

I (We) ___________________________ of ___________________________

(Name)

16 Middle Street, Fourth Floor

(Street Address)

Portland, ME 04101

(City/Municipality) (State & Zip Code)

Owner of the property at ___________________________

PO Box 6531, Ithaca NY 14851

(Street & Number)

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

☒ This property is also owned by Travis Hyde Properties

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

I do hereby authorize Melanie Dorn to appeal or request a

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

2/1/2021 meeting of the Board of Zoning Appeals.

(Date)

Melanie Dorn

(Signature)

STATE OF NEW YORK

COUNTY OF TOMPKINS

Sworn to this 16TH day of

December 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.
CITY OF ITHACA
108 East Green Street — 3rd Floor  Ithaca, New York  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     Email: mwilson@cityofithaca.org

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 #: 3208                     DATE: 1/26/22

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

I (We) TTEPA Associates, LLC

(Name)
of 323 North Tioga Street

(Street Address)

Ithaca, NY 14850

(City/Municipality) (State & Zip Code)

Owner of the property at 110 Dryden Road

(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 Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless to appeal or request a

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

February 8, 2022

(Date)

meeting of the Board of Zoning Appeals.

Signature 1/26/2022

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 26 day of

JANUARY, 2022

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

APPEAL NO. 3208

TO: Owners of Property within 200 feet of 110 Dryden Road and others interested.

(property address)

FROM: Tilson Technology Management, Inc (on behalf of Dish Wireless) applicable to property named above, in MU-2 zone.

(name of person or organization making appeal)

REGARDING: (check appropriate box)

☐ 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 1/25/2022 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7rJN1P_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 2/1/2022 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.
RE: Area Variance Application, Rooftop Personal Wireless Service Facility at 110 Dryden Road, 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 110 Dryden Road, 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 Travis Hyde Properties.

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 site is taking the place of 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 the building is residential apartments.

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
February 1, 2022

VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL

Board of Zoning Appeals
City of Ithaca
108 East Green Street
Ithaca, NY 14850

RE: Upgrade of Verizon Wireless’ existing “Collegetown” wireless telecommunications facility – located at 110 Dryden Road, City of Ithaca -

Members of the Board of Zoning Appeals:

We represent Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless (“Verizon”), who, on May 27, 2021 applied to the City of Ithaca (the “City”) for a building permit to upgrade its existing telecommunications facility (the “Project”) located at 110 Dryden Road in the City (the “Site”).

The background of this matter is as follows:

- Verizon submitted project plans to the City for review and approval on May 27, 2021;

- After no response from the City, Verizon submitted an application to the City for a building permit (the “Application”) on July 13, 2021;

- In email correspondence dated July 30, 2021 the City responded to the Application noting that the Project would fall under a new zoning ordinance under proposal by the City, with an anticipated completion of that ordinance by September, 2021. The City further indicated in their response that Verizon would need to apply for a variance and numerous other discretionary approvals for the Project.

- On August 11, 2021 in response to the City’s July 30, 2021 correspondence, Verizon submitted additional information documenting that the Project qualifies as an “eligible facilities request” (as defined below);
Thereafter, in e-mails dated November 4 & November 17, 2021, Victor Kessler, Assistant City Attorney informed us that the Project requires review and approval from the City Planning Department as well as a variance from the Board of Zoning Appeals (the “BZA”);

In response, on December 16, 2021, Verizon Wireless submitted additional application materials to the City Planning Department;

On January 10, 2022, Lisa Nicholas, City Planning Director, granted site plan approval, conditioned upon receipt of a variance from the BZA and a building permit;

On January 20, 2022, Megan Wilson, City Zoning Administrator requested Verizon to submit a completed BZA application form; and

On January 25, 2022, we submitted the requested BZA application form.

The Application is scheduled to be heard by the BZA at its February 8, 2022 meeting.

Applicable Law

As the City is aware, the United States Congress passed the Middle Class Tax Relief and Job Creation Act of 2012. Section 6409 of this Act is known as the “Spectrum Act,” which is codified in 47 U.S.C. § 1455, and further clarified by the Federal Communications Commission (the “FCC”) in 47 C.F.R. § 1.6100 (see Applicable Federal Standards attached hereto as Exhibit “A”).

The General Rule of Section 6409 is that a State or local government shall not deny and must approve any eligible facilities request for a modification of an existing tower or base station that does not “substantially change” the physical dimensions of such tower or base station. An eligible facilities request is defined under 47 C.F.R. §1.6100(b)(3) as: any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or such base station, involving (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

The FCC has further defined what a “substantial change” is under 47 C.F.R. 1.6100(b)(7): for towers: the modification increases the height of the existing tower by more than ten percent (10%), or the array to be installed is more than twenty feet (20’) above the highest existing antenna array on the tower; for eligible support structures other than towers (i.e., rooftops): the proposed modification exceeds the height of the existing structure by more than ten percent (10%) or more than ten feet (10’), whichever is greater; the modification involves the installation of more than four (4) equipment cabinets and the equipment cabinets are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated
with the existing base station; the modification entails excavation or deployment outside of the current site; or the modification defeats the concealment elements currently existing in connection with the existing eligible support structure.

The purpose and justification of the Spectrum Act and its further definitions from the FCC are to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunication and information technologies and services. The goal is to bar states and local governments from interfering with the expansion of wireless networks by specifically preempting local regulation of modification applications that meet certain standards (as set forth above).

Here, Verizon seeks to modify and upgrade the equipment in its existing approved facility in order to maintain adequate and reliable wireless telecommunications service coverage to its Collegetown coverage area in the City of Ithaca. Verizon is proposing to replace nine (9) existing wireless telecommunications antennas (three per sector) with twelve (12) proposed antennas (four per sector); the replacement of six (6) existing RRH units with six (6) proposed RRH units (two per sector); and the replacement six (6) existing raycap units (two per sector) with three (3) 12-circuit raycap units (one per sector) with associated cabling at the Site. The antennas will be mounted on the existing roof mounts at each sector with a centerline elevation of 76’0” above ground level. On August 11, 2021, Verizon submitted documentation and information documenting that the Project qualifies as an “eligible facilities request.”

Further, the FCC has stated (as codified in 47 C.F.R. § 1.6100 (c)) that the State or local government may only require an applicant to provide documentation or information reasonably related to determine whether the request meets the requirement of 47 C.F.R. § 1.6100. To that end, Verizon is required to submit only those materials necessary to determine whether the Project qualifies as an “eligible” structure under the Spectrum Act, and the City is prohibited from requiring Verizon to submit any additional information.

Moreover, pursuant to 47 C.F.R. § 1.6100 (c)(2),(5), once an eligible facilities request is made, the State or local government must review and approve the modification within sixty (60) days of submission, or else the request shall be deemed granted. Here, the City received project plans on May 27, 2021, and a building permit application on July 13, 2021. The City’s time to process the Application, including the issuance of the required building permit, has long since passed. Nevertheless, Verizon agreed to work side by side with the City to complete the administrative site plan approval and BZA process, under protest and while reserving its rights under applicable law.

As we prepare for the February 8, 2022 BZA meeting, we wanted to reiterate the fact that the Project is an “eligible facilities request” under federal law and as such, the BZA is directed to 47 CFR 1.6100(c) which states that the BZA “may not deny and shall approve” the Project/
Thank you for your time and attention to this matter.

Very truly yours,

[Signature]

Jared C. Lusk

JCL
Enclosure: Exhibit A

cc (via email): Meghan Elizabeth Riley, Esq.
Doug Morrison
Megan Wilson
EXHIBIT “A”

APPLICABLE FEDERAL STANDARD

The Spectrum Act of 2012

To facilitate the rapid deployment of “eligible facilities requests” on existing wireless telecommunications infrastructure, Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012, Section 6409 (“TRA” or “Spectrum Act”), which is codified in 47 U.S.C. § 1455. The FCC later clarified the Spectrum Act by codifying implementing regulations which are contained in 47 C.F.R. § 1.6100 (a copy of the implementing regulations is attached).

Under this Federal law (intended to facilitate the rapid deployment wireless telecommunications infrastructure throughout the United States), a State or local government must approve “any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.” 47 C.F.R. § 1.6100(b)(3). Stated another way, “Section 6409, also known as the Spectrum Act, limits local authority to bar collocation or other modification efforts by forbidding localities from exercising their zoning authority to deny providers’ requests to modify wireless equipment, so long as the proposed modification does not substantially change the physical dimensions of the facility. The purpose and effect of the statute is to bar states from interfering with the expansion of wireless networks by preempting local regulation of collocation and barring states from denying modification applications that meet certain standards” (internal quotations/citations omitted). ExteNet Systems, Inc. v. Village of Pelham, 377 F.Supp.3d 217 (SDNY 2019). Further, Congress “has a goal of providing for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services ... by opening all telecommunications markets to competition,” and also “limits the state and local government’s authority to deny construction of wireless telecommunications towers” (internal quotations/citations omitted). Cellco Partnership v. Town of Clifton Park, 365 F.Supp.3d 248 (NDNY 2019) (emphasis added).
In relevant part, an “eligible facilities request” is defined as “any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.” 47 C.F.R. § 1.6100(b)(3); see also 47 U.S.C. § 1455.

i. Existing wireless telecommunications tower or “base station”

In its implementing regulations, the FCC has defined the term “base station” as a “structure or equipment at a fixed location [(including a rooftop)] that enables Commission-licensed or authorized wireless communications between user equipment and a communications network.” 47 C.F.R. § 1.6100(b)(1). The term “tower” is defined as “any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” 47 C.F.R. § 1.6100(b)(9).

ii. Changes in the physical dimensions of the “eligible support structure”

The FCC implementing regulations have similarly been development to definitively provide that a modification does not “substantially change the physical dimensions of an eligible support structure” if it satisfies the following criteria:

1. For towers, the proposed modification does not increase the height of the existing tower by the greater of: (i) more than 10% of the height of the existing tower, or (ii) the array to be installed is not more than 20’ above the highest existing antenna array on the tower.

2. For “eligible support structures” other than towers (i.e., rooftops), the proposed modification does not exceed the height of the existing structure by more than 10% or more than 10’, whichever is greater.
3. The modification only involves the installation of more than the standard number of equipment cabinets for the technology involved, and does not exceed 4 cabinets in the aggregate, and the modification does not involve the installation of cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the existing base station.

4. The modification does not entail any excavation or deployment outside of the current site.

5. The modification does not defeat the concealment elements currently existing in connection with the existing “eligible support structure.” 47 C.F.R. § 1.6100(b)(7).

Under the applicable FCC implementing regulations, when an applicant/carrier asserts that it is subject to the Spectrum Act, the State or local government may only “require the applicant to provide documentation or information . . . reasonably necessary to determin[e] whether the request meets the requirements” of 47 CFR § 1.6100. 47 CFR § 1.6100(c)(1). “A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.” Id.

Under the Spectrum Act, a State or local government shall approve an application submitted by an applicant/carrier within 60 days of submission, or the request shall be deemed granted. See 47 CFR § 1.6100(c)(2),(5).

In the present case, the Collegetown (which, as explained below, is a modification to an “eligible support structure” under the Spectrum Act) is needed for Verizon Wireless to maintain adequate and reliable wireless telecommunications service coverage to the Collegetown service area in the City of Ithaca.

Here, Verizon Wireless’ Project is to be construed an “eligible support structure” pursuant to the Spectrum Act. To that end, Verizon Wireless is required to submit only those materials necessary to determine whether the Upgrade Project qualifies as an “eligible” structure under the Spectrum Act (and the Town is prohibited from requiring Verizon Wireless to submit any additional information).
Therefore, Verizon Wireless satisfies the requisite requirements for expedited approval of the Project (in 60 days or less) or the Project will be deemed approved pursuant to the express requirements of the Spectrum Act.
47 CFR § 1.6100 - Wireless Facility Modifications.

§ 1.6100 Wireless Facility Modifications.

(a) [Reserved]

(b) Definitions. Terms used in this section have the following meanings.

1. **Base station.** A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
   
   (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
   
   (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
   
   (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
   
   (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

2. **Collocation.** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

3. **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
   
   (i) Collocation of new transmission equipment;
   
   (ii) Removal of transmission equipment; or
   
   (iii) Replacement of transmission equipment.
(4) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

(7) Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

   (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

   (A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

   (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

   (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves
installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

(8) Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(9) Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(c) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

(2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.
(3) **Tolling of the timeframe for review.** The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(4) **Failure to act.** In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) **Remedies.** Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals  Zoning Appeal # 3208

I, Melanie Dorn, 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 1/19/2021. 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.

(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
**DISH WIRELESS, LLC**

**SITE ID:** SYSYR00343B

**110 DRYDEN ROAD**

**ITHACA, NY 14850**

---

**SCOPe OF WORK**

This is an All-Inclusive bid and Contractor shall utilize specified equipment parts or services if specified. The project consists of the following:

- **SHEET TITLE:** Site Photo
- **SHEET NO.:** T-1

**GENERAL NOTES**

- The contractor shall verify all plans, specifications, and drawings before proceeding with the work.
- The job sites shall be left in a safe and secure manner.
- No damage or injury will be caused to any property.
- Proper care shall be taken to maintain all equipment in good working order.
- Under No Condition shall the contractor accept any liability for any damage or injury caused by any equipment or personnel.

---

**SITE PHOTO**

DIRECTIONS FROM ITHACA TO FARMS: Turn left onto MAIN STREET and then left onto WATKINS STREET. Continue ahead until you reach DISH WIRELESS, LLC. Site will be on the left.

---

**SITE LOCATION**

---

**CONSTRUCTION DOCUMENTS**

- **SHEET INDEX**
- **SHEET TITLE**
- **DATE MODIFIED**
- **DRAWN BY**
- **CHECKED BY**
- **APPROVED BY**

---

**SHEET NUMBER:** T-1
LOCATION MAP

DIRECTIONS TO SITE: (FROM ROCHESTER) 1-90 EAST TO EXIT 1, TURN RIGHT TO MORENTA ROAD THEN LEFT ONS MORENTA ROAD TO A LEFT ON US 10, FOLLOW US 10 TO A LEFT ONTO EDY STREET, FOLLOW EDY STREET TO A LEFT ONTO SR89, FOLLOW SR89 TO A LEFT ONTO SR96, FOLLOW SR96 AND CONTINUE STRAIGHT ONTO BURG STREET, TURN LEFT ONTO EDDY STREET, THEN A LEFT ONTO ROYAL ESTATE, SITE TO THE LEFT.

LOCATION CODE: 181399

110 DRYDEN ROAD
ITHACA, NY 14850

PROJECT NUMBER: 20202198275

CONTRACTOR NOTES

1. CONTRACTOR TO COMPLETE A POST MODIFICATION INSPECTION (PMI) AND COMPLETE A PMI FORM TYPING INSPECTION TO THE TER SITE AND COMPLETE A PMI FORM TYPING APPROVAL TO THE TERR SITE.

2. CONTRACTOR SHALL NOT DEVIATE FROM INSTALLATION CONFIGURATION SHOWN IN THE LATEST ROOF ANALYSIS COMPLETED FOR THIS PROJECT.

3. PRIOR TO ANY FIELD MODIFICATIONS, THE CONTRACTOR SHALL COMMUNICATE WITH THE FIELD OR CONSTRUCTION ON ANY FUTURE MODIFICATIONS. IF ANY APPROVALS ARE NECESSARY, THE CONTRACTOR SHALL DOCUMENT ANY APPROVED FIELD MODIFICATIONS TO THE SITE AND INCLUDE THE NEW FIELD MODIFICATIONS IN THE GLASS authentication PROCESSED TO THE TERR SITE.

TRACTOR NAME: COLLEGETOWN

SITE ADDRESS: 110 DRYDEN ROAD
ITHACA, NY 14850

CONTACT: DOUGLAS MORRISON
PHONE: (315) 701-1311

PROJECT DIRECTOR: NATIONAL GRID
PHONE: (800)-620-7111

PWR. COMPANY: NATIONAL GRID
PHONE: (800)-620-7111

POWER COMPANY: NATIONAL GRID
PHONE: (800)-620-7111

CONTRACT DRAWINGS FOR THE CONSTRUCTION OF

VERIZON WIRELESS

SITE NAME: COLLEGETOWN

PROJECT NUMBER: 20202198275

LOCATION CODE: 181399

110 DRYDEN ROAD
ITHACA, NY 14850

C&S PROJECT: 042.001.013

APRIL 2021

DRAWING LIST

SHEET NO. SHEET NAME REV DATE
G-001 TITLE SHEET 4 12-2-21
C-100 ROOFTOP PLAN 4 12-2-21
C-101 ROOFTOP ANTENNA LAYOUT PLAN 4 12-2-21
C-201 BUILDING ELEVATIONS 4 12-2-21
C-501 DETAILS & NOTES 4 12-2-21
C-502 SITE SIGNAGE DETAILS 4 12-2-21

APPROVALS

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT BALLASTS, Ме ау FRONT, бар or 1\'а;аÉа', 110 DRYDEN ROAD. THE SITE IS IDEAL FOR USE AS AN OFFICE. WATER, ORILAT DISPOSAL IS REQUIRED AND NO COMMERCIAL DISPOSAL IS PROPOSED.
NOTE:
ROOFTOP PLAN LAYOUT SHOWN IS BASED ON EXISTING HISTORICAL INFORMATION. C&S DID NOT VISIT THE SITE TO INDEPENDENTLY VERIFY THE CURRENT CONDITIONS. IF DIFFERENT CONDITIONS EXIST WHICH INTERFERE WITH THE PROPOSED WORK, CONTRACTOR SHALL NOTIFY THE ENGINEER.
A1 BUILDING ELEVATION W/ EXISTING

A3 BUILDING ELEVATION W/ PROPOSED

PROPOSED VERIZON 700/850/AWS ANTENNA (TYP. 1 PER SECTOR, TOTAL OF 3)

PROPOSED AWS/PCS RRH (TYP. 1 PER SECTOR, TOTAL OF 3)

PROPOSED VERIZON CBRS CLIP ON ANTENNA (TYP. 1 PER SECTOR, TOTAL OF 3)

PROPOSED F1 CBRS CLIP ON ANTENNA (TYP. 1 EACH PER SECTOR, TOTAL OF 3 EACH)

ANALYSIS OF THE EXISTING MOUNT HAS BEEN COMPLETED BY AEROSMITH ENGINEERING. DATED 3/1/21. C&S DID NOT ANALYSE THE EXISTING ANTENNA MOUNTS FOR THE PROPOSED LOADING. THE ILLUSTRATION OF THE PROPOSED ANTENNAS ON THIS BUILDING SHALL NOT BE CONSTRUED AS CERTIFICATION BY THE UNDERigned ENGINEER THAT SUCH ANALYSIS HAS BEEN COMPLETED.

A STRUCTURAL ASSESSMENT OF THE EXISTING BUILDING HAS BEEN COMPLETED BY C&S ENGINEERING. DATED 3/1/21. CONTRACTOR SHALL REVIEW SAID ASSESSMENT PRIOR TO INSTALLATION OF ANY EQUIPMENT.

FOR ANTENNA MOUNTING DETAIL, SEE: 100 DRYDEN ROAD

C-201

VERIZON WIRELESS

SITE NAME: COLLEGE TOWN
LOCATION CODE: 187275
100 DRYDEN ROAD
ITHACA, NY 14850

C&S Engineers, Inc.
4950 8th Street - Suite 110
San Diego, CA 92121
Phone: 858.565.2000
Fax: 858.565.9787
www.csings.com
WEATHER RESISTANT 'T'EllOW PLASTIC CHAIN (TYP)

24" BASE TO BE FILLED WITH 50 LB BAG OF SAND
TOP OF EXISTING ROOF

NOTES: 1. BARRIER SUPPORT POSTS TO BE PRE-DRILLED TO HOLD RF SIGNAGE.
2. RF SIGNAGE TO BE IN ACCORDANCE WITH RF REPORT DATED MAY 5, 2020.

CAUTION
Transmitting Antenna(s)
Radio frequency fields beyond this point MAY EXCEED the FCC Occupational exposure limit.
Obey all posted signs and site guidelines.
Call Verizon at 1-800-264-6620 PRIOR to working beyond this point.
Site ID/ PSLC: ___

INFORMATION
This is an ACCESS POINT to an area with transmitting antennas.
Obey all posted signs and boundaries beyond this point.
Call Verizon at 1-800-264-6620 for more information.
STATE: _______ SWITCH: _______ 
Site ID/ PSLC: ___

NOTICE
Transmitting Antenna(s)
Radio frequency fields beyond this point MAY EXCEED the FCC General Population exposure limit.
Obey all posted signs and site guidelines.
Call Verizon at 1-800-264-6620 PRIOR to working beyond this point.
Site ID/ PSLC: ___

NOTICE
General Radio Frequency (RF) Safety Guidelines
Until all applicable antennas have been deactivated, please observe the following:
1. Obey all posted signs.
2. Assume all antennas are transmitting.
3. Do not touch any antenna.
4. Do not stand in front of any antenna.
5. Do not walk in front of any antennas.
6. Do not work beyond any signs, barriers, or visual markers towards any antennas.
7. Contact antenna owner or property owner if there are any questions or concerns.

C&S Companies
C&S Engineers, Inc.
30 E. 42nd Street, Suite 3000
New York, NY 10017
Tel: 212.571.5555
Fax: 212.571.5667
www.csengineering.com

66.8' AG L

18'

NO PARAPET

Barricade

C-502

Copyright 2015

LSUBS RF SIGNAGE DETAILS

C-502
Appeal of Gimme Coffee! on behalf of property owner 430 N Cayuga LLC for an area variance from Section 325-8, Column 4, Off-Street Parking, Column 6, Lot Area, Column 7, Lot Width, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, 2nd Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance. In 2020, the applicants temporarily installed outdoor seating on top of the surface parking behind the Gimme Coffee! Location at 428-430 N. Cayuga Street to provide additional outdoor space during the COVID-19 pandemic. The applicants now propose to make this outdoor area permanent, which will remove the property’s 4 on-site parking spaces. In addition to Gimme Coffee! on the ground floor, the building contains 5 apartments on the upper stories. The property has a total requirement of 6 off-street parking spaces. The property is deficient in off-street parking and the removal of the 4 spaces will exacerbate this existing deficiency.

The property also has existing deficiencies in use, lot area, lot width, lot coverage by buildings, front yard, 2nd front yard, and other side yard that will not be exacerbated by this proposal.

430 N. Cayuga Street is located in a R-2b use district in which the coffee shop is permitted by special permit. However, Section 325-32 requires that an area variance be granted before the final approval of the outdoor area is issued.
**City of Ithaca**  
**Board of Zoning Appeals Worksheet**

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>3201</td>
<td>430 N. Cayuga Street</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use District</th>
<th>Date</th>
<th>Applicant</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2b</td>
<td>2/8/2022</td>
<td>Gimme Coffee</td>
<td>430 N Cayuga, LLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Type:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Variance</td>
</tr>
</tbody>
</table>

<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>
</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>Other Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Existing Condition and Use</td>
<td>Coffee Shop; Multiple Dwelling</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>Two Family Zone</td>
<td>6</td>
<td>None Required</td>
<td></td>
<td>4,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50’ but not less than 20’</td>
<td>None</td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>Def.*</td>
<td></td>
<td>Def.</td>
<td></td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Coffee Shop; Multiple Dwelling</td>
<td>0</td>
<td></td>
<td></td>
<td>3,300</td>
<td>33</td>
<td>3</td>
<td>~33</td>
<td>61.4%</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>34’ or 34%</td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Two Family Zone</td>
<td>6</td>
<td>None Required</td>
<td></td>
<td>4,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50’ but not less than 20’</td>
<td>None</td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>Def.*</td>
<td></td>
<td>Def.</td>
<td></td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** 
Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.

* Gimme Coffee has a special permit to operate as a neighborhood commercial facility and as such is considered a conforming use. The property has established rights to the multiple dwelling use in the upper stories.
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 #: 3201 (FILLED IN BY STAFF)
   HEARING DATE: 11/3/21
   BUILDING PERMIT #: N/A (REQUIRED)
   RECEIPT #: 66026 (FILLED IN BY STAFF)

2. Property Address: 430 N. Cayuga St. Ithaca, NY 14850
   Use District: R-2b

   Owner’s Name: 430 North Cayuga, LLC
   Owner’s Address: 1203 W. Glass Ave

   City: Spokane
   State: WA
   Zip: 99205

3. Appellant’s Name: Colleen Anunu
   Appellant’s Address: 839 Snyder Hill Rd.

   City: Ithaca
   State: NY
   Zip: 14850

   Telephone: 607 279 6638
   E-Mail: colleen.anunu@gimmecoffee.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.

   ☑ 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
* Not Required
Per Zoning Administrator, 20____

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.
CITY OF ITHACA BOARD OF ZONING APPEALS
APPLICATION WORKSHEET

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- 8, Columns 4, 6, 7, 10, 11, 12, 13</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<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)
- □ 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. ________, dated ____________
   - Appeal No. ________, dated ____________
   - Appeal No. ________, dated ____________
   - Appeal No. ________, dated ____________

5. Notes or Special Conditions:
   - Gimme Coffee has a special permit to operate as a neighborhood commercial facility within the R-2b zone. The special permit is attached.
April 30, 2003

Kevin Cuddeback
430 N. Cayuga St.
Ithaca, NY 14850

RE: Board of Zoning Appeals meeting of April 1, 2003
Appeal Number 2575

Dear Mr. Cuddeback:

The Board of Zoning Appeals considered your request to renew a special permit to operate the coffee shop at 430 North Cayuga Street. The decision of the Board was as follows:

Resolved, that the Board of Zoning Appeals is lead agency for environmental review and that the Board of Zoning Appeals makes a negative declaration of significant environmental impact, based on the Short Environmental Assessment Form on file in the Building Department dated February 23, 2003.

Resolved, that the Board of Zoning Appeals renew the special permit requested in Appeal Number 2575 for the property at 430 North Cayuga Street, with the following findings of fact:

1. The property is located in an R-2b residential district.

2. The Board moves to renew the special permit required at the end of the three year period from the issuance of the original special permit, Appeal Number 2449 dated March 2, 2000, and with this approval to remove any further periodic reviews.

3. The two issues that prompted the Board initially three years ago to attach a three year review period being parking and trash concerns have not proven to be substantial problems in the vast preponderance of views expressed within the neighborhood and by those familiar with the business.

4. In terms of the overall benefit of the business to the neighborhood, especially its social and community roles, there is overwhelming indication that there is a very positive effect on the entire neighborhood.
RE: Board of Zoning Appeals meeting of April 1, 2003
Appeal Number 2575

5. The Board of Planning and Development finds that the overall impact of this business on the neighborhood is positive. It expressed some concerns about parking, and suggests that the operator of the business bear the cost of a curb extension to prevent parking immediately in front of the premises. This Board feels that that problem could be addressed by proper enforcement of the posted parking regulations.

6. The owner of the business has offered to add a receptacle in front of the store during business hours to reduce any potential trash problem, so this should be even less of a concern than it has been to date.

7. The original wording of the special use permit granted three years ago remains intact absent the provision for further review by this Board.

Vote: 5 yes votes; Appeal granted.

Sincerely,

Phyllis Radke, Secretary
Board of Zoning Appeals

PR/kb

NOTE 1: The date of this letter is the date of filing for the purposes of appeal of this decision. There is a statute of limitations on the filing of an Article 78 appeal of thirty (30) days from the filing of this decision.
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 #: 3201  DATE: 9/21/21

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

I (We) Alice Herz of 1203 W. Clauss Ave, Spackenkill, NY 14850

Owner of the property at 428-430 N Cayuga St, Ithaca, NY 14850

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

☒ This property is also owned by Kevin Cuddihy and I have a Power of Attorney to authorize this appeal (attach POA).

I do hereby authorize Colleen Armow, Kevin Cuddihy and/or Colleen. Colleen to appeal or request a Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the Nov. 3, 2021 meeting of the Board of Zoning Appeals.

Washington
Spackenkill

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 21st day of September, 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.
Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gimme Coffee at 430 N. Cayuga St.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>&quot;Coffee Garden&quot; outdoor seating</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Project Location (describe, and attach a location map):</td>
</tr>
<tr>
<td>Back lot at 430 N. Cayuga St. Ithaca, NY 14850</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
</tr>
<tr>
<td>The &quot;coffee garden&quot; is an outdoor seating area for customers at Gimme Coffee and our neighbors. The seating is designed to be family friendly, comfortable and open to allow for safe conversation, consumption and study / work. We propose to transform the small parking lot and trash storage into outdoor seating for patrons and the community. The idea is similar to the &quot;parklet&quot; public seating platforms or &quot;terraces&quot; found in other cities.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Name of Applicant or Sponsor:</td>
</tr>
<tr>
<td>Colleen Anunu</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Telephone:</td>
</tr>
<tr>
<td>607 279 6638</td>
</tr>
<tr>
<td>E-Mail:</td>
</tr>
<tr>
<td><a href="mailto:colleen.anunu@gimmecoffee.com">colleen.anunu@gimmecoffee.com</a></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>839 Snyder Hill Rd.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>City/PO:</td>
</tr>
<tr>
<td>Ithaca</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>State:</td>
</tr>
<tr>
<td>NY</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Zip Code:</td>
</tr>
<tr>
<td>14850</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</td>
</tr>
<tr>
<td>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.</td>
</tr>
<tr>
<td>NO  YES</td>
</tr>
<tr>
<td>✔</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>2. Does the proposed action require a permit, approval or funding from any other governmental Agency?</td>
</tr>
<tr>
<td>If Yes, list agency(s) name and permit or approval:</td>
</tr>
<tr>
<td>NO  YES</td>
</tr>
<tr>
<td>✔</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>3.a. Total acreage of the site of the proposed action?</td>
</tr>
<tr>
<td>b. Total acreage to be physically disturbed?</td>
</tr>
<tr>
<td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td>
</tr>
<tr>
<td>&lt; 25 acres 0 acres acres</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>4. Check all land uses that occur on, adjoining and near the proposed action.</td>
</tr>
<tr>
<td>✔ Urban  □ Rural (non-agriculture)  □ Industrial  ✔ Commercial  ✔ Residential (suburban)</td>
</tr>
<tr>
<td>□ Forest  □ Agriculture  □ Aquatic  □ Other (specify): ___________________________</td>
</tr>
<tr>
<td>□ Parkland</td>
</tr>
</tbody>
</table>
5. Is the proposed action, a. A permitted use under the zoning regulations?  
   b. Consistent with the adopted comprehensive plan?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td></td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   b. Are public transportation service(s) available at or near the site of the proposed action?  
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Will the proposed action connect to an existing public/private water supply?  
   If No, describe method for providing potable water:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

11. Will the proposed action connect to existing wastewater utilities?  
   If No, describe method for providing wastewater treatment:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
   b. Is the proposed action located in an archeological sensitive area?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
   If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
   - Shoreline  
   - Forest  
   - Agricultural/grasslands  
   - Early mid-successional  
   - Wetland  
   - Urban  
   - Suburban  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
<th>not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

16. Is the project site located in the 100 year flood plain?  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
   If Yes,  
   a. Will storm water discharges flow to adjacent properties?  
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
   If Yes, briefly describe:  

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Page 2 of 3
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
If Yes, explain purpose and size:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Colleen PK Anunu
Date: 9/20/21
Signature: Colleen Anunu
**Short Environmental Assessment Form**

**Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✔</td>
<td>☐</td>
</tr>
<tr>
<td>11. Will the proposed action create a hazard to environmental resources or human health?</td>
<td>✔</td>
<td>☐</td>
</tr>
</tbody>
</table>
Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Part 3 Not Applicable for BZA 3201

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Ithaca Board of Zoning Appeals

Name of Lead Agency

2/8/2022

Date

David Barken

Chair

Print or Type Name of Responsible Officer in Lead Agency

Megan Wilson

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3201

TO: Owners of Property within 200 feet of 430 N. Cayuga St and others interested.

PROPERTY ADDRESS:

FROM: Colleen Anunu / Gimme Coffee applicable to property named above, in R-2b zone.

NAME OF PERSON OR ORGANIZATION MAKING APPEAL:

REGARDING:

(check appropriate box)

☐ 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 1/25/22 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 2/8/22 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.

Colleen Anunu
Signature of Appellant

3201 Krums Corners Rd. Ithaca, NY 14850
Address

10/7/21
Date
October 7, 2021

Re: Notice of Appeal for Cayuga St. Gimme Coffee Outdoor Seating Area

Dear Cherished Neighbor,

This letter is to inform you that Gimme Coffee has applied for an Area Variance with the Ithaca Board of Zoning Appeals to officially approve our outdoor seating area lovingly referred to as “The Coffee Disco Garden”. The creation of this seating area removes three (3) parking spaces from the building of 430 N. Cayuga St. through the construction of modular and moveable wooden benches that will be secured to the blacktop. There are 10 moveable bench units and 3 coffee tables/benches. The space is for Gimme patrons and neighbors to hang out with friends and family and to enjoy being outside with the beautiful seasons.

While the construction of the Coffee Disco Garden had been previously discussed and approved during the Covid state of emergency, the change now needs official approval as it is not in compliance with the minimum off-street parking requirements for the multi-unit building.

We appreciate your continued support during what has been a challenging 18 months for everyone. We hope that you have enjoyed the customer and community space that we have built in the back lot and thank you for your patience during our reopening. Come over for a coffee sometime!

Thank you for your attention,

Colleen Anunu

Co-Managing Director
Gimme! Coffee
<table>
<thead>
<tr>
<th>Parcel</th>
<th>Owner</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>45.-4-10</td>
<td>Stein, Dennis W</td>
<td>110 Lake Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>45.-4-11</td>
<td>Maxwell, William L, Maxwell, Judith B</td>
<td>106 Lake Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>45.-4-12</td>
<td>Rosetree Properties LLC</td>
<td>209 S Geneva Street Ithaca NY 14850</td>
</tr>
<tr>
<td>45.-4-14</td>
<td>Trechter, Sam</td>
<td>15 Upper Rd Brooktondale NY 14817</td>
</tr>
<tr>
<td>45.-4-15</td>
<td>Abrams, Judith</td>
<td>1679 Taughannock Blvd Trumansburg NY 14886</td>
</tr>
<tr>
<td>45.-4-16</td>
<td>Mapes, Barth D, Mapes, Rhonda E</td>
<td>116 Cascadilla St Ithaca NY 14850</td>
</tr>
<tr>
<td>45.-4-9</td>
<td>Foss, Timothy F, Culver, Foss, Doreen</td>
<td>112 Lake Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>46.-7-1</td>
<td>Kapur, Kristna, Mauleon, Luis T Jr</td>
<td>501 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>46.-7-2</td>
<td>Demo, William, Demo, Sarah J</td>
<td>105 Farm St Ithaca NY 14850</td>
</tr>
<tr>
<td>46.-7-22</td>
<td>Bergman-Burns, Elaine I</td>
<td>104 Cascadilla Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>46.-7-23</td>
<td>Kee, Sean</td>
<td>619 Hudson St Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-1-1</td>
<td>Valentine, Barry G, Varricchio, Shane C</td>
<td>427 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-1-25</td>
<td>Potter, Jeremy, Potter, Christine</td>
<td>421 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-1-26</td>
<td>Green, Douglas J</td>
<td>423 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-1-27</td>
<td>Laurel &amp; Dogwood Prop, LLC</td>
<td>PO Box 6441 Ithaca NY 14851</td>
</tr>
<tr>
<td>50.-4-10</td>
<td>Senderovich, Savely, Shvarts, Yelena</td>
<td>426 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-11</td>
<td>Morton, Kenneth A</td>
<td>424 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-12</td>
<td>Corvus Properties LLC</td>
<td>422 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-13</td>
<td>Wall, Ray A</td>
<td>409 W Green St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-14</td>
<td>Simone Attwood Revoc Trust</td>
<td>418 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-3</td>
<td>Yarrow, Matthew M, Yarrow, Erika D</td>
<td>119 Cascadilla Street Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-35</td>
<td>Grout, Brian H</td>
<td>PO Box 3927 Ithaca NY 14852</td>
</tr>
<tr>
<td>50.-4-36</td>
<td>Simone Attwood Revoc Trust</td>
<td>418 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-37</td>
<td>Corvus Properties LLC</td>
<td>422 N Cayuga St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-4</td>
<td>Douglas, Andrew O, Zaharis, Elizabeth</td>
<td>117 Cascadilla St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-5</td>
<td>Erickson, Brian G, Kroog-Erickson, Patricia</td>
<td>115 Cascadilla St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-6</td>
<td>Yvonne Fisher Trust</td>
<td>107 Cascadilla St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-7</td>
<td>Statton, Debra A</td>
<td>105 Cascadilla St Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-8</td>
<td>Lawless, Cecelia B, Sassone, Pierre</td>
<td>768 Bostwick Rd Ithaca NY 14850</td>
</tr>
<tr>
<td>50.-4-9</td>
<td>430 North Cayuga, LLC</td>
<td>1203 W Glass Ave Spokane WA 99205</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Ann Piombino, 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 January 19th, 2022. 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
Gimme Coffee request for Area Variance

Bill Demo
Sun 1/23/2022 11:03 AM
To: Zoning Division <zoningdivision@cityofithaca.org>

We live near the corner of Farm and North Cayuga in relatively close proximity to Gimme Coffee. We support their request for an Area Variance for official approval of their outdoor seating area. It is a welcome neighborhood gathering spot for Gimme customers, and we've detected little impact on parking due to the loss of three parking spaces. It has been our observation that most people in cars that patronize the Cayuga Street Gimme tend to park on the street.

Bill and Sarah Demo
105 Farm St.
bdemo@twcny.rr.com
607-319-1805
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 property owners Michael Cook and Laura Miller for an area variance from Section 325-8, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance as well as Section 325-25, Location of Accessory Structures. The applicant proposes to demolish an existing 12’ x 20’ garage on the property at 308 Ithaca Road and construct a new 16’ by 30’ garage. The new garage will be constructed at approximately the same distance from the side property line as the existing structure; however, this sites the garage at 4.8’ of the required 6’ setback for accessory structures in an R-1 district. In addition, the larger garage will exacerbate an existing deficiency in lot coverage by buildings. The R-1b district allows a maximum of 25% lot coverage by buildings. The property has an existing lot coverage by buildings of 26.4% and the larger garage will increase this to 28.9%.

The property also has existing front yard and other side yard deficiencies that will not be exacerbated by this proposal.

308 Ithaca Road is located in a R-1b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.
City of Ithaca  Board of Zoning Appeals Worksheet

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Use District</th>
<th>Address</th>
<th>Date</th>
<th>Applicant</th>
<th>Owner</th>
<th>Application Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>3204</td>
<td>R-1b</td>
<td>308 Ithaca Road</td>
<td>2/8/2022</td>
<td>Michael Cook</td>
<td>Michael Cook and Laura Miller</td>
<td>Area Variance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Column Number</th>
<th>Column Title</th>
<th>Use</th>
<th>Accessory Use</th>
<th>Off-Street Parking</th>
<th>Off-Street Loading</th>
<th>Lot Area (Sq. Feet)</th>
<th>Lot Width (Feet)</th>
<th>Number of Stories</th>
<th>Height in Feet</th>
<th>% of Lot Coverage</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Other Side Yard</th>
<th>Rear yard: % of depth or number of feet, whichever is less</th>
<th>Minimum Building Height</th>
<th>Accessory Structure Side Setback</th>
<th>Accessory Structure Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Existing Condition and Use</td>
<td>One Family Dwelling</td>
<td>2</td>
<td>6,420</td>
<td>61.6’</td>
<td>2</td>
<td>~21</td>
<td>26.4%</td>
<td>~14</td>
<td>~25</td>
<td>6.7’</td>
<td>~38’ or 35%</td>
<td>~15</td>
<td>None</td>
<td>25% or 50’ but not less than 20’</td>
<td>None</td>
<td>~50’</td>
</tr>
<tr>
<td>3</td>
<td>District Regulations for Existing</td>
<td>One Family Zone</td>
<td>1</td>
<td>None Required</td>
<td>6000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>25%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>14/15</td>
<td>None</td>
<td>6’</td>
<td>3’</td>
<td>OK</td>
</tr>
<tr>
<td>4</td>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Proposed Condition and/or Use</td>
<td>One Family Dwelling</td>
<td>2</td>
<td>6,420</td>
<td>61.6’</td>
<td>2</td>
<td>~21</td>
<td>28.9%</td>
<td>~14</td>
<td>~25</td>
<td>6.7’</td>
<td>~38’ or 35%</td>
<td>~15</td>
<td>None</td>
<td>25% or 50’ but not less than 20’</td>
<td>None</td>
<td>~28’</td>
</tr>
<tr>
<td>6</td>
<td>District Regulation for Proposed</td>
<td>One Family Zone</td>
<td>1</td>
<td>None Required</td>
<td>6000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>25%</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>14/15</td>
<td>None</td>
<td>25% or 50’ but not less than 20’</td>
<td>None</td>
<td>6’</td>
</tr>
<tr>
<td>7</td>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK’</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.*</td>
<td>OK</td>
<td>Def.*</td>
<td>OK</td>
<td>OK</td>
<td></td>
</tr>
</tbody>
</table>

Notes: * The new garage will be located approximately the same distance from the side lot line as the existing. Since the garage will be new construction, this is considered a new area deficiency.

Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:

☑ AREA VARIANCE
☐ SPECIAL PERMIT
☐ USE VARIANCE
☐ SIGN VARIANCE
☐ ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

APPEAL #: 3204 (FILLED IN BY STAFF)
HEARING DATE: 02/01/2022
BUILDING PERMIT #: 42334 (REQUIRED)
RECEIPT #: 66376 (FILLED IN BY STAFF)

2. Property Address: 308 Ithaca Rd, Ithaca NY 14850

Use District: R-1b

Owner’s Name: Michael Cook
Owner’s Address: 308 Ithaca Rd

City: Ithaca
State: NY
Zip: 14850

3. Appellant’s Name: Michael Cook

Appellant’s Address: 308 Ithaca Rd

City: Ithaca
State: NY
Zip: 14850

Telephone: 607-280-7612
E-Mail: mdcooketc@icloud.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.

☑ 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

Notary Not Required
Per Zoning Administrator

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- 8, Columns 10, 11, 13</td>
<td>§272-</td>
</tr>
<tr>
<td>§325- 25C</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<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)
- □ 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. ________, dated ____________
- Appeal No. ________, dated ____________
- Appeal No. ________, dated ____________
- Appeal No. ________, dated ____________

5. Notes or Special Conditions:
-- NOTICE OF APPEAL --

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3204

TO: Owners of Property within 200 feet of 308 Ithaca Rd, Ithaca NY 14850 and others interested.

FROM: Michael Cook and Laura Miller applicable to property named above, in R1-b zone.

REGARDING: (check appropriate box)

[ ] 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 01/25/2022 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW21VCnTrDg. 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 02/08/22 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

308 Ithaca Rd, Ithaca NY 14850

Date

01/18/2022
Hello neighbors,

My wife and I are writing to you because our house is within 200 ft of yours, thus necessitating the attached Notice of Appeal from the City of Ithaca regarding some construction we hope to do on our garage once the weather warms up.

In the event we haven't met yet (and the pandemic has unfortunately prevented us from meeting most people more than a house or two in any direction!) I can provide a little background on ourselves and our project.

My wife (Laura Miller) and I purchased our home at 308 Ithaca Rd a little over two years ago. She was born and raised less than three blocks away on Bryant Ave, where her parents still live. I grew up on South Hill, but my dad lived on Dryden Ave when he was younger. We have strong roots in Ithaca and in the Belle Sherman neighborhood in particular, and intend to be here for the long term.

The garage on our property (a detached one-car garage) has seen better days. The roof will need replacing in the next year or two, the main door's opening mechanism is temperamental at best, and the inside has clearly taken on its share of moisture over the years.

Rather than repairing a structure that desperately needs replacing, we are hoping to remove the existing garage and build a new one that better suits our needs. As the setback requirements in the neighborhood have changed since it was built almost half a century ago, we're applying for an Area Variance from the City to complete this work. The new garage would be set slightly further back into our back yard, bringing it away from our neighbors' houses as well as elongating our driveway so we can better fit our two cars. Right now both vehicles don't fit in the driveway unless they're bumper-to-bumper, leaving no space to walk between them or to accommodate a visiting guest. The original garage for the house was actually located where we'd like to build the new one, but it was torn down and rebuilt in its current location sometime in the 1950s or 1960s.

The new garage itself would be built in the exact style of the current one (and our house). To better fit a modern vehicle (and our gardening supplies!) it would be slightly larger (about 4ft wider and 7ft longer), but the additional space would be built towards our house so as to keep the current distance from our neighbors the same. We'd also like to add an upstairs room to it to give Laura some much-needed space for her hobby of painting; she seldom likes to work on canvasses smaller than 4ft wide, which in the available rooms in our house is a tight squeeze.

We hope that this project can add some beauty to the neighborhood and help us utilize our home in the way we've always envisioned, as well as restore the property to its original configuration. If you have any questions regarding this (or just want to say hi and introduce yourselves!) please don't hesitate to get in contact with us. Thank you!

Best,

Michael Cook  Laura Miller
<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Owner</th>
<th>Mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700 65.-2-1</td>
<td>Ke Zhang</td>
<td>509 Dryden Rd</td>
</tr>
<tr>
<td>500700 65.-2-2.1</td>
<td>Joshua Liptzin</td>
<td>511-13 Dryden Rd</td>
</tr>
<tr>
<td>500700 65.-2-2.2</td>
<td>Joshua Liptzin</td>
<td>511-13 Dryden Rd</td>
</tr>
<tr>
<td>500700 65.-2-3</td>
<td>Yilai Xu</td>
<td>515 Dryden Rd</td>
</tr>
<tr>
<td>500700 65.-2-4</td>
<td>G &amp; L Myer Rev Trust</td>
<td>310 Ithaca Rd</td>
</tr>
<tr>
<td>500700 65.-2-5</td>
<td>Theresa Lyczko, Jonathan Laskowitz</td>
<td>316 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-1-1</td>
<td>Katja C Nowack, Iwijn De Vlaminck</td>
<td>100 Maple Grove Pl</td>
</tr>
<tr>
<td>500700 66.-1-10</td>
<td>Jeffrey Chusid</td>
<td>205 Elmwood Ave</td>
</tr>
<tr>
<td>500700 66.-1-11</td>
<td>Sandra E Greene</td>
<td>209 Elmwood Avenue</td>
</tr>
<tr>
<td>500700 66.-1-13</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>500700 66.-1-3</td>
<td>Mia Korf Family Living Trust, Mia Korf</td>
<td>314 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-1-4</td>
<td>Gordon C Myer Revocable Trust, Laura W Myer Revocable Trust</td>
<td>310 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-1-5</td>
<td>Michael D Cook, Laura J Miller</td>
<td>308 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-1-6</td>
<td>Elizabeth M Martyn Rev Trust, Michael J R Ryzewic Rev Trust</td>
<td>306 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-1-7</td>
<td>Edgar L Gasteiger Living Trust, Eric L Gasteiger</td>
<td>37 Connecticut Hill Rd</td>
</tr>
<tr>
<td>500700 66.-1-8</td>
<td>Rao K Bhogeswara, Shanti S Yerra</td>
<td>201 Elmwood Ave</td>
</tr>
<tr>
<td>500700 66.-2-1</td>
<td>Jeremy Dunn, Barbara J Dunn</td>
<td>PO Box 137</td>
</tr>
<tr>
<td>500700 66.-2-16</td>
<td>Lee D Dyer</td>
<td>303 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-2-2</td>
<td>Yidan Zhang, Rongcheng Xu</td>
<td>319 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-2-3</td>
<td>Andrienne HK Roeder, Erich Marquard Schwarz</td>
<td>317 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-2-4</td>
<td>Marjorie A Pech</td>
<td>315 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-2-5</td>
<td>Judith G Koch</td>
<td>313 Ithaca Rd</td>
</tr>
<tr>
<td>500700 66.-2-6</td>
<td>Zachary M Howlett</td>
<td>305 Ithaca Rd</td>
</tr>
</tbody>
</table>
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 01/18/2022. 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
Zoning - 308 Ithaca Road
Laura Myer
Sat 11/13/2021 7:16 AM
To: Megan Wilson <MWilson@cityofithaca.org>
I recently learned from my neighbor at 308 Ithaca Road that they plan to submit a zoning application to move their garage.

I am submitting this letter to indicate my wholehearted support for this project.

The present garage is in need of extensive repair and moving a garage backward will allow additional driveway space. There is no off-street parking on Ithaca Road.

Because this project in no way infringes on any other property in the area, I am certain there will be no objection from other homeowners.

Sincerely,

Laura W. Myer
310 Ithaca Rd.
Ithaca, NY 14850
zoning appeal 3204
Adrienne H.K. Roeder
Mon 1/24/2022 9:42 AM
To: Zoning Division <zoningdivision@cityofithaca.org>
Cc: Erich Marquard Schwarz <ems394@cornell.edu>

Appeal #3204

Dear Ithaca Board of Zoning Appeals,

    We support the appeal of our neighbors Laura Miller and Michael Cook at 308 Ithaca Road to replace their garage as described. We are the neighbors directly across the street in 317 Ithaca Road.

    Sincerely,
    Adrienne Roeder and Erich Schwarz

317 Ithaca Rd.
Ithaca, NY 14850
Proposal for new garage build at 308 Ithaca Rd

Overview/Rationale

My wife and I purchased our home at 308 Ithaca Rd on December 23rd, 2019. She was born and raised less than three blocks away on Bryant Ave, where her parents still live. I grew up on South Hill, but my father lived on Dryden Ave when he was younger. We have strong roots in Ithaca and in the Belle Sherman neighborhood in particular, and intend to be here for a long time.

The garage on our property (a small, detached one-car garage), has seen better days. The roof will need replacing in the next year or two, the main door’s opening mechanism is temperamental at best, and the walls inside are predominantly “finished” in Oriented Strand Board that is full of holes and has clearly taken its share of moisture over the years.

Rather than repairing a structure that desperately needs replacing, we were hoping to remove the existing garage and build a new one that better suits our needs. Of all the garages in our neighborhood, ours is the only one that I’ve seen that is located directly next to the house—all of the others are set further back away from the road in the back yard. Our next-door neighbor has lived in her house for five decades and recently told us that our garage originally was built in the back yard rather than the side yard. My father-in-law was able to uncover some fascinating info in the Tompkins County Clerk’s Office’s real estate records:

The first survey I could find of your property was dated 10/20/1961 which shows the current garage. That means your garage is at least 60 years old… Since the [owner at the time] did not sell the property until 1973, my guess is that the property was surveyed in 1961 to show the new garage… In the 1920s when the rest of the neighborhood was being developed, everyone built their garages at the back of the lot as is evidenced by all of your neighbors.

Even 60 years later you can still see the indents in the grass behind our current garage where the original one stood.

Moving the garage back would also elongate our driveway, a desperately-needed improvement. Our driveway right now will only comfortably fit one vehicle, which has recently become an issue as we just inherited a second car from my grandfather. Both vehicles will not fit in the driveway unless the bumper of one is practically overhanging the sidewalk and the other is touching our garage door, and whenever we have a guest they have to find parking more than a block away or we have to move one of our cars down to Elmwood Ave as there is no street parking on our road.

A new garage would also give us some much-needed storage space, as well as an area where my wife can pursue her hobby of painting. We would also like to include a charging port for an electric car—the current garage doesn’t have any functioning outlets at all, and while we don’t have an electric vehicle yet we’re planning on both of the replacements for our current vehicles to be electric.

In addition to the reasons we would like to build a new garage, we feel that it will also help beautify the neighborhood and add value to both our property and those of our neighbors. Restoring the property to its original configuration, with the garage set to the rear of the lot, will help us utilize our home in the way we’ve always envisioned it and brighten up the surroundings for others as well.

Thank you very much for your time and consideration.

Best,

Michael Cook & Laura Miller.
Proposal for new garage build at 308 Ithaca Rd

308 Ithaca Rd
Ithaca, NY 14850
607-280-7612
mdcooketc@icloud.com

Current Survey
Proposal for new garage build at 308 Ithaca Rd

308 Ithaca Rd
Ithaca, NY 14850
607-280-7612
mdcooketc@icloud.com

Michael Cook and Laura Miller

Proposed Garage Location
Proposal for new garage build at 308 Ithaca Rd

Overhead view of current property
Proposal for new garage build at 308 Ithaca Rd

Michael Cook and Laura Miller

308 Ithaca Rd
Ithaca, NY 14850
607-280-7612
mdcooketc@icloud.com

Floor Plan (1st Floor)
Proposal for new garage build at 308 Ithaca Rd

Michael Cook and Laura Miller
308 Ithaca Rd
Ithaca, NY 14850
607-280-7612
mdcooketc@icloud.com

Floor Plan (2nd Floor)
Proposal for new garage build at 308 Ithaca Rd

Michael Cook and Laura Miller
308 Ithaca Rd
Ithaca, NY 14850
607-280-7612
mdcooketc@icloud.com

Rendering of front view
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 # 3206 1203 N. CAYUGA STREET

Appeal of property owners Mark and Micaela Karlsen for an area variance from Section 325-8, Column 6, Lot Area, Column 7, Lot Width, Column 10, Lot Coverage by Buildings, Column 11, Front Yard, Column 12, Side Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance. The applicants are undertaking a renovation of their home and, as part of the larger renovation, propose to demolition their existing front steps and construct a landing and new steps at the front entry. The landing will provide a safer space to enter and exit the home, particularly while carrying items or assisting children. The landing will be approximately 9’ by 9’ including steps that exit into the side yard. The property has an existing front yard deficiency, and the new construction will exacerbate that deficiency by bringing the landing within 1’ of the front lot line. The additional square footage of the landing will also increase the lot coverage by buildings to 35.5% of the 35% allowed by the Zoning Ordinance.

The property also has existing lot area, lot width, side yard, and other side yard deficiencies that will not be exacerbated by this proposal.

1203 N. Cayuga Street is located in a R-2b use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.
# City of Ithaca Board of Zoning Appeals Worksheet

**Appeal Number:** BZA 3206  
**Use District:** R-2b  
**Address:** 1203 N Cayuga Street  
**Date:** 02/08/22  
**Applicant:** Mark & Micaela Karlsen  
**Owner:** Mark & Micaela Karlsen  
**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>
<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>
</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>Side Yard</td>
<td>Other Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Existing Condition and Use</td>
<td>One Family Dwelling</td>
<td>1</td>
<td></td>
<td></td>
<td>2,265</td>
<td>30.19'</td>
<td>2</td>
<td>~27</td>
<td>30.2%</td>
<td>4</td>
<td>6</td>
<td>1.5</td>
<td>28' or 37%</td>
<td></td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>Two Family Zone</td>
<td>1</td>
<td>None Required</td>
<td></td>
<td>3,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>One Family Dwelling</td>
<td>1</td>
<td></td>
<td></td>
<td>2,265</td>
<td>30.19'</td>
<td>2</td>
<td>~27</td>
<td>35.5%</td>
<td>&lt;1'</td>
<td>6</td>
<td>1.5</td>
<td>28' or 37%</td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Two Family Zone</td>
<td>1</td>
<td>None Required</td>
<td></td>
<td>3,000</td>
<td>35</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.
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 #: 3206 (FILLED IN BY STAFF)

   HEARING DATE: 2/1/2022

   BUILDING PERMIT #: 42110 (REQUIRED)

   RECEIPT #: 66251 (FILLED IN BY STAFF)

2. Property Address: 1203 N Cayuga St  Use District: R-2b

   Owner’s Name: Mark & Micaela Karlsen  Owner’s Address: 1203 N Cayuga St

   City: Ithaca  State: NY  Zip: 14850

3. Appellant’s Name: Same as above  Appellant’s Address: Same as above

   City:  State:  Zip: 

   Telephone: 607-342-8017  E-Mail: mark.w.karlsen@gmail.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 Not Required  Per Zoning Administrator

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- 8, Columns 6, 7, 10, 11, 12, 13</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<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  
- [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:
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3206

TO: Owners of Property within 200 feet of ___________________________ and others interested.

(property address)

FROM: ___________Mark Karlsen____________ applicable to property named above, in __R-2b___ zone.
(name of person or organization making appeal)

REGARDING: (check appropriate box)

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 __1/25/2022___ at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVCnTrDg. 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 __2/1/2022__ 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.
Dear Neighboring Property Owners

I hope this warm fall is treating you all well. We are writing to let you know that we have applied to the City of Ithaca Zoning Board for a variance to complete renovations to our home. We are proposing to enclose and make into conditioned space what is currently a three season porch on the front of our house, add a small deck and redo the staircase to the front to make the entrance safer, and to add another small deck and move the rear entrance of the house to a more convenient location so that we can enclose the back porch and add that space to our tiny kitchen.

The proposed renovations will not change the current use of the property, but will slightly increase the square footage of the total property that is used for buildings. Currently the house, porch, existing front stairs, and existing back stairs already use 31% of the total property. This project needs a variance because our proposed changes would increase that very slightly to perhaps 33%. The normal allowed percentage is 30%.

We want to make these changes for both safety and improving our living space. Currently, our stairs go straight up to our front door. We have found it be awkward and sometimes unsafe to open the door with little kids on the stairs while holding groceries etc. and it is definitely unsafe for our aging parents to try to open the door while standing on the steps and holding the railing. We also want to add a small deck to the back because we will be enclosing our back porch as interior kitchen space, and the existing layout would have the same problem as the front stairs going straight down from a door with no landing. You are entitled to attend the Public Hearing at XXX date about this proposed variance and to share comments or concerns.

Sincerely,

Mark and Micaela Karlsen
Owners at 1203 N Cayuga St
Miller, Susan N
Church of Christ of Ithaca
1210 N Cayuga St
Ithaca NY 14850

Miller, Daniel G
1302 N Cayuga St
Ithaca NY 14850

Willford, Andrew C
Narayanan, Vasunda Devi
1204 N Cayuga St
Ithaca NY 14850

Helft, Laura
102 West Falls St
Ithaca NY 14850

Ost, David
106 W Falls St
Ithaca NY 14850

Damiani, Laurie A
108 West Falls St
Ithaca NY 14850

Church of Christ of Ithaca
1210 N Cayuga St
Ithaca NY 14850

Church of Christ of Ithaca
1210 N Cayuga St
Ithaca NY 14850

Schuller, David J
1207 N Cayuga St
Ithaca NY 14850

Rutberg, Regina
116 E Falls St
Ithaca NY 14850

Nobles, Robert E
8608 Melvin Dr South
Baldwinsville NY 13027

Stewart, Edward L
110 E Falls St
Ithaca NY 14850

D'Aprix, Sara
108 Falls St E
Ithaca NY 14850

Talty, Helen D
115 Lexington Dr
Ithaca NY 14850

Mad2nd, LLC
409 Taughannock Blvd
Ithaca NY 14850

Lucier, Casey U
102 E Falls St
Ithaca NY 14850

Hansteen, Henry
374 S Van Dorn Rd
Ithaca NY 14850

Karlsen, Mark
1203 Cayuga St N
Ithaca NY 14850

Gustafson, Sheila
1205 N Cayuga St
Ithaca NY 14850

Semp, James E
320 E King Rd
Ithaca NY 14850

Tigerlily & Fox, LLC
48 Hunt Hill Rd
Ithaca NY 14850

Cook, Robert W
117 E York St
Ithaca NY 14850

Nunez, Rodolfo R
1110 N Cayuga St
Ithaca NY 14850

Cook, Sandra T
115 E York St
Ithaca NY 14850

Amici, Gina M
1110 N Cayuga St
Ithaca NY 14850

Clinton, Jacquelyn
1109 N Cayuga St
Ithaca NY 14850

Pavese, Carlotta
107 E Falls St
Ithaca NY 14850

Arif, Muhammed
1105 Cayuga St N
Ithaca NY 14850

Robert, Laura A
109 E Falls St
Ithaca NY 14850

MacDonald, Craig S
113 East Falls St
Ithaca NY 14850

Halpern-Leistner, Daniel
1303 Cayuga St N
Ithaca NY 14850

Miller, Louise M
109 E Falls St
Ithaca NY 14850

Nymark, Lisa T
113 East Falls St
Ithaca NY 14850

Fiorella, Kathryn
1303 Cayuga St N
Ithaca NY 14850
Mitchell, Emerson W
Mitchell, Holley D
1301 N Cayuga St
Ithaca NY 14850

Bell, Mary Elizabeth
Andrulis, Richard
112 York St E
Ithaca NY 14850

Darling, Patricia S

114 E York St
Ithaca NY 14850
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, [Appellant's Name], 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 [Date]. 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.

[Signature]

(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
STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

TOTAL DEPTH: 48
BASE DIAMETER: 22
PIER DIAMETER: 12

Footings to be installed to 48" depth as is required by your local building code.

Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed clay soil).

See footing detail in deck construction guide.

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LIABILITY. DECKS.COM LLC AND ASSOCIATED SPONSORS ACCEPT NO LIABILITY FOR THE USE OF THIS PLAN.
STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.

STAIRWAY DESIGN:
- Stairway to be 2x10 pressure treated southern yellow pine.
- Steps to be built with a max rise of 7-3/4" and a min rise of 4" in a run of 10" per IRC code.
- Railing to be 36" high with less than 4" openings per IRC code.

FRAMING MATERIALS:
- Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.
- Beams to be 2-2x10 pressure treated southern yellow pine nailed.
- Ledger Board to be flashed and bolted (2) 1/2" bolts with washers every 16" on center.

HARDWARE:
- All hardware to be corrosion resistant and installed per manufacturers' instructions.

DECKING:
- Decking to be 5/4x6 Pressure Treated Pine. Follow manufacturers' installation instructions.
- All hardware to be corrosion resistant and installed per manufacturers' instructions.

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.
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 # 3207 CAYUGA PARK (CARPENTER CIRCLE)

Appeal of Whitham Planning & Design on behalf of owner Cayuga Medical Center for a sign variance from §272-6 B(2), Number and Size of Permitted Signs in a Commercial Zone. The applicant is constructing a new five-story medical office building as part of the Cayuga Park project, located off Carpenter Circle. The applicant is proposing to install five wall signs on the new building: three “Cayuga Health” signs, one “Main Entrance” sign, and one “CMC Immediate Care” sign. The City’s Sign Ordinance limits building signs to two signs per business. In addition, the Sign Ordinance limits each individual sign to a maximum of 50 square feet. Three of the five proposed signs exceed the maximum size allowed by the ordinance: (1) Cayuga Health – 107.7 SF; (2) Cayuga Health – 107.7 SF; and (5) Cayuga Health – 81.5 SF.

The property is located in the Carpenter Circle Planned Unit Development in which the proposed use is permitted. However, the Sign Ordinance, §272-18, requires that variances be granted before a sign permit is issued.
City of Ithaca Board of Zoning Appeals Worksheet

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Use District</th>
<th>Address</th>
<th>Date</th>
<th>Applicant</th>
<th>Application Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA 3207</td>
<td>Market District</td>
<td>Cayuga Park</td>
<td>February 8, 2022</td>
<td>Whitham Planning &amp; Design</td>
<td>Sign Variance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign</th>
<th>Type</th>
<th>Area</th>
<th>Setback</th>
<th>Projection</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Cayuga Health 4.25' x 25.33'</td>
<td>Building</td>
<td>107.7 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Cayuga Health 4.25' x 25.33'</td>
<td>Building</td>
<td>107.7 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Main Entrance 1.17' x 13.23'</td>
<td>Building</td>
<td>15.5 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) CMC Immediate Care 1.17' x 17.67'</td>
<td>Building</td>
<td>20.7 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Cayuga Health 5.67' x 14.38'</td>
<td>Building</td>
<td>81.5 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulations</td>
<td>2 Building Signs OR 1 Freestanding Sign</td>
<td>Max. 50 SF per sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Non-conforming Conditions</td>
<td>5 Building Signs</td>
<td>Signs 1, 2, &amp; 5 exceed max size</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:

☐ AREA VARIANCE
☐ SPECIAL PERMIT
☐ USE VARIANCE
☒ SIGN VARIANCE
☐ ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

APPEAL #: 3207 (FILLED IN BY STAFF)
HEARING DATE: 2/1/2022
BUILDING PERMIT #: 41250 (REQUIRED)
RECEIPT #: 66752 (FILLED IN BY STAFF)

2. Property Address: Carpenter Circle, Ithaca, NY 14850
Use District: Market District
Owner’s Name: Park Grove-Cayuga Medical Center
Owner’s Address: 101 Dates Drive
City: Ithaca State: NY Zip: 14850

3. Appellant’s Name: Whitham Planning Design
Appellant’s Address: 142 E State St, Suite B
City: Ithaca State: NY Zip: 14850
Telephone: 607-280-4925 E-Mail: yan@whithamdesign.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.

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

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 14th day of
December, 2021

[Signature]
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- _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</td>
</tr>
<tr>
<td>§325- 6B(2) _________________________________</td>
<td>§272- 6B(2) _________________________________</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. _________, dated ___________
   - Appeal No. _________, dated ___________
   - Appeal No. _________, dated ___________
   - Appeal No. _________, dated ___________
   - Appeal No. _________, dated ___________

5. Notes or Special Conditions:
Cayuga Park Project – Cayuga Medical Office Building Signage BZA Narrative

The site is within the Market zoning district which allows for two walls signs that shall not exceed a total of 50 square feet each or one freestanding sign. The project will exceed the number and total areas of signage allowed by the zoning code. The variance requests are outlined as follows.

- **Building Signage** – Any commercial building in any zone may have a total sign are not to exceed 1.5 square feet of signage to every one linear foot of building frontage. Within the total allowable signage, each place of business may have no more than one freestanding sign or structure erected for the purpose of advertising a business, products, and/or services, with a maximum height of 22 feet. In lieu of one freestanding sign, a business is allowed two wall signs. Our project is currently proposing 5 building wall signs and we feel all of the signs are equally important. *(See attached materials)*

  - Sign #1 and #2 will provide wayfinding to all traffic travelling either north or south on Route 13. These are important as they will allow patients to identify the building before the 5th Street extension, allowing them to get into the correct lane as they approach the intersection. It is also important for these signs to be illuminated as Immediate Care will be open until 10 PM.
    - These signs are over 50 square feet and we would like to seek variances for both of these

  - Sign #4 will provide wayfinding to the after-hour entrance of Immediate Care. The main building entrance will close at around 5 PM for security purposes, while the exterior Immediate Care entrance will remain open until 10 P.M., as such, it is important to have this as an illuminated sign.
    - This sign is fully compliant with the code.

  - Sign #5 and #3, as parking is shared on site, these signs are important as they will assist with patient wayfinding for both vehicular and pedestrian traffic. As immediate Care is open until 10 PM, it is important that these signs be illuminated as well.
    - Sign #3 is fully compliant with the code.
    - Sign #5 is over 50 square feet and we would like to seek variance for this sign.

- **BZA Request:**
  - Variances for allowing 3 additional oversized wall signs on the building.

For the building signs, we are currently proposing them to be internally illuminated. See building elevation drawings for photo reference. The lights are on photocell switch system and timer, which will allow the lights to be turned on at night and turned off 2 hours after business is closed in order to give visitors, staff and patients clear directions at night. It will not provide any excessive light at night and will not have any negative impacts on adjacent properties.
ADOPTED RESOLUTION
SEQR Negative Declaration

Carpenter Circle Mixed-Use Development
Carpenter Park Road
Site Plan Review
City of Ithaca Planning & Development Board
May 26, 2020

WHEREAS: an application has been submitted for review and approval by the City of Ithaca Planning and Development Board for the construction of mixed-use development and associated site improvements to be located at Carpenter Park Road, and

WHEREAS: the project seeks to develop the existing 10.8-acre parcel located adjacent to Route 13 and off of Third Street. The parcel currently contains 2.1 acres of community gardens, an access road (Carpenter Circle Road), and one storage building to be removed. The proposal includes Building D, a 64,000 SF medical office building; Buildings B & C, two mixed-use buildings which will include ground-level retail/restaurant/commercial uses of 23,810 SF, interior parking, 166 market-rate apartment units, and 4,652 SF of amenity space; and Building A, a residential building offering +/-42 residential units for residents earning 50-60% AMI. Site amenities will include public spaces for residents and visitors, bike parking, transit access for TCAT, open green space, a playground, and access to the Ithaca Community Gardens. The project includes 187 internal parking spaces within Buildings B and C, 354 surface parking spaces, and an internal road network with sidewalks and street trees. The Project Sponsor is seeking to rezone from R-2 to R-5, and seek a Planned Unit Development (PUD). The project will require subdivision of four lots to separate each program element, resulting in Lot 1 measuring 2.086 acres and containing Building A, Lot 2 measuring 5.758 acres and containing Buildings B & C, Lot 3 measuring 2.12 acres and containing the community gardens, and Lot 4 measuring .833 acres and containing Building D, and

WHEREAS: this has been determined to be a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4(B)(1)(d), (i), (k), and (B)(6) and (8)(a) and the State Environmental Quality Review Act (“SEQRA”) §617.4(b)(11), and

WHEREAS: the City of Ithaca Common Council, Tompkins County Industrial Development Agency, Tompkins County Department of Health, NYS Homes and Community Renewal, NYS Department of Transportation, and NYS Department of Environmental Conservation, all potentially involved agencies in this action have all consented to the Planning Board acting as Lead Agency for this project, and

WHEREAS: the 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 June 25 2019, declare itself Lead Agency for the environmental review of the project, and

WHEREAS: this Board, acting as Lead Agency in Environmental Review, has on May 26, 2020, 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, reviewed by the involved agencies and amended by the Planning Board; Drawings titled “Proposed Subdivision Carpenter Business Park at Third Street at NYS Route 13” dated July 2019, “Carpenter Park Rendered Site Plan” dated January 2020, an undated “Proposed Connectivity Diagram” prepared by Whitham Planning & Design, an untitled and undated diagram showing total parking and shared parking plan, and an untitled undated and unattributed diagram showing the proposed Planned Unit Development zones all; a series of drawings showing a contextual site views dated 9-10-19 and prepared by Barton Partners; “Building C” rendered site Plan, “Building C Landscape Plan”, “Building B Landscape Plan”, “Building B Elevations” (two sheets); Building A Affordable Landscape
Plan, Building A - Affordable – Residential Elevations and Building A – Perspective Renderings all dated December 2020; Building D – MOB Alternative Drop-off Configuration, Building D MOB East Elevation, Building D MOB North Elevation, Building D MOB West Elevation, Building D MOB South Elevation, Building D MOB Roof Plan, Building D MOB Roof Sections, Building D View of Roof from Building C Roof, Building D – Perspective Renderings, Building D – Sunshade Detail, Building D NYS13 North East Day, Building D NYS13 North East Night and Building D – West Facade all dated Jan 2, 2020; the following drawings pertaining to the Project Growing Hope Garden Site: “Site Plan (L-1.0)” dated 1-22-20, Garden Grading and Utility Plan (C001)” dated 9-16-19, “Details (L-1.1)” and a drawing labeled Site Plan but showing the location of the types of fencing both dated 1-14-20 and “Simple Fence Graphics” undated and all prepared by Whitham Planning and Design et. al.; and the following civil drawings: “Existing Conditions and Demolition Plan (C102, C103 & C104)” “Layout Plan (C105, C106 & C107)”, “Utility Plan (C108, C109 & C110), “Grading Plan (C111, C112 & C113)”, “Lighting Plan (C115, C116 & C117)”, “Details (C201, C202 & C203)” dated April 17, 2020; and “Four Way Intersection” and 3-Way Intersection” dated March 2020 and all prepared by Passero Associates; and the following information provided by SRF Associates: Access Modification Justification Report last updated January 2020, Existing Conditions Assessment dated 1/03/19, Technical Memo #2 MTIE dated 7-29-19; and Technical Memo #3 dated 9-14-19, and other application materials, and

WHEREAS: the involved agencies in this action as well as the City of Ithaca Parks Recreation and Natural Resources Commission, other interested parties have been given the opportunity to comment on the proposed project and any received comments have been considered, and

WHEREAS: the City Planning Board, acting as Lead Agency, has determined, as more clearly elaborated in the FEAF, that the Applicant has mitigated any potentially significant impacts to the environment to the maximum extent practicable, now, therefore, be it

RESOLVED: that the City Planning Board determines for the reasons detailed in Parts 2 and 3 of the FEAF, which are incorporated herein by reference, 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: Glass
Seconded by: Petrina
In favor: Blalock, Glass, Godden, Jones, Petrina
Against: None
Abstain: None
Absent: Lewis, Randall
Vacancies: None
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. 3207

TO: Owners of Property within 200 feet of Carpenter Circle, Ithaca, NY 14850 and others interested.

(property address)

FROM: Park Grove - Cayuga Medical Center applicable to property named above, in Market zone.

(name of person or organization making appeal)

REGARDING: (check appropriate box)

☐ Area Variance ☐ Use Variance X 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 1/25/2022 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVCnTrDg. 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 2/1/2022 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

Address

Date
January 18, 2022

Cayuga Park Project – Cayuga Medical Office Building Signage BZA Application Public Notification

To Our Neighbors,

We hope that this letter finds you and your colleagues well. As our project is currently under construction for the new Cayuga Medical Office building, we are writing to let you know we are pursuing 3 signage variances for the building signs.

The site is within the Market zoning district which allows for two walls signs that shall not exceed a total of 50 square feet each or one freestanding sign. The project will exceed the number and total areas of signage allowed by the zoning code. The variance requests are outlined as follows.

- **Building Signage** – Any commercial building in any zone may have a total sign are not to exceed 1.5 square feet of signage to every one linear foot of building frontage. Within the total allowable signage, each place of business may have no more than one freestanding sign or structure erected for the purpose of advertising a business, products, and/or services, with a maximum height of 22 feet. In lieu of one freestanding sign, a business is allowed two wall signs. Our project is currently proposing 5 building wall signs and we feel all of the signs are equally important. *(See attached materials)*
  - Sign #1 and #2 will provide wayfinding to all traffic travelling either north or south on Route 13. These are important as they will allow patients to identify the building before the 5th Street extension, allowing them to get into the correct lane as they approach the intersection. It is also important for these signs to be illuminated as Immediate Care will be open until 10 PM.
    - These signs are over 50 square feet and we would like to seek variances for both of these
  - Sign #4 will provide wayfinding to the after-hour entrance of Immediate Care. The main building entrance will close at around 5 PM for security purposes, while the exterior Immediate Care entrance will remain open until 10 P.M., as such, it is important to have this as an illuminated sign.
    - This sign is fully compliant with the code.
  - Sign #5 and #3, as parking is shared on site, these signs are important as they will assist with patient wayfinding for both vehicular and pedestrian traffic. As immediate Care is open until 10 PM, it is important that these signs be illuminated as well.
    - Sign #3 is fully compliant with the code.
    - Sign #5 is over 50 square feet and we would like to seek variance for this sign.
- **BZA Request:**
  - Variances for allowing 3 additional oversized wall signs on the building.

We believe our project would bring a great addition of health care to the neighborhood. Since our project will be a public facility that provides medical treatments to residents in the City of Ithaca and beyond, we would like to propose these signages to help the patients or visitors orient in our Cayuga Park campus and find the services they need as quick and clear as possible, especially when there are emergency services needed.

We are working with Whitham Planning & Design who is coordinating the public review process and municipal approvals. Please do not hesitate to reach out to us with any questions you have about the project ahead of the hearing. We hope that we have your support and look forward to working with you in seeing this project through.
Tony Votaw
Vice President of Infrastructure
Cayuga Medical Office
tvotaw@cayugamed.org

Yifei Yan
Designer, Whitham Planning & Design
yan@whithamdesign.com
<table>
<thead>
<tr>
<th>Zip Code</th>
<th>Line 1</th>
<th>Line 2</th>
<th>Address 1</th>
<th>City/State Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700</td>
<td>525.6-1</td>
<td>Norfolk Southern Corp</td>
<td>3 Commercial Pl, Box 209</td>
<td>Norfolk VA 23510</td>
</tr>
<tr>
<td>500700</td>
<td>24.1-1.2</td>
<td>City/Town Ithaca</td>
<td>Town Dryden</td>
<td>108 E Green St</td>
</tr>
<tr>
<td>500700</td>
<td>25.1-8</td>
<td>Aldi, Inc</td>
<td>PO Box 460049, Dept 501</td>
<td>Houston TX 77056</td>
</tr>
<tr>
<td>500700</td>
<td>36.1-3.3</td>
<td>CMC at Ithaca, Inc</td>
<td>101 Dates Dr</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>36.1-3.4</td>
<td>City of Ithaca</td>
<td>108 E Green St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>36.1-3.5</td>
<td>CMC at Ithaca, Inc</td>
<td>101 Dates Dr</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>36.1-4</td>
<td>Benjamin, Hoyt D</td>
<td>Benjamin, Rebecca J</td>
<td>1013 Taughannock Blvd</td>
</tr>
<tr>
<td>500700</td>
<td>37.1-3</td>
<td>Cornell University</td>
<td>Collyer Boat House</td>
<td>PO Box DH</td>
</tr>
<tr>
<td>500700</td>
<td>37.1-4.1</td>
<td>684 Third Street, LLC</td>
<td>3215 Wilkins Rd</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>43.2-1.2</td>
<td>Cascadilla 798, LLC</td>
<td>798 Cascadilla St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>43.2-12</td>
<td>Cornell University</td>
<td>IC Boathouse</td>
<td>953 Danby Rd</td>
</tr>
<tr>
<td>500700</td>
<td>43.2-2.22</td>
<td>Organic Nature LLC</td>
<td>330 East 14th Street</td>
<td>Elmira Heights NY 14903</td>
</tr>
<tr>
<td>500700</td>
<td>43.2-2.23</td>
<td>CMC at Ithaca, Inc</td>
<td>101 Dates Dr</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>43.2-8</td>
<td>Robert W Andree, Inc</td>
<td>3215 Wilkins Rd</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>44.1-1.12</td>
<td>Whitehead, Merle</td>
<td>6505 Quaker St E</td>
<td>Orchard Park NY 14127</td>
</tr>
<tr>
<td>500700</td>
<td>44.1-1.2</td>
<td>702 Hancock, LLC</td>
<td>225 S Triphammer Rd</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>44.2-1.2</td>
<td>AAM Rental Company LLC</td>
<td>312 Fourth St</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>500700</td>
<td>525.6-1</td>
<td>Norfolk Southern Corp</td>
<td>3 Commercial Pl, Box 209</td>
<td>Norfolk VA 23510</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Yifei Yan, 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 1/18/2022. 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
PREFINISHED ALUMINUM CURTAIN WALL
COLOR: CLEAR ANODIZED ALUMINUM

INSULATING GLASS: SN68 ON CLEAR

VERTICAL SUNSHADE
COLOR: WHITE

PREFINISHED ALUMINUM COPING
COLOR: CUSTOM TO MATCH WEST PEWTER MICA II

PREFINISHED ALUMINUM WALL PANEL
COLOR: WEST PEWTER MICA II

INSULATING GLASS SPANDREL PANEL
COLOR: BRIGHT WHITE

PREFINISHED ALUMINUM COPING
COLOR: CUSTOM TO MATCH WEST PEWTER MICA II

PREFINISHED ALUMINUM WALL PANEL
COLOR: WEST PEWTER MICA II

INSULATING GLASS SPANDREL PANEL
COLOR: BRIGHT WHITE

PREFINISHED ALUMINUM COPING
COLOR: CUSTOM TO MATCH WEST PEWTER MICA II

PREFINISHED ALUMINUM WALL PANEL
COLOR: WEST PEWTER MICA II

INSULATING GLASS SPANDREL PANEL
COLOR: BRIGHT WHITE

INSULATING GLASS SPANDREL PANEL
COLORS: RESOLUTE BLUE & VAST SKY

INSULATING GLASS SPANDREL PANEL
COLORS: GRATIFYING GREEN & HAVEN

INSULATING GLASS SPANDREL PANEL
COLORS: BLOTHE BLUE & MEANDER BLUE

INSULATING GLASS SPANDREL PANEL
COLOR: COOL GRAY

INSULATING GLASS: SN68 ON CLEAR

VERTICAL SUNSHADE
COLOR: WHITE

PREFINISHED ALUMINUM CURTAIN WALL
COLOR: CLEAR ANODIZED ALUMINUM

PREFINISHED METAL WALL PANEL
COLOR: ANODIC CLEAR MICA

PREFINISHED ALUMINUM ROOF
COLOR: CHARCOAL GRAY

PREFINISHED METAL COLUMN COVER
COLOR: ANODIC CLEAR

ILLUMINATED CHANNEL LETTER SIGNAGE
COLOR: TO BE DETERMINED

PRECAST SILL
COLOR: CUSTOM GRAY COLOR

INSULATING GLASS: SN68 ON CLEAR

PRECAST SILL & WALL PANELS
COLOR: MIST GREY

INSULATING GLASS: SN68 ON CLEAR

ILLUMINATED CHANNEL LETTER SIGNAGE, COLOR: WHITE

Belt course accent brick
COLOR: MIDNIGHT BLACK

Belt course accent stone
COLOR: OXENDEN

PRECAST SILL & WALL PANELS
COLOR: MIST GREY

INSULATING GLASS: SN68 ON CLEAR

ILLUMINATED CHANNEL LETTER SIGNAGE, COLOR: WHITE
Recommended path for power feed to be coordinated with curtain wall manufacturer and installer.
Type 1-n
Face Lit Channel Letters on a Raceway
LED Illumination
Mechanically Fasten to Curtain Wall
Mounting Hardware to Suit Wall Construction

QTY: 1 set

Drawn By: JB

Revisions:
01.04.21 JB   01.11.21 JB
01.26.21 JB   01.28.21 JB
10.08.21 JS   11.03.21 JB
11.15.21 JB   12.07.21 JB

Notes:
Coordinate with Electrical and refer to A160 - Roof Plan for Roof Power Supply Access Panel locations.
120V Electrical Service Required
Dimmer Required

Notes:
- Coordinate with Electrical and refer to A160 - Roof Plan for Roof Power Supply Access Panel locations.
- 120V Electrical Service Required
- Dimmer Required

Product Approval
- Approved By: 
- Date: 
- Comments: 
- Unit/Location: 
- Product will be manufactured as indicated on this document. Please review carefully.

Rendering 1 of 10
Type 1-e
Face Lit Channel Letters
LED Illumination
Mechanically Fasten thru Metal Composite Wall Panels into Substrate
Mounting Hardware to Suit Wall Construction

QTY: 1 set

Coordinate with Electrical and refer to A160 - Roof Plan for Roof Power Supply Access Panel locations.
120V Electrical Service Required
Dimmer Required

Notes:

## Faces

- **A**: 3/16" Translucent Acrylic with First Surface Applied Translucent Vinyl
- **B**: 1" Trimcap 5687 White
- **C**: Painted, 1/2 Deep .040 Aluminum Channel Coil CO104 White
- **PMS 3015 C**: Blue
- **PMS 3115**: Light Blue
- **230-156**: Vivid Green
- **7328**: White

## B - C

- **CO104**: White
- **5687**: White
- **PMS 3015 C**: Blue
- **PMS 3115**: Light Blue
- **230-156**: Vivid Green
- **7328**: White

## Scale:

1/2" = 1'-0"
North Elevation - partial

West Elevation - partial

LETTERS & LOGOS

42.00'

23.00'

center above door

Cayuga Health

Product Approval

No Change
Approved By: ____________________________
Date: ____________________________

WITH CHANGES AS NOTED
Approved By: ____________________________
Date: ____________________________

Product exists/manufacturer as indicated on this document/Observe owner carefully.

Rendering 10 of 10
Type Q-w
Face Lit Channel Letters
LED Illumination
Mechanically Fasten to Brick
Stand Off - 1" to clear Decorative CMU

QTY: 1 set

Type Q-n
Face Lit Channel Letters
LED Illumination
Mechanically Fasten to Brick
Stand Off - 1" to clear Decorative CMU

QTY: 1 set

Notes:
Site Survey Required
As-built dimensions of existing masonry projections required
120V Electrical Service Required
Dimmer Required

Product Approval
Product will be manufactured as indicated on this drawing. Please review carefully.
Type 1-w
Face Lit Channel Letters
LED Illumination
Mechanically Fasten to Brick

QTY: 1 set

3/16" Translucent Acrylic with First Surface Applied Translucent Vinyl
Graphic / Font: Customer Supplied Artwork
printed to match PMS 3015 C Blue / printed to match PMS 3115 Light Blue / 230-156 Vivid Green / 7328 White

Faces

A

B

C

1/16" Trimcap 5687 White

Returns

C

Painted, 0.40" Deep .040 Aluminum Channel Coil CO104 White

Notes:
120V Electrical Service Required
Dimmer Required
All penetrations to be sealed

Rendering 5 of 10
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 BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3202

Applicant: Susanne Dennis and South Hill Living Solutions, LLC

Property Location: 815 S. Aurora Street

Zoning District: R-3b

Applicable Section of City Zoning Code: §325-8, Column 14/15; §325-20D(2)(e); §325-20E(3); §325-20F(3)(b); and §325-29.9.

Requirement for Which Determination is Requested: Rear Yard; Access Requirements; Front Yard Parking; Landscape Compliance Method; and Fall Zone and Setback Requirements for Tier Three Personal Wireless Service Facilities (PWSF).


Meetings Held On: December 7, 2021; January 4, 2022; and February 1, 2022.

Summary: Appeal of Susanne Dennis and South Hill Living Solutions, LLC (“Appellants”) 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; §325-20D(2)(e), Access Requirements; and §325-20E(3), Front Yard Parking; §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.

¹ Mr. Grout has since sold his property and has been replaced by South Hill Living Solutions LLC.
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 ordered the BZA to hear the appellants’ appeal.

On October 22, 2021, 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.
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 Appellants, represented by counsel and John Snyder Architects, presented their analyses of the project, and the Board held a public hearing on the appeal. The Board continued its deliberation at the January 4, 2022 and February 1, 2022 meetings.

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.


Members present: Michael Cannon
Stephanie Egan-Engels²
Steven Henderson
David Barken, Chair

Lauren Baron, Weaver Mancuso Brightman PLLC, spoke on behalf of the property owner and in support of the Zoning Administrator’s determination.
Peter Penniman, 106 Grandview Place, spoke in opposition to the Zoning Administrator’s determination.

Tompkins County Review per Section 239-l & -m of New York State General Municipal Law: Not applicable.

Environmental Review: This is a Type 2 Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act and is not subject to Environmental Review.

Planning & Development Board Recommendation:

² Member Egan-Engels moved to an alternate board member position during the pendency of this appeal and was replaced by Member Joseph Kirby. No parties objected to this substitution.
The Planning Board had no comments on the appeal.

**Ithaca Landmarks Preservation Commission Recommendation:**
Not applicable.

**Deliberation and Findings:**

Appeal 3202 requires the Board of Zoning Appeals to decide whether the Zoning Administrator correctly applied the Zoning Ordinance, City Code Section 325, to the project at 815 S. Aurora Street in a determination made in April 2019. Appellants Susanne Dennis and South Hill Living Solutions contend that five (5) variances, addressed individually below, should have been required in connection with the project.

The BZA has considered the applicable provisions of the Zoning Ordinance; all materials submitted by Appellants and the Zoning Administrator; all materials and comments received in connection with the public hearing on this appeal held on December 7, 2021; and the presentations of the parties to this appeal. The BZA deliberated regarding this appeal at its open public meetings on December 7, 2021, January 4, 2022, and February 1, 2022. After careful consideration of the record and by majority vote of the members of the BZA, the BZA issues the following decisions:

1) §325-20D(2)(e)(2)(a), Access Requirements: Appellants assert that the driveway grade exceeds the 8% allowed by the Zoning Ordinance.

   Did the Zoning Administrator correctly apply the Zoning Ordinance to the calculation of the driveway grade? Yes ☒ No ☐

   City Code §325-20D(2)(e)(2)(a), “Maximum driveway grades,” states that “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.” Grade is calculated as vertical rise over horizontal distance. The Zoning Administrator calculated the average grade of the driveway for the first 25 feet from the top of curb. This calculation resulted in an average grade of 6.54%. The Zoning Ordinance does not specify whether driveway grade should be calculated treating the entire driveway as one continuous segment, or whether no smaller segment within the 25-foot distance may exceed the maximum specified grade. The Board finds that the application of an average grade calculation over the entire specified distance is a reasonable approach that is consistent with language of the Zoning Ordinance. Accordingly, even though the grade of certain, very small portions of the driveway at 815 S. Aurora may exceed 8% within 25 feet of the curbline, the relevant figure to consider is the average grade over the entire 25-foot distance, which falls within the limits established by the Zoning Ordinance. The Board of Zoning Appeals therefore determines that the Zoning Administrator correctly applied the Zoning Ordinance to the calculation of driveway grade at 815 S. Aurora Street and that no variance was required.

   Motion by M. Cannon, seconded by J. Kirby.

   **Vote:** 4-0-0
   Michael Cannon YES
   Steven Henderson YES
   Joseph Kirby YES
   David Barken, Chair YES

2) §325-20E(3), Front Yard Parking: Appellants assert that the proposed front yard parking and driveways exceed the 25% permitted by the Zoning Ordinance.
Did the Zoning Administrator correctly apply the Zoning Ordinance to the calculation of front yard parking?  Yes ☒ No □

Section 325-20E(3) of the Zoning Ordinance provides that 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 front yard is defined in Section 325-3 as “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.” The Zoning Administrator and Appellants agree that the main building is located 22’ from the front lot line and establish a front yard line parallel to the lot line at that location.

The Zoning Administrator calculated the front yard area by multiplying the full width of the lot (615.82’) by 22’ for a total front yard area of 13,548 square feet. This straight rectangular calculation assumes a consistent 22’ front yard across the entire width of the property. The Zoning Ordinance allows 25% of this area, or 3,387 square feet, to be occupied by parking, driveways, or maneuvering areas. The record reflects that the property owner’s architect submitted plans proposing 3,212 square feet of parking and driveway area, which the Zoning Administrator calculated to be 23.7% of the front yard. The Board of Zoning Appeals finds that this is an appropriate way to calculate the front yard and the allowed parking and driveway space in the front yard, as described by the Zoning Ordinance.

Under the plain language of the Zoning Ordinance, the depth of a front yard is measured as “the least distance between the front lot line and the front of such main building,” and area is calculated as depth multiplied by width. Although Appellants’ calculation is not unreasonable, the Board finds that the Zoning Ordinance’s definition of depth, which assumes a single depth measurement taken at the “least distance” between the main building and lot line and consequently requires the calculation of area as a rectangle rather than an irregular shape, is controlling. Board of Zoning Appeals therefore determines that the Zoning Administrator correctly applied the Zoning Ordinance to the calculation of front yard parking at 815 S. Aurora Street and that no variance was required.

Motion by D. Barken, seconded by S. Henderson

Vote: 4-0-0
Michael Cannon  YES
Steven Henderson  YES
Joseph Kirby  YES
David Barken, Chair  YES

3) §325-20F(3)(b), Landscape Compliance Method: Appellants assert that the proposed parking area does not meet the landscape compliance method for locating a parking area in the rear and side yards.

Did the Zoning Administrator correctly apply the Zoning Ordinance to the determination of compliance with the Landscape Compliance Method?  Yes ☒ No □

Section 325-20F(3) requires that parking areas in residential districts with capacity for 3 or more cars must comply with either the setback compliance method or landscape compliance method for
locating said parking area. Section 325-20 F (3)(b) of the City Code states that 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...exist,” listing four non-exhaustive factors for the Planning and Development Board (“Planning Board”) to consider.

The materials submitted in connection with this appeal demonstrate that the Planning Board discussed the application of the Landscape Compliance to this project at their August 27, 2019 meeting. As reflected in the minutes adopted for that meeting, the Planning Board considered the following in its deliberations:

- A memorandum dated August 6, 2019 from the Deputy Director of Planning titled “815 S Aurora St - Landscape Compliance Method for Parking Area”
- A drawing titled Landscape Compliance Plan (L103) dated 8-06-10 and prepared by Stream Collaborative, et al.
- Drawings, including Landscape plans and layout plans dated 8-19-19 and prepared by Stream Collaborative, et al.
- Verbal testimony from the applicant at the August 27, 2019 Planning Board meeting

The Planning Board’s conclusions were memorialized in the Final Site Plan Approval Resolution dated September 24, 2019, as follows:

WHEREAS: the applicant is requesting that the Planning Board review the proposed parking lot in the rear 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

Based on the foregoing materials, the BZA finds that the Planning Board properly reviewed materials that clearly described the applicant’s request for application of the Landscape Compliance Method, and appropriately determined that the applicants had mitigated any potential negative impact. The BZA determines that the Planning Board appropriately exercised its discretion to approve a parking area under the landscape compliance method as contemplated by the Zoning Ordinance. The BZA further finds that, because the Zoning Ordinance vests sole discretion for such a decision in the Planning Board, it is beyond the authority of the Zoning Administrator to review.

In consideration of the foregoing, the Board of Zoning Appeals determines that the Zoning Administrator properly accepted the application of this method to meet the requirements of §325-20 F(3), in accordance with the procedure outlined by the Zoning Ordinance.

Motion by S. Henderson, seconded by D. Barken

Vote: 4-0-0
Michael Cannon YES
Steven Henderson YES
Joseph Kirby YES
David Barken, Chair YES

4) §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
Appellants assert that a parking area is an area of congregation and, as such, should not be permitted within the fall zone.

Did the Zoning Administrator correctly apply the Zoning Ordinance to the determination that a parking area is not an area of congregation?  Yes ☒ No ☐

Section 325-29.9(A) of the Zoning Ordinance, “Fall zone and setback requirements for Tier Three PWSF’s,” provides that “No habitable structure or outdoor area where people congregate shall be within a fall zone of 120% of the height of the PWSF [personal wireless service facility] or its mount.” Notably, the ordinance does not prohibit all uses in a fall zone. Rather, it prohibits only certain uses—namely, “habitable structures” and “outdoor areas where people congregate”—within a fall zone.

The project at 815 S. Aurora proposes to put a parking area within the fall zone of a nearby cell tower, which is considered a PWSF. The Zoning Administrator determined that a parking area was not an “outdoor area where people congregate” within the meaning of the Zoning Ordinance and that no variance was required.

While the Zoning Ordinance does not define “congregate”, the Zoning Administrator adopted a definition based on a dictionary definition of the word: to collect into a group or crowd; assemble (See: Exhibit C to Zoning Administrator submission). The Zoning Administrator also reviewed additional information, including the Building Division file for the 815 S. Aurora property, amendments to the Zoning Ordinance, and other sources. The results of the Zoning Administrator’s review were submitted to this Board in connection with this appeal. After conducting this research, the Zoning Administrator determined that a parking area is not a place where people typically “assemble” or “collect into a group or crowd” and is therefore not an “outdoor area where people congregate” within the meaning of the Zoning Ordinance.

As reflected in the exhibits attached to the Zoning Administrator’s submission, the City and Common Council also reviewed this language during debate over a recent amendment to Article VA to reduce the size of the fall zone. The decision to reduce the size of the fall zone was made on the basis of engineering reports submitted to the city which outlined a worst-case-scenario that in the event of an actual collapse, the impacted area due to failure of the cell tower would not exceed the height of the tower, plus an additional debris area of 10-15 feet. No determination was made during that process that a parking lot was an area where people “congregate” within the meaning of the Zoning Ordinance, and Common Council did not alter the definition of “congregate.”

The Planning Board also considered whether a parking area should be permitted within the cell tower fall zone for the 815 S. Aurora project. As shown on Exhibit D to the Zoning Administrator’s submission, the Planning Board included the following requirements in the site plan to address potential safety concerns: “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.” These requirements ensure that the parking area in question will not, in fact, be used to congregate.

John Snyder Architects, writing in support of Appellants, concedes that the “topic was thoroughly reviewed by the City, the project development team, and JSA,” and states that there are “opposing interpretations of ‘congregate area’, both of which have inadequate proof of definition.”

---

3 A prior version of the Zoning Ordinance set the setback at twice the height of the PWSF or its mount; the parking area would fall within the setback zone either way.
Ultimately, the parking area at 815 S. Aurora was permitted to be constructed within the fall zone based on the Zoning Administrator’s review, the Planning Board’s Site Plan Approval conditions, and in consideration of the fall zone area reduction approved by Common Council. In light of the plain language employed in the Zoning Ordinance and the foregoing considerations, the Board of Zoning Appeals determines that a parking area is not an area of congregation within the meaning of the Zoning Ordinance. The Zoning Administrator therefore correctly determined that siting the parking area at 815 within the fall zone of a cell tower is not a violation of the Zoning Ordinance and no variance is required.

Motion by J. Kirby, seconded by M. Cannon

Vote: 4-0-0
Michael Cannon YES
Steven Henderson YES
Joseph Kirby YES
David Barken, Chair YES

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

Did the Zoning Administrator correctly apply the Zoning Ordinance to the calculation of the rear yard? Yes ☑ No □

City Code §325-8A(14)(a) provides that “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”. The Zoning Administrator and Appellants agree that 815 S. Aurora has a minimum rear yard requirement of 50 feet. They also agree that required rear yard should be measured beginning at the calculated average lot depth line and proceeding toward the interior of the lot.

The Zoning Ordinance is unclear regarding how unequal lengths of an irregularly shaped lot should be calculated, and the graphic included in the Zoning Ordinance depicts a four-sided lot with parallel side lot lines. The 815 S. Aurora lot, however, has five lot lines of varying lengths intersecting at various angles, none of which are parallel. Moreover, the front lot line, although more or less straight on the northern half of the property where the buildings are located, curves slightly at the southern end of the property.

As explained in his submission and depicted on Exhibit E thereto, the Zoning Administrator’s analysis treated the property as having one front lot line, one rear lot line, and three side lot lines. To apply the Zoning Ordinance, the Zoning Administrator calculated the average lot depth using lines beginning at and perpendicular to the front lot line. Depth 1 totals 342.81’, extending from a point towards the middle of the front lot line to the point of the property furthest away from the front line, which is at the intersection of the rear lot line and a side lot line. Depth 2 totals 183.52’, extending from the intersection of the front lot line and the northernmost side lot line to the point at which this depth line intersects with the lot line marking the back of the parcel at the northern end of the project. The two depths were added together and divided by two, resulting in an average lot depth calculation of 236.16’. A calculated average rear line was then drawn parallel to the front property line at the average lot depth of 236.16’. The 50’ rear yard requirement was measured from that average lot depth line. No building falls within the rear yard as calculated by this method.⁴

⁴ The Board notes, as acknowledged by John Snyder Architects on behalf of Appellants, that Exhibit E to the Zoning Administrator’s submission is based on an outdated site plan and therefore shows one building
Appellants present a different method of drawing the calculated rear lot line, as depicted on the submission from John Snyder Architects. While they agree with the calculation of Depth 2, they argue that Depth 1 should be measured using a perpendicular line beginning at the southernmost end of the front lot line and ending at its intersection with a line drawn from the point at the rear of the property furthest from the front line, such that both depths are measured from the endpoints of the front lot line. Average lot depth is then calculated accordingly. The calculated average rear lot line is drawn parallel to the front lot line, with the 50’ setback measured from this line. Due to the curvature of the front lot line and the different starting point selected by Appellants, Building C fails to meet the rear setback requirement by several feet if appellants’ method is employed.

Both the method employed by the Zoning Administrator and the method employed by Appellants are reasonable applications of the Zoning Ordinance to an irregularly shaped lot. There may be other, equally reasonable ways to apply the Zoning Ordinance to such lots. The existence of multiple reasonable interpretations of the Zoning Ordinance is the result of ambiguity in the Zoning Ordinance itself, which does not clearly address how lot depths should be calculated on irregularly shaped lots such as 815 S. Aurora Street. The Board adopts the Zoning Administrator’s method with respect to this property. The Board of Zoning Appeals therefore determines that the Zoning Administrator correctly applied the Zoning Ordinance to the calculation of required rear yard at 815 S. Aurora Street and that no variance was required.

Motion by D. Barken, seconded by J. Kirby

Vote: 3-1-0
Michael Cannon YES
Steven Henderson NO
Joseph Kirby YES
David Barken, Chair YES

Determination of the BZA:

The BZA, taking into consideration the City of Ithaca Zoning Ordinance; the written submissions of the Zoning Administrator, Appellants, and the property owner; and the testimony provided at the December 7, 2021 and January 4, 2022 meetings, finds that the Zoning Administrator correctly applied the Zoning Ordinance to the proposed project at 815 S. Aurora Street. The BZA therefore upholds the Zoning Administrator’s determination that no area variances are required to construct the project, as proposed and approved in 2019.

Megan Wilson, Zoning Administrator
Secretary, Board of Zoning Appeals

February 1, 2022

extending slightly further than permitted. Appellants’ submission notes that the site plan was subsequently adjusted to comply with the Zoning Administrator’s calculations.