OFFICIAL NOTICE OF MEETING

A Regular meeting of the Common Council will be held on Wednesday, May 1, 2019, at 6:00 p.m. in the Common Council Chambers at City Hall, 108 East Green Street, Ithaca, New York. Your attendance is requested.

AGENDA

1. PLEDGE OF ALLEGIANCE:

2. ADDITIONS TO OR DELETIONS FROM THE AGENDA:

3. PROCLAMATIONS/AWARDS:

4. SPECIAL ORDER OF BUSINESS:

5. SPECIAL PRESENTATIONS BEFORE COUNCIL:
   5.1 Reports of Municipal Officials
   5.2 Friends of the Ithaca City Cemetery

6. PETITIONS AND HEARINGS OF PERSONS BEFORE COUNCIL:

7. PRIVILEGE OF THE FLOOR – COMMON COUNCIL AND THE MAYOR:

8. CONSENT AGENDA ITEMS:
   Superintendent of Public Works:
   8.1 Kilpatrick’s Publick House Restaurant Alcohol Permit Request – Resolution
   8.2 Le Café Cent-Dix Alcohol Permit Request - Resolution
   8.3 Mercato Bar and Kitchen Restaurant Alcohol Permit Request - Resolution
   8.4 Simeon’s American Bistro Alcohol Permit Request – Resolution
   City Administration Committee:
   8.5 Finance – City Chamberlain – Request to Waive Penalty on Taxes - Resolution
   8.6 Youth Bureau – Amendment to 2019 Budget - Resolution
   8.7 Cable Access Oversight Committee (AOC) - Recommendations for 2020 Budget - Resolution
   8.8 Youth Bureau - Amendment to Revocable License for Use of City Real Property - Resolution
   8.9 Department of Public Works (DPW) - Request to Amend Personnel Roster - Resolution

9. CITY ADMINISTRATION COMMITTEE:
   9.1 Department of Public Works (DPW) - Amendment of Capital Project #839 for Dryden Road Parking Garage - Resolution
   9.2 Department of Public Works (DPW) – Exchange of Property with State of New York - Resolution
CITY ADMINISTRATION COMMITTEE (Continued):
9.3 Department of Public Works (DPW) - Establishment of Capital Project for Traffic Signal and Operations Improvements - Resolution
9.4 Youth Bureau – Authorization to Apply for a New York State Consolidated Funding Grant for Cass Park Rink Enclosure Project - Resolution
9.5 City Controller’s Report

10. PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:
10.1 Approval of the New York State Environmental Quality Review Findings Statement for the Chain Works District Redevelopment Project - Resolution
10.2 Resolution to Select Artwork for City Mural Program
10.3 Resolution Approving Joint Sewer Agreement Amendment to Eliminate Chairperson Term Limit
10.4 An Ordinance to Amend the City of Ithaca Municipal Code Chapter 164 Entitled “Dogs and Other Animals”; to amend Article IV entitled “Backyard Chickens”

11. REPORTS OF SPECIAL COMMITTEES:

12. NEW BUSINESS:

13. INDIVIDUAL MEMBER – FILED RESOLUTIONS:
13.1 Alderperson Brock - Resolution in Support for the New York State Assembly and Senate Bills to Establish a Process for the Adoption of an Environmental Bill of Rights
13.2 Alderperson Brock - Resolution Supporting Universal Rent Stabilization and Control

14. MAYOR’S APPOINTMENTS:
14.1 Appointment/Reappointments to Cable Access Oversight Committee - Resolution
14.2 Appointment to Examining Board of Electricians – Resolution
14.3 Appointment/Reappointments to Community Police Board – Resolution

15. REPORTS OF COMMON COUNCIL LIAISONS:

16. REPORT OF CITY CLERK:

17. REPORT OF CITY ATTORNEY:

18. MINUTES FROM PREVIOUS MEETINGS:
18.1 Approval of the April 3, 2019 Common Council Meeting Minutes – Resolution
19. **ADJOURNMENT:**

If you have a disability that will require special arrangements to be made in order for you to fully participate in the meeting, please contact the City Clerk at 274-6570 at least 48 hours before the meeting.

Out of consideration for the health of other individuals, please refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding.

______________________________
Julie Conley Holcomb, CMC
City Clerk

Dated:  April 25, 2019
8. **CONSENT AGENDA ITEMS:**
***Superintendent of Public Works:***

8.1 **Kilpatrick’s Publick House Restaurant Alcohol Permit Request – Resolution**

WHEREAS, the Superintendent of Public Works has received a request to allow Kilpatrick’s restaurant to utilize certain areas along North Tioga Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Kilpatrick’s Publick House Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2019, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Kilpatrick’s Publick House Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
8.2  Le Café Cent-Dix Alcohol Permit Request - Resolution

WHEREAS, the Superintendent of Public Works has received a request to allow Le Café Cent-Dix to utilize certain areas along North Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Le Café Cent-Dix, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2019, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Le Café Cent-Dix that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, the Superintendent of Public Works has received a request to allow Mercato Bar and Kitchen Restaurant to utilize certain areas along North Aurora Street for outdoor dining; and

WHEREAS, this use of public property has been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Primary and Secondary Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Primary and Secondary Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Mercato Bar and Kitchen Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2019, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Mercato Bar and Kitchen Restaurant that includes the sale of alcohol in accord with the terms and conditions set forth in application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
WHEREAS, the Superintendent of Public Works has received a request to allow Simeon’s American Bistro Restaurant to utilize certain areas along North Aurora Street and the Ithaca Commons for outdoor dining; and

WHEREAS, since 1987 the City of Ithaca has issued a license to Simeon's American Bistro Restaurant allowing that restaurant to utilize certain areas along North Aurora Street and on the Ithaca Commons for outdoor dining; and

WHEREAS, this use of public property has generally been deemed proper and successful; and

WHEREAS, the City of Ithaca wishes to promote diverse uses of the Ithaca Commons, including outdoor dining; and

WHEREAS, it is Common Council's responsibility to determine whether or not to allow the serving and consumption of alcohol on the Ithaca Commons; and

WHEREAS, Common Council has determined that the use of this public property for outdoor dining at Simeon's American Bistro Restaurant, including the responsible sale and consumption of alcohol, is desirable; and

WHEREAS, Common Council has determined that any use of this or similar public property involving the same and consumption of alcohol should be covered by a minimum of $1,000,000 insurance under the Dram Shop Act; now, therefore be it

RESOLVED, For the year 2019, Common Council hereby approves a revocable Alcoholic Beverage Permit for the outdoor sale and consumption of alcohol for Simeon's American Restaurant that includes the sale of alcohol in accordance with the terms and conditions set forth in the application therefore, including minimum Dram Shop coverage in the amount of $1,000,000 and the approval of an outdoor dining permit.
CONSENT AGENDA ITEMS - Continued:
City Administration Committee:
8.5  Finance – City Chamberlain – Request to Waive Penalty on Taxes - Resolution
WHEREAS, the owner of property at 208 Kline Rd, tax map #6.-1-2.1 presented check #1569 in the amount of $4,529.28 on January 4, 2019, for payment of the County taxes on the property; and

WHEREAS, the check was $20.00 short of the $4,549.28 payment in full as is required; and

WHEREAS, the City Chamberlain’s Office attempted to call the writer of the check by using the telephone number on the check to inform him of the discrepancy; and

WHEREAS, the noted telephone number was not a working number; and

WHEREAS, the City Chamberlain therefore returned check #1569 on January 4, 2019, informing the owner that it was short and requesting submission of the correct amount; and

WHEREAS, upon receiving a notice of unpaid taxes in March 2019, the owner called to dispute the return of the original check and the accrued late penalties and fees but ultimately sent a second check on March 26, 2019 in the amount of $4,642.27 which included late penalties and notice fees due at that time; and

WHEREAS, this second check including March 2019, penalties and fees, has been received and posted by the Chamberlain’s Office; and

WHEREAS, the owner has requested the late penalties and fees be refunded, even though he admits he shorted payment in January; and

WHEREAS, refunding the late penalties needs Common Council approval; now, therefore be it

RESOLVED, That the request to waive and refund penalty and fees on the 2019 Tompkins County Taxes for 208 Kline Rd, in the amount of $92.99, be hereby approved.
RE: County tax underpaid by 20 dollars. Appeal

Deborah Whitney

Sent: Monday, March 18, 2019 4:37 PM
To: Ronald J. Herring [rjh5@cornell.edu]

Thank you Mr. Herring. Could I also get a picture of your check? Feel free to fold over the routing and account information on the bottom, so it is not in the picture.

As suggested on the phone, I encourage you to pay this County tax in full, including March penalties. Total due is $4,642.27. We collect County taxes only thru March 31st, after which they are returned to the County for delinquent collection and significant additional penalties will apply.

Our City Administration Committee will meet on April 17th. I will get supporting documents and your appeal request to them. Common Council has final say at their May 1st meeting.

While this may seem like much ado to you, I hope you understand that I am called to do tax collection based on NYS Tax Law. Voiding late penalties, which is prohibited by tax law, is a conflict of interest for me, therefore, I rely on process’ set forth specifically for these kinds of determinations.

Deborah Whitney
City Chamberlain
108 E Green St.
Ithaca, NY 14850
dwhitney@cityofithaca.org
Ph: (607) 274-6583
Fax: (607) 272-7348

"Disability is not a 'brave struggle' or 'courage in the face of adversity.' Disability is an art. It's an ingenious way to live."
Neil Marcus (Actor and playwright, central figure in the development of disability culture)

From: Ronald J. Herring [rjh5@cornell.edu]
Sent: Monday, March 18, 2019 3:55 PM
To: Deborah Whitney
Subject: Fwd: County tax underpaid by 20 dollars. Appeal

This is my appeal as discussed today by phone of assessed penalty for $20 short on a check of $4529.28.

This was an error on my part copying the numbers. If it matters, I'm 72 years old and sight impaired and do make such errors with some frequency. I am happy to pay the $20 but feel the penalty is unfair. In fact, opening the note, I saw it was dated January 2018, put it aside for income tax preparation for 2018 due in a few weeks. Sorting papers to prepare taxes I noticed the error in payment was made in 2019, NOT 2018.

My error, but not deserving of penalty, I think. Thank you for your consideration. Ron Herring
1.0X-12

1569

50-604/613

DATE

PAY TO THE ORDER OF

TOMPKINS

Trust Company

City of Ithaca

$7,552,572

30

Insured

Handwritten

Valerie J. Bunce

Ronald J. Herring

208 Kline Rd. Ph. 607-272-8246

Ithaca, NY 14850

Memo: County tax
8.6  **Youth Bureau – Amendment to 2019 Budget - Resolution**

WHEREAS, The Ithaca Youth Bureau applied for and received a Tompkins County Tourism Grant for Ithaca Bike Rental (IBR); and

WHEREAS, the money will be used to purchase adaptive bikes for use by community members and visitors and a storage unit for the bikes; and

WHEREAS, IBR has grown into a very successful program that provides summer youth employment to local teens, bikes to community programs, and rentals to visitors and community members to explore, enjoy and experience the Waterfront and Black Diamond Trails; now, therefore be it

RESOLVED, That the Ithaca Youth Bureau 2019 budget be amended as follows:

**Increase Expenses:**
A7310-5460-01203 Program Supply $10,475

**Increase Revenues:**
A7310-2070-01203 Donations $10,475
To: City Administration Committee  
From: Liz Klohmann, Director  
Re: 2019 Budget Amendment  
Date: 4/17/19

The Ithaca youth Bureau applied for and received a Tompkins County Tourism grant to purchase equipment for Ithaca Bike Rental. The grant will be used to purchase a vertical bike rack, recumbent bikes and other adaptive bikes. We are requesting that the 2019 budget be amended to reflect this award.

Please approve the following amendment:

**Increase Expenses:**
A7310-5460-01203  Program Supply  $10,475

**Increase Revenues:**
A7310-2070-01203  Donations  $10,475

**Total - $10,475**
WHEREAS, Section 15.12 of the Franchise Agreement of January 2003 between the City of Ithaca and the franchisee Time Warner Entertainment-Advance/Newhouse Partnership (TWC), subsequently assigned to Charter Communications, Inc. (d/b/a Spectrum Networks) after Charter's 2016 acquisition of TWC, requires the participating municipalities (City of Ithaca, Town of Ithaca, Village of Cayuga Heights) to provide the franchisee with an annual written budget for Public, Educational and Governmental access operations (PEG) by June 30 of each calendar year; and

WHEREAS, the City of Ithaca's Ordinance #2003-17, Par 18-4-G, requires the Cable Access Oversight Committee (AOC) to provide the Participating Municipalities with a recommended annual budget by May 31 of each calendar year; and

WHEREAS, in 2017 it was resolved not to use the 2018 Budget funds but have them become part of the 2018 Budget; and

WHEREAS, in 2018 it was resolved not to use the 2019 Budget funds but have them become part of the 2020 Budget except for a contingency of $5,000.00; and

WHEREAS, the AOC has reviewed PEG’s current equipment and anticipates that only a limited amount of new or replacement equipment will be needed; and

WHEREAS, the AOC anticipates the replacement of computers and the current playback system in the next few years; and

WHEREAS, such purchases would exceed the available funds of one budget year; and

WHEREAS, at their regular meeting on April 2, 2019 the AOC recommended earmarking up to $10,000.00 as contingency to purchase equipment as needed for the functioning of PEG operations, and to let the remaining 2018, 2019 and 2020 Budget funds accumulate and become part of the 2021 Budget; now, therefore be it

RESOLVED, That the Common Council of the City of Ithaca accepts the AOC recommended budget for Spectrum TV’s 2020 annual budget for Public, Educational and Governmental access operations.
WHEREAS, Ithaca Babe Ruth utilizes Union Field 8 at Cass Park to operate the Cal Ripken Youth Baseball program and currently licenses from the City certain storage spaces to support its public recreational activities in accordance with a revocable license agreement approved by Common Council on June 1, 2016; and

WHEREAS, the current shed at Union Field 8 provided by Babe Ruth is old, has sustained damage over the years, and is no longer weather or rodent proof; and

WHEREAS, the existence of this shed assists Ithaca Babe Ruth in offering quality affordable youth baseball opportunities to local youth; and

WHEREAS, Ithaca Babe Ruth is currently in an Agreement/Revocable License for Use of City Real Property that will be adjusted for the additional 36 square feet of shed space; and

WHEREAS, Ithaca Babe Ruth will provide a new 12’ x 12’ shed and remove the existing 9’ x 12’ shed at their own expense; and

WHEREAS, the Ithaca Youth Bureau, the Parks, Recreation, and Natural Resources Commission, and the Board of Public Works are supportive of this proposal, and the Superintendent of Public Works does not anticipate any conflicts in the near future with public works uses or needs; and

WHEREAS, City Code Chapter 170 “Use of City Real Property” vests in the Common Council sole authority to grant approval of any license to make non-transitory use of City parkland; now, therefore be it

RESOLVED, That Common Council finds that Ithaca Babe Ruth’s proposal to replace the existing shed continues to support the broader public recreational activities in Cass Park provided by Babe Ruth under the above-referenced Agreement/Revocable License for Use of City Real Property; and

RESOLVED, That Common Council hereby authorizes the Mayor, upon the advice of the City Attorney, to amend the license agreement to permit replacement the existing 9’ x 12’ shed with a 12’ x 12’ shed in the existing location at Union Field 8, including installation and maintenance thereof.
Date: March 6, 2019
To: Jim D’Alterio
Deputy Director, Ithaca Youth Bureau

From: Jim Yaggie
President, Ithaca Babe Ruth, Inc.

Re: Proposal for F8 shed at Cass Park

Pursuant to the “Agreement/Revocable License for Use of City Real Property” dated April 11, 2017 between the Ithaca Babe Ruth League and the City of Ithaca, we are requesting further consideration for placement of a shed at Cass Park Field 8.

The objective of that agreement was to gain approval for a new shed (approximately 144 square feet) at Field 9. Since, we have added the structure and it has been a tremendous asset. We request that you consider the placement of a similar shed (12’x12’) at Field 8 to expand our ability to store & maintain equipment essential to our care & use of the fields. As part of this proposal, we would commit to removal of the old 9’x12’ shed and place the new shed in its footprint.

We understand that a new agreement for the proposed shed would alter the April 11, 2017 document and any related fees associated with the new square footage.

If you have any questions related to this proposal, please email me, directly, at jyaggie@att.net or call my cell at 858.349.8512.
8.9 **Department of Public Works (DPW) - Request to Amend Personnel Roster - Resolution**

WHEREAS, the City of Ithaca Sidewalk Program’s 2019 Work Plan and Budget was approved by Common Council on November 7, 2018; and

WHEREAS, the Sidewalk Program Manager needs assistance for construction inspection duties, preparing engineering estimates, and preparing engineered drawings; and

WHEREAS, the cost analysis for extending an annual seasonal position to a full-time permanent position is marginal, and is a significant savings against hiring a consultant; now, therefore, be it

**RESOLVED,** That the Personnel Roster of the Engineering Division of the Department of Public Works be amended as follows:

Add: One (1) Engineering Technician (40 hours)

; and, be it further

**RESOLVED,** That the above changes shall be funded from Account S5410—Sidewalk Assessment District.
To: City Administration Committee

From: Tim Logue, Director of Engineering
      Johnathan Licitra, Sidewalk Program Manager

Date: April 3, 2019

Re: Request to an Engineering Technician to the Personnel Roster

We have hired a seasonal Engineering Technician each year for the past five years of the Sidewalk Improvement District (SID) program, primarily focused on sidewalk inspections, investigating complaints, and inspecting sidewalk repair and construction. We have been lucky enough to have a returning seasonal employee a couple times, but rehiring and training a new person is an otherwise time-consuming process. As our work has grown, particularly with recent grant award successes such as Hector Street and South Aurora Street, we have come to the conclusion that there is plenty of work to do through the winter and it would be appropriate to convert the seasonal position to a permanent rostered position. We believe there are a number of reasons to create a permeant position:

1. Reduces the need for out-of-house costs associated with small topographic surveys and engineering drafting for sidewalk replacement or new construction
2. Having the same person year after year will increase familiarity with City of Ithaca and NYS DOT construction standards and DPW personnel – better coordination across DPW divisions
3. Efficiency in preserving institutional knowledge and procedures.
4. Hiring an out-of-house consultant for construction inspection is very expensive (on the order of $75,000 for 6 months), so it makes sense for us to do this in-house. Having the person on the roster eliminates the “winter furlough” and provides better continuity with planning and budgeting, designing, and bidding, and then heading into construction season.

Funding for this position has been budgeted within the 2019 SID Work Plan under the Construction Inspection/Engineering Technician line item. No additional funding is needed to bring this position on full-time.
9. CITY ADMINISTRATION COMMITTEE:
9.1 Department of Public Works (DPW) - Amendment of Capital Project #839 for Dryden Road Parking Garage - Resolution

WHEREAS, Capital Project #839 was established in 2017 at $51,000 for a Condition Assessment of the Dryden Road Parking Garage, and the report identified and prioritized capital repairs over a 5-year timeframe; and

WHEREAS, Common Council amended CP #839 by adding $375,000 to fund engineering and construction of several high-priority safety issues requiring immediate attention, including staircase, fire suppression standpipes, barrier strand cables; and

WHEREAS, bids were opened on March 26, 2019 for this scope of work, and the low bidder was Crane Hogan at $483,840; and

WHEREAS, Engineering staff is recommending award of the contract to Crane Hogan, conditioned on additional budget and completion of the full scope of work, plus an allowance for construction inspection and material testing and a contingency; now, therefore be it

RESOLVED, That Common Council hereby amends Capital Project #839 by $200,000 for the repair of structural and safety issues at the Dryden Road Parking Garage, bringing the total authorization to $626,000; and, be it further

RESOLVED, That funds needed for said amendment shall be derived from issuance of Serial Bonds.
To: Common Council  
From: Tim Logue, Director of Engineering  
Date: April 8, 2019  
Re: Request to Amend CP 839 for Dryden Road garage repairs

On March 26th, we opened bids for CP 839 for repairs in the Dryden Road garage. Our low bidder was Crane Hogan at $483,840. In order to award the contract and carry a small budget for construction inspection, material testing, and a modest contingency, we need about $200,000 added to the Capital Project.

Most of the scope of work is critical to keeping the garage open to the public. The work includes both stair towers, which are required egress. Particularly the eastern stair tower is in poor condition. If we had to close the stairs, it would call into question whether the building could remain open. Also, the fire suppression system, a dry stand pipe system, is non-functional. Under new state codes, the Fire Department needs to certify the building annually and a broken stand pipe system would be a life-safety failure. The rest of the scope of work is important the tension cable barrier strand repairs are for safety, and the floor drain replacement handles water that can otherwise damage the structure. We will likely do some limited concrete repairs, but will hold off on major deck work for another year, though that will probably come at us in the next year or two.

Based on these items, I am recommending awarding the contract to Crane Hogan and proceeding with the considered scope of work. A resolution is attached to amend the capital project.

Please note: I will not be available for your meeting on April 17th, though I will try to have someone attend in my stead. If you have any questions or concerns about this request, please contact Mike Thorne ahead of time so that he can be prepared. Thanks.
9.2 **Department of Public Works (DPW) – Exchange of Property with State of New York - Resolution**

WHEREAS, upon staff recommendation, the City of Ithaca Board of Public Works recommended an exchange of right-of-ways between the State of New York and the City of Ithaca; and

WHEREAS, the right-of-way segments under consideration are:

- The City of Ithaca owned portion of Route 13, also known as Elmira Road, from the south City line to a point approximately 0.85 miles to the north, and

- The New York State owned portions of Route 79 in the central business district, including Green Street, Seneca Street and Seneca Way, from and including the Tuning Fork intersection (State/Green/Seneca Way) to Route 13 southbound (Fulton Street); and

WHEREAS, Common Council understands that there is a DOT Administrative Procedure that will evaluate the proposed exchange and will ultimately require formal action from Common Council and the NYS Legislature to effect the exchange; and

WHEREAS, the City of Ithaca would expect to modify the existing Arterial Maintenance agreement between the City and the State to include state owned roads segments after the exchange; now, therefore be it

RESOLVED, That the Common Council of the City of Ithaca hereby endorses the exchange of right-of-ways, including the rights and responsibilities thereto, with the New York State Department of Transportation for the abovementioned roadways; and, be it further

RESOLVED, That the Common Council of the City of Ithaca does hereby request the New York State Department of Transportation to undertake the assessment for a jurisdictional realignment in accordance with the NYSDOT Manual of Administrative Procedures for

- the City of Ithaca owned portion of Route 13, also known as Elmira Road, from the south City line to a point approximately 0.85 miles to the north, and

- the New York State owned portions of Route 79 in the central business district, including Green Street, Seneca Street and Seneca Way, from and including the Tuning Fork intersection (State/Green/Seneca Way) to Route 13 southbound (Fulton Street)

; and, be it further

RESOLVED, That Common Council authorizes the Superintendent of Public Works to pursue said exchange with the State of New York and return with a final proposal from NYSDOT for local approval.
To: Common Council  
From: Eric Hathaway, Transportation Engineer  
Date: April 3, 2019  
Re: Arterial Swap with NYSDOT - Update  

In August of 2018, I received your support to request a jurisdictional realignment through which the City of Ithaca would give NYSDOT our right of way on Route 13 (essentially the Elmira Road segment) in exchange for the segments of Route 79 that the State owns in the central business district (Green and Seneca Streets, from the Tuning Fork west to Meadow Street). I have attached those previous materials for your use.

Based on NYSDOT’s feedback, I made some minor modifications to the previous request to resubmit for their consideration. Per the attached map, we are now requesting that the City take over the blocks of W Green Street and W Seneca Street between Fulton Street and Meadow Street, so as to create continuous ownership of these roadways within the City. I would also now like to request that the City take over ownership of the traffic signals at the intersections of Taughannock Boulevard (SR 89) with State Street and Seneca Street (SR 79), as the City already owns these intersections, per the attached map.

If you agree with these recommendations, I ask that you endorse the attached resolution so that I can reengage with NYSDOT on this issue.
To: Ithaca City Common Council  
From: Eric Hathaway, Transportation Engineer  
Date: July 18, 2018  
Re: Arterial Swap with NYSDOT

Per the attached memorandum from Director of Engineering, Tim Logue, to the Board of Public Works, I am requesting that Common Council endorse a trade of arterial ownership with the New York State Department of Transportation. Through this trade, or “jurisdictional realignment” (NYSDOT terminology), the City of Ithaca would give NYSDOT our right of way on Route 13 (essentially the Elmira Road segment) in exchange for the segments of Route 79 that the State owns in the central business district (Green and Seneca Streets, from the Tuning Fork west to Meadow Street).

I concur with all of Tim’s reasoning in the attached memorandum and would add that the street permitting process is another reason to pursue the jurisdictional realignment. After several years of significant construction projects along Green Street and Seneca Street, it is evident that temporary traffic control during construction projects has a significant impact on the traveling public. I believe that our staff is in a better position than NYSDOT to actively monitor such work zones and effect changes when needed. Now that the City is able to collect sidewalk and street closure fees (which do not apply to DOT owned streets), the permitting of such projects would not be an undue burden to oversee and would raise additional revenue for the financial calculations.

Also attached is a document outlining the NYSDOT process to perform a “jurisdictional realignment”. Due to the number of steps involved on NYSDOT’s part, I would assume this process could take some time. I look forward to discussing this further with you.

Finally, I have attached a fact sheet with information on the roadways and finances associated with this swap.
To: Board of Public Works  
From: Tim Logue, Transportation Engineer  
Date: February 3, 2015  
Re: Arterial Swap with NYSDOT

I am recommending that we begin the process to swap arterials with the New York State Department of Transportation. We’ve had some on and off again conversations about this topic over the past ten years, both within the City and with the NYSDOT, but I think it is time to move forward with the proposal. Before we move forward, we wanted to check in with the Board to see if you have any questions or concerns.

The proposal is to trade right-of-ways with NYSDOT. The City of Ithaca would give NYSDOT our right of way on Route 13 (essentially the Elmira Road segment) in exchange for the segments of Route 79 that the State owns (Green and Seneca Streets, from the Tuning Fork west, and the segment of West State Street between Fulton & Taughannock Blvd). NYSDOT has given us an official procedure for “jurisdictional realignment” that would cover the swap scenario, the first step of which is to have a formal submission to NYSDOT from the City. This formal submission must include a resolution from Common Council, but first there should be further discussions with the Regional Director about which segments exactly are under consideration.

In my opinion, the reasons why this swap would make sense to the City include:

- More control over streets in CBD and adjacent neighborhood as far as permitting, street or sidewalk design, coordinated signal timing, special events, building development, etc.
- Simplifies and clarifies ownership of Route 79 and Route 13 for staff and public alike
- Assuming DOT would want a maintenance agreement for Elmira Road, there would likely be little net impact on state transportation funding – CHIPS and arterial maintenance agreements

The only downsides to this proposal that I see are that the City would lose some control over access management and traffic control along Elmira Road, but this would be balanced with the increased control in the CBD. And, I think our
interests for the travelling public align with those of NYSDOT, so I don’t foresee conflicts about these types of decisions. If anything, NYSDOT may be able to bring additional resources to the corridor. Probably the larger downside is that the City would inherit more lane miles and traffic signals than we would be giving away. This means that over time, we would take on larger capital costs than we might otherwise see.

One recent event helps make this proposed swap more advantageous to the City. This past year Route 79, from Rt 13 east to I-81, was reclassified as a principle arterial, putting it on the National Highway System, and making it now eligible for funding from the National Highway Preservation Program (NHPP). Previously, the only roadway eligible to use NHPP funds was Route 13. This has proven especially restrictive locally since the last federal transportation legislation, MAP-21, reallocated funding such that approximately half of the available federal funding is now in the NHPP. I think this fact makes up for additional capital costs inherited by the City for the additional lane miles. With federal aid covering 80% of the costs, and state funding often covering an additional 15%, the ultimate City costs range from 20% to as low as 5% of the total project costs.

If the Board is interested in this proposal, staff will have a last conversation with the NYSDOT Regional Director, and then we will ask you to pass a resolution recommending to Common Council that the City and New York State pursue this “arterial swap” or “jurisdictional realignment.”
A comparison of arterials under consideration for exchange with NYSDOT

Physical Inventory

City-owned portion of Elmira Road (Route 13/34/96)

Length = 4,500 feet or 0.85 centerline miles.
At 60 ft wide = 270,000 s.f. or 30,000 s.y.
Two (2) lanes in each direction plus two-way center turn lane.
5 lanes over 4,500 feet = 22,500 lane feet or approximately 4.25 lane miles

A 2011 traffic count on Elmira Road showed an AADT = 17,000.

Four (4) traffic signals:
• Home Depot (ownership never transferred to City of Ithaca)
• Spencer Road
• Commercial Avenue
• Wal-Mart/Friendly’s (ownership never transferred to City of Ithaca)

One (1) non-signalized intersection at Southwest Park Drive.

Culvert for stream - Friendly’s/Honda to Wal-Mart parcel
Culvert for creek at U-Haul (343 Elmira Rd)/Midas (347 Elmira Rd)
Culvert at 371 Elmira Rd?

Pedestrian bridge over Route 13 at City/Town line.

State-owned portion of Green and Seneca streets (Route 79)
From, and including, Tuning Fork to Meadow Street

Length = 8,500 feet or 1.61 centerline miles.
At 40 ft wide = 340,000 s.f. or 37,778 s.y.
Two (2) lanes in each direction. Very short sections of 3 lanes in Tuning Fork.
4 lanes over 8,500 feet = 34,000 lane feet or approximately 6.45 lane miles

A 2010 traffic count on Green Street showed an AADT = 7,196 and for Seneca Street showed an AADT = 8,309. Total AADT = 15,505.
Nine (9) traffic signals:
- Green and Plain streets (flash mode/IFD pre-empt)
- Green and Albany streets
- Green and Cayuga streets
- Green and Tioga
- Tuning Fork system
- Seneca and Aurora
- Seneca and Tioga
- Seneca and Cayuga
- Seneca and Albany

Six (6) non-signalized intersections:
- Green and Corn
- Green and Fayette
- Green and Geneva
- Seneca and Geneva
- Seneca and Plain
- Seneca and Corn

There are no bridges or culverts in these segments.

Financial considerations for swap

CHIPs funding
For city, the swap yields 0.76 more centerline miles (1.12% of our existing 67.84 centerline miles) and 2.2 more lane miles (1.63% of our existing 134.88 lane miles)

In 2017, the City of Ithaca received $438,481 in CHIPs funding.

The City would likely receive about $4,300-$6,500 per year more with additional centerline and lane miles. For example, a 1% increase in CHIPs funding over our 2017 funding would be $4,300 per year; a 1.5% increase in CHIPs funding would be $6,500 per year. CHIPs funding has increased by $139,000 since 2007, or 26 percent.

Arterial Maintenance & Repair Agreement
Assuming NYSDOT wanted the City of Ithaca to enter into a maintenance agreement for Elmira Road and the square yards for Seneca and Green streets were deleted from the agreement:
Net 7,778 s.y., reduction @ $0.85/sy/yr = $6,611 less per year

However, we did change the terms of the agreement in regard to traffic signals. Each signal in the agreement is worth 195 sy x $0.85/sy = $165.75/yr. In the exchange, there is a net decrease of seven (7) signals (the two un-licensed signals can be licensed and annual maintenance payments would be made by the developer), so this would add $1,160.25 back into the agreement.

So the total annual reduction in arterial maintenance payments would be $5,450.75.

Other considerations

City completed project to mill and pave Elmira Road for approx. $280,000 in 2007.
The two city-owned signals (Commercial Ave & Spencer Rd) are in need of replacement at a cost of approx. $300,000. The other two signals have not been licensed yet.

8 of the 9 state-owned signals on Green & Seneca were built in 1988. The 9th signal (the Tuning Fork) was built in 2006. Though the poles and mast arms may last another 10 to 15 years, the signal controllers and cabinet would need to be replaced for this swap. NYSDOT would likely want (and we do not want) their 2070 equipment; the City would want to replace with NEMA equipment. The value of this trade out is on the order of $30,000 per signal, so approximately $270,000 in total.

NYSDOT has completed a project to mill & pave Green & Seneca streets between the Tuning Fork and Meadow Street in 2012. This work is valued at approximately $400,000.

Summary of Annual Costs

<table>
<thead>
<tr>
<th></th>
<th>+ for City</th>
<th>- for City</th>
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</thead>
<tbody>
<tr>
<td>Annual CHIPS</td>
<td>$4,300</td>
<td></td>
</tr>
<tr>
<td>Annual Arterial Maintenance</td>
<td></td>
<td>-$5,450</td>
</tr>
<tr>
<td>Net Annual Change</td>
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<td>-$1,150</td>
</tr>
</tbody>
</table>

By this accounting, the exchange is basically a fair trade for annual costs.
**Capital Cost Comparison**

For planning purposes, NYSDOT uses a figure of $1.68M/lane mile to estimate the cost for road reconstruction projects. This is for an urban section with curb, closed drainage, sidewalks and utilities. The construction costs for urban traffic signals are on the order of $100,000. Using these figures the capital value of these roadways would be:

Elmira Road = $7,340,000  
Green & Seneca Street = $11,736,000

For preventative maintenance, NYSDOT uses $36,000/lane mile for a vender placed pavement type treatment and a $70,000/lane mile cost for a one course mill and pave. Adding one of each of these over a 40 year life adds:

Elmira Road = $480,000  
Green & Seneca Street = $683,700

For a total cost of:

Elmira Road = $7,790,500  
Green & Seneca Street = $12,419,700

A Capital Recovery Factor uses a discount rate (time value of money) and a useful life estimate to determine an annual amount that would be needed to replace the asset. For this analysis, it is assumed that the useful life of the pavement is 40 years. Using a 7% discount rate, the annual “cost” to own the roads would be about $580,000 for Elmira Road and $930,000 for Green/Seneca. Using a 4.5% discount rate (a little closer to our cost to borrow money), the annual “costs” would be about $425,000 for Elmira Road and $675,000 for Green/Seneca. In the former case, the difference is $350,000; in the latter, it is $250,000.

In the long run, owning Green & Seneca streets has a larger capital cost.

EAH  
7/18/2018
I  PROCEDURE OVERVIEW

A. Jurisdictional realignment is defined as the equitable exchange of roadways between the State and a locality executed through legislation.

B. The purpose of this memorandum is to describe the process and provide guidance to Regions and the Main Office for reviewing jurisdictional realignment proposals.

C. The objective is to ensure a smooth transition of the transfer of New York State roadways between local and State ownership (maintenance and otherwise).

D. This MAP does not include discontinuance of state maintenance and/or abandonment or acquisition of portions of state highways covered by the Highway Law. For these, refer to MAP 7.9-2.

II  STEPS IN PROCEDURE

1. LOCALS/NYSDOT REGION

Formal Submission to NYSDOT

Proposals for jurisdictional realignment are limited to only those who own the road. They may come from the locality (county, city, town), the New York State Department of Transportation (NYSDOT) Regional Office or the NYSDOT Main Office. In all cases, the Regional Director (RD) is the point of contact with the locals for NYSDOT.

A. Preliminary Tasks - The proposing entity enters into discussions with all other jurisdictions involved in the transfer. Agreement is reached as to which sections of roads are to be transferred. The information required by the NYSDOT RD is obtained. It is at the RD’s discretion to determine the scope and content of what is required. In addition, the Region will advise all localities that a resolution is required from all local jurisdictional governing bodies endorsing the exchange of the roads in question. The resolution must include a description of the roadway(s).

B. Justification - The proposing entity must include written justification for the realignment. Such justification should include the reasoning behind the proposal, descriptions and the length of the roadways in question. Also included are bridges on the roadways to be exchanged and how many, estimated traffic volume and the current roadway and bridge conditions of both systems to be exchanged.
In the event the Region is initiating the request, a formal proposal to the appropriate localities is submitted which includes the same information discussed above.

C. **Submission to RD** - The description and justification are forwarded from the originator of the proposal to the NYSDOT RD’s who have jurisdiction over the roadways in question. In the rare instance that the realignment involves two regions, the two RD’s should discuss and decide which one will have the lead for this process.

2. **NYSDOT MAIN OFFICE - PLANNING & STRATEGY**

**Director of Planning & Strategy Provides Conceptual Approval**

The Region submits the preliminary proposal to Main Office (MO) Planning & Strategy. Included in the submittal is a brief description of the proposal along with the RD’s recommendation. The Planning & Strategy Director reviews the proposal and provides conceptual approval. In the event that the proposal is not approved, Planning & Strategy informs the Region. It is the Region’s responsibility to inform the locality of the decision.

3. **NYSDOT REGION**

**Regional Review of Jurisdictional Realignment Proposal**

Upon review and conceptual approval of the proposal by MO Planning & Strategy, the NYSDOT Region is the lead NYSDOT organization to review the proposal. The Region acts as liaison not only with the local entity but also with the NYSDOT Main Office. The Region determines the proposal’s fairness and answers specific technical questions that may be raised by the proposal. The steps for Regional review are as follows:

A. **RD Preliminary Review** - The RD Office does a preliminary review to determine the soundness of the proposal. Upon concurrence of the Director of Planning & Strategy, the RD has the authority to determine if the Department should or should not advance the proposal. There are three determinations which can be made.

- **Rejected** - If rejected on merits, the RD provides a notice of declination. It is at the RD’s discretion as to the level of formality in such a notice to the locality. However, for any formal proposal submitted by the locality to the Region which is rejected, the RD must inform the NYSDOT Main Office of the declination as part of its monthly report to the Commissioner.

- **Approved** - If approved by RD with concurrence of MO Planning & Strategy, the proposal is distributed to the Regional group designated as lead coordinator (see Step B below).

- **A Counterproposal** - The RD has the option to counter propose with an alternative proposal to the locality provided the alternative has the approval of Planning & Strategy.
B. **RD Assigns Regional Group as Lead Coordinator** - Traditionally, if the proposal is accepted, the Regional Planning Group coordinates the review of the proposal in the Region. However, the RD has the discretion to assign any group as the primary coordinator. There are two key responsibilities for the primary coordinator to determine. The first responsibility is to determine the appropriate units to review and solicit feedback from the proposal. The second obligation is to coordinate discussions on questions and issues raised by the Region with the jurisdictions involved in the transfer. The Regional groups involved in a review may include, but are not limited to:

- **Regional Planning Group** - The Group identifies the impact of the proposal to Regional operations. An analysis determining if the proposal serves as a logical link to the current State system of roadways is also performed. The question of the function of the facilities to be transferred is a key component of the analysis. Land use issues, a traffic volume comparison and, in partnership with the Regional Maintenance Group, a maintenance impact is all investigated. In addition, the current condition of the road and any cost and timing of when road repair will be needed is explored. The Group reviews potential Capital program implications. It also coordinates information with the MO Engineering Technical Services Group on National Highway System, STRAHNET and defense highway system to ensure compliance on clearance and connectivity requirements.

- **Traffic & Safety Group** - Provides feedback based on expertise. Examines issues such as High Accident Location (HAL), Priority Investigation Location (PIL), etc. on portions of roads to be exchanged.

- **Maintenance** - Maintenance estimates the incremental cost of maintaining new roads and the reduction in costs of not needing to maintain the roads to be transferred to the other entity. It identifies any need to strategically reorganize the Region residencies to maintain new roadways or if the transfers will result in greater efficiencies in maintenance operations. It also summarizes equipment management impact, etc. With the Regional Planning Group, Maintenance determines the current condition of the road and any cost, timing, etc. when road repair will be needed. Often repairs are done prior to the transfer of the roadway. Repairs of the roadway(s) and bridges may be part of the negotiation involving the RPPM in coordination with Maintenance.

- **Right of Way Mapping** - Right of Way Mapping provides a general description of the roadways and bridges to be exchanged. Mapping specifies the length of the roadway and illustrates all roads affected with a detailed map. The group determines what section of law the roadway is being exchanged under. It also identifies the specific start and end pieces of all roadways affected.

- **Real Estate** - Plays an advisory role in process. Real Estate is consulted for any unknown or ongoing real estate issues for the roads.
Jurisdictional Realignment Checklist

To facilitate jurisdictional realignment, included is a checklist of key components for the RD and Region to consider in advancing jurisdictional realignment.

- **Ground Rules** - Work out ground rules for the exchange early in the process. For example, exchange a similar quantity of lane miles that are in similar condition. Of course, the condition of a bridge will affect how to count it, so where possible, match those bridges in similar conditions. If such a match is not possible, find another means of making an equitable trade off with other sections of roadway.

- **Condition Ratings** - Provide information to local governments from the highway sufficiency files and condition ratings that help identify proper roads and streets for exchange. Often, Regional staff and local highway officials know these roads well. If not, drive the segments proposed for the exchange to become familiar with them.

- **Maintenance Costs** - Determine if the exchange reduces annualized maintenance costs and for whom. Also, determine if the exchange complements NYSDOT and local highway department operations.

- **Equitable Exchange** - Check the condition of the highway and bridges to be exchanged. Determine if the exchange includes highways and bridges in similar condition. Further, calculate if the exchange is fair and beneficial to the State and to the local governments.

- **Local Resolutions** - Request the county, town and village legislatures of the governments involved to pass resolutions authorizing the exchange.

- **Transfer Dates** - Establish a convenient date for the exchange to take place. Make sure to avoid a date in the middle of a construction (summer) or maintenance (winter) season. Remember to take into account the length of time needed to advance the proposal through the State Legislature and Governor's Office. MO Governmental Affairs is available to assist in providing an estimate for such a transfer date if needed.

- **Regional Concurrence** - Make certain that all appropriate Regional program areas concur with the transfer prior to sending it to the MO for review.

- **Wait for Sponsorship** - Do not solicit sponsorship of the transfer from a State legislator until legislation is drafted and the MO has received authorization from the Governor's Office to proceed.

- **Unique Roadways** - Ensure clearance and the connectivity requirements of the National Highway System, the Strategic Highway Network (STRAHNET) and the defense highway system. Impacts on these systems, if applicable, should be addressed.

- **Federal Aid Eligibility & Functional Classification** - Any change in the Federal aid and functional classification of the realignment should be noted as part of the application.

C. **Formal Recommendation from the Region to the MO** - Based on input from Regional groups to advance the proposal, the RD submits the proposal to the MO. Justification for its support must be included in the submittal to the MO. The proposal, which includes a summary of the analysis performed in the Region, is advanced to Planning & Strategy with a cc to the Chief of Staff.

If it is determined that the proposal is not to be approved, the RD follows the Step 3 of Section A under “rejected.”
Contents to Include for the Region’s Submittal

Recommendation - A proposal which correctly describes the highway portions to be exchanged is drafted. Included in this proposal should be;

- Descriptions - 1) Identification of the roads to be transferred using the official name of the roadways (NYS routes are identified in Article 12, 12-A or 12-B of the Highway Law) 2) touring route or common names of the road 3) the start and end points of the section of roadway to be transferred (e.g., Fleetwood Ave, the section of Route 812 between Main Street and Second Street, etc. in the town of x) 4) A layman’s characterization of the roads to be exchanged including location, mileage, along with the number of bridges 5) the condition of the roadway 6) an estimated current and future maintenance cost. Include the State Highway #’s of the state highways to be transferred. In addition, include any appropriate identifying numbers for local roads.

- Agreements - Any commitments to improve segments of roadway, prior to the takeover, should be identified. While there may be no such commitments, sometimes such improvements are negotiated particularly when a road to be transferred is in far better condition than a road to be received.

- Jurisdiction - The government(s) transferring and receiving each highway piece and the portions of the roadway each is to transfer or receive must be correctly specified.

- Justification - Justification for the transfer (e.g., improves the efficiency of maintenance forces, is more consistent with the function of the roadway, etc.) must be included.

- Effective Date - Include any preference for an effective transfer date of the roadways. This is usually based upon maintenance lead time requirements.

- Maps - Include maps clearly identifying highway segments to be transferred. The maps must include village streets if they are being exchanged. Note that county highways become village or city streets when they cross into an incorporated government. In such a case, the county does not have the authority to transfer them as the village needs to be involved in the transfer.

- Resolution(s) - Resolutions passed by each involved municipality correctly specifying the highway portions to be transferred away and/or received.

- Fiscal Impact - This would include both costs or benefits to the State and to the municipalities engaged in the transfer.

4. NYSDOT MAIN OFFICE - PLANNING & STRATEGY

MO Review of Submittal - MO Planning & Strategy has the lead coordination role for proposals in the MO. Prior to distribution in the MO, a review of the submittal is done to confirm it is complete.

MO Distribution - Once Planning & Strategy is satisfied that all appropriate information has been submitted by the Region and they have performed a precursory review, a formal distribution to Assistant Commissioners for review and feedback is undertaken.
5. **NYSDOT ASSISTANT COMMISSIONERS**

Policy-based review of the Proposal in the MO

It is important to note that the Region is responsible for the thorough review and primary analysis of the consequences of the proposal prior to its submittal to the MO. Regardless, the MO is responsible for considering statewide implications of the proposal.

Each Assistant Commissioner has the option of recommending or not recommending the proposal. No Assistant Commissioner, however, has the power to veto. Concerns should be identified in writing and all reviews must be transmitted to Planning & Strategy **within 15 business days** of receiving the proposal. In cases where the NYS Legislature is in session, Planning & Strategy may request a shorter review time.

A. **MO Reviewers** - The list below illustrates the key, but not all, NYSDOT Main Offices that may be involved in the review. Examples of possible review items include:

- Office of Budget & Finance - Verifies that the cost implications are accurate and complete. Assesses the impact on CHIPS allocations.
- Office of Operations - Reviews the operational implications of the realignment, verifies that the Region’s assessment is accurate and thorough, notes any statewide operational implications of the realignment.
- Planning & Strategy - Reviews any long and short term statewide or multi-regional consequences of the proposal, ascertains that the realignment is consistent with the functional class of the roadway, identifies potential connectivity concerns with other State roads and any mobility factors.
- Office of Engineering - A number of Divisions may be involved in the review of the proposal. They may include:
  - Traffic & Safety Division - for identification of potential HALs and PILs.
  - Environmental Analysis Bureau - for identification of potential hazardous waste vulnerabilities.
  - Governmental Affairs - Reviews the proposal for consistency with the Department’s mission and to ensure the proposal is complete. Notifies Planning & Strategy of any political machinations associated with the proposal.
- Legal Affairs - Reviews the proposal for consistency with the Highway Law and other laws.

6. **NYSDOT MAIN OFFICE - PLANNING & STRATEGY**

Collection of Assistant Commissioner Feedback

A. **Nonconcurrence Resolution** - To address concerns expressed by the MO, Planning & Strategy coordinates resolution between the MO and the Region of outstanding issues and notes outstanding issues.
B. *Strategic Review* - Following the Assistant Commissioners’ review, the Director of Planning & Strategy conducts a final review to ensure that all issues have been explored and questions have been addressed.

C. *Executive Policy Committee Determination* - The Director of Planning & Strategy determines if the proposal warrants advancement to the Executive Policy Committee (EPC). If EPC review is warranted, see Step 7. If it is determined that EPC review is not required, see Step 8.

7. **NYS DOT MAIN OFFICE EXECUTIVE POLICY COMMITTEE (EPC)**

Final NYS DOT Approval

A. *Final Review & Approval by the EPC* - For jurisdictional realignment proposals approved by the Region and MO and required to be reviewed by the EPC, final approval on behalf of the Department is obtained here.

B. *Notification to MO Governmental Affairs* - Planning & Strategy informs MO Governmental Affairs and the Region upon the final decision of the EPC. If the proposal is not approved, Planning & Strategy will inform Governmental Affairs and the Region of the reason for nonconcurrency along with any other issues which the EPC raised.

If the proposal is not approved by the EPC, the Region informs the locality citing the specific impasses with the proposal. The correspondence must be copied to the Chief of Staff, Governmental Affairs and Planning & Strategy.

8. **NYS DOT LEGAL AFFAIRS & GOVERNMENTAL AFFAIRS**

Preparing Legislation

A. *Drafting Legislation* - If the proposal is approved, Governmental Affairs and the Office of Legal Affairs draft legislation.

B. *Share Draft with RD* - Upon completion of this draft, the legislation drafted by Legal Affairs along with a support memorandum prepared by Governmental Affairs is shared with the RD for review and approval prior to advancing. The draft may also be shared with other Offices as warranted (Example: Engineering, Operations, Finance, etc.) and must be approved by Planning & Strategy.

C. *Seek Legislative Sponsor* - Governmental Affairs gets authorization from the Governor’s Office to seek Assembly and Senate sponsors within whose jurisdiction the transfer occurs. In partnership, Governmental Affairs and the Region will seek out the sponsor. Governmental Affairs will be available to assist the sponsor in advancing the bill.
C. cont. If the bill is introduced, a Home Rule message may be needed by the localities. Such Home Rule messages are handled by the Legislative staff sponsoring the bill. The bill is then submitted for passage by the NYS Legislature and the Governor.

If the bill does not pass in the NYS Legislature or dies with the Governor, Governmental Affairs coordinates informing the MO and the Region.

9. NYS DOT MAIN OFFICE - GOVERNMENTAL AFFAIRS

MO Distribution Following Passage by Legislature and Governor

Distribution of Legislation - When the bill becomes a law, Governmental Affairs notifies appropriate Regional and MO personnel. This includes MO Program Management Division, MO Operations, MO Structures, MO Mapping Group and Planning & Strategy. Also included are the following distributions:

- Executive Management - Commissioner, First Deputy Commissioner and Chief of Staff.
- Assistant Commissioners
- Regional RD’s

10. NYS DOT MAIN OFFICE - OFFICE OF OPERATIONS

In partnership with the Region, an Official Order is drafted

A. Official Order - The Region is the originator of the Official Order draft (MAP 2.5-1-1, p. 11-13). Once a draft is completed, it is submitted to the Office of Operations who coordinate whatever review is warranted in the MO.

Following an Official Order signature by the Assistant Commissioner of Operations, Operations submits the Official Order to Business Services Bureau. The Business Services Bureau distributes to Executive Management, Assistant Commissioners, Regional Directors and the specific groups identified in Step B of this section.

B. Implementation of Legislation - Once the jurisdictional realignment becomes law and an Official Order is authorized by the Assistant Commissioner of Operations, there are a number procedures which must be implemented. These include:

- MO Technical Services Division - The Division updates the inventory of State roadways.
- MO Budget & Finance - Update any CHIPS - local highway mileage used for CHIPS formulae.
- Program Management Division - Informed of realignment as these changes could affect the data inputs/estimates used in the allocations (e.g. functional class, mileage).
B. cont.

- MO Structures - When ownership/maintenance responsibility for a bridge changes, information is recorded in the Bridge Inventory and Inspection System (BIIS) which is maintained by MO Structures.
- MO Mapping Group - Update mapping data as needed.

II. NYSDOT REGION

Final Implementation

A. Regional Director - The RD coordinates the transfer of the roadway in partnership with localities adhering to the date designated by law. The Region provides a copy of the legislation and notifies the locals/municipalities of the official date and confirms all maintenance agreements are in place. The RD makes any necessary adjustments to the Regions maintenance plans to ensure the newly acquired highway is maintained.

III RELATED AUTHORITATIVE SOURCES

Authoritative sources pertinent to the procedure:

Highway Law
Other NYS Agency Policy and Procedure Manuals
NYSDOT Official Orders
NYSDOT Manual of Administrative Procedures

IV ATTACHMENTS

Attached is a flow chart which outlines the process for NYSDOT Jurisdictional Realignment approval.
Portion of NYS Route 79 Owned by the State of New York
Under Consideration for Exchange with City of Ithaca
From Fulton Street to and including the Tuning Fork

Approximate Length of Arterial Under Consideration is 9,600 feet
9.3 Department of Public Works (DPW) - Establishment of Capital Project for Traffic Signal and Operations Improvements - Resolution

WHEREAS, the City Engineering Department has identified grant funds available through Federal Highway Administration (FHWA), which would improve traffic signal operations through the use of advanced detection equipment and crowd-sourced travel information; and

WHEREAS, the City will submit a $700,000 grant application for said project, which would require a 20% city match, estimated at $150,000; and

WHEREAS, the majority of the City of Ithaca’s traffic signals are not able to respond to traffic demand from any users; and

WHEREAS, this operation leads to inefficiencies and frustration; and

WHEREAS, advanced signal detection equipment can improve traffic safety by better reacting to all modes of traffic; and

WHEREAS, along with already funded communications improvements, this technology would improve response time to traffic signal malfunctions; and

WHEREAS, crowd-sourced traffic data would greatly improve the quality and quantity of data that the City is able to use in prioritizing transportation infrastructure; now, therefore be it

RESOLVED, That Common Council hereby establishes Capital Project #867 Traffic Signal and Operations Improvement in the amount of $700,000, for the Federal Highway Administration’s “Accelerating Innovations Demonstration” grant to equip 30 traffic signals with advanced detection equipment and purchase one year of crowd-sourced traffic data; and, be it further

RESOLVED, That this project be undertaken with the understanding that the final cost of the project to the City will be 20% of the total project costs, currently estimated at $150,000; and, be it further

RESOLVED, That funds needed for said project shall be derived from the issuance of serial bonds; and, be it further

RESOLVED, That said project funding shall be contingent on the approval of the FHWA grant.
I have identified a grant available through the Federal Highway Administration (FHWA) that I believe will enable the City to vastly improve traffic signal operations through the use of advanced detection equipment and crowd-sourced travel information. The grant is offered through their Accelerated Innovation Demonstration Program. The grant requires a 20 percent match from the local sponsor, which in this case I estimate to be $150,000.

**Signal Detection Equipment**

The existing signal system in the City of Ithaca is primarily a pre-timed system, meaning that traffic signals do not respond to traffic demand. I have found this to be inefficient, especially during off-peak times when demand on main and side streets is more equally balanced and unpredictable than during peak times. By adding advanced detection equipment to traffic signals primarily in the urban core, the traffic signals would be able to respond to demand changes from pedestrians, bicycles and automobiles.

I believe this change would improve safety and efficiency and significantly reduce idling. Detection equipment is now sophisticated enough to differentiate bicycles from automobiles and gives practitioners the opportunity to program traffic signals to respond appropriately to each mode. The detection equipment would also automatically count all modes of users to give us an accurate picture of mode share and how it varies throughout the year.

In coordination with a funded 2019 capital project that will allow the City traffic signals to communicate with each other, this technology would allow us to know, in real time, when a traffic signal loses power, or malfunctions. This knowledge would greatly reduce response times to these potential safety threats.

In addition, by reacting to changes in pedestrian, bicycle and automobile demand, I anticipate that delay for all of these modes will be significantly reduced.

**Crowd-Sourced Traffic Data**
It is now possible to analyze a robust set of transportation data for all modes by collecting crowd-sourced data. This data includes travel time and speed, volume of traffic, as well as origin-destination information. I propose that we would invest in one year of data from one of several companies that offer this service. This would allow the City to make more informed planning and engineering decisions. Not only will this give us a better sense of seasonal variation in traffic conditions through the City, but will provide information previously impossible to decipher.

For instance, this data can tell us what percentage of traffic entering the City on Route 13 is traveling though, versus traveling to points in downtown or other neighborhoods. It can also help us to quantify concerns that we hear from neighborhoods about cut-through traffic. It would allow us to analyze long-term speed evaluations at any time of year, which our existing equipment cannot do.

*Conclusion*

By investing $150,000, the City can receive $700,000 in traffic signal equipment and strategic data to inform our future decisions.
WHEREAS, the Ithaca Youth Bureau would like to apply through the Environmental Protection Fund (EPF) Grant Program for Parks, Preservation and Heritage, Consolidated Funding Application (CFA) 2019, for the Cass Park Rink Enclosure Project on behalf of the City of Ithaca; and

WHEREAS, The Cass Park Rink serves as the hub of all Cass Park facilities and programs, serves thousands of Ithaca area residents on a year round basis, and is widely recognized as a valuable public asset; and

WHEREAS, the City has completed a series of Rink improvements as recommended in structural and operational reports to complete Phase 1 and Phase 2; Year 1 of the planned 3 Phase renovation project; and

WHEREAS, The Friends of the Ithaca Youth Bureau (FOIYB) has been actively fundraising in the community; and

WHEREAS the grant funds would enable the City to move forward with the help of FOIYB to complete Phase 2; Year 2 of the project which will enclose Cass Park Rink as recommended for optimal operations; now, therefore be it

RESOLVED, That the Director of the City of Ithaca Youth Bureau, is hereby authorized to file an application for funds in an amount not to exceed $500,000 for the Cass Park Rink Enclosure Project from the New York State CFA and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the City of Ithaca for the Cass Park Rink Project; and, be it further

RESOLVED, That The City of Ithaca is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Cass Park Rink Enclosure Project.
10. **PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE:**

10.1 **Approval of the New York State Environmental Quality Review Findings Statement for the Chain Works District Redevelopment Project - Resolution**

WHEREAS, on July 2, 2014, the Common Council adopted legislation allowing for the City to establish Planned Unit Development (PUD) districts on any property in the City currently zoned for industrial uses; and

WHEREAS, the City of Ithaca Common Council has one pending application for a Planned Unit Development (PUD) for the Chain Works District Redevelopment Project (CWD Project) to be located at 620 S. Aurora Street by Jamie Gensel of Fagan Engineers & Land Surveyors PC, for David Lubin, Project Sponsor, Unchained Properties (UP); and

WHEREAS, the proposed CWD Project seeks to redevelop and rehabilitate the +/- 800,000-SF former Morse Chain/Emerson Power Transmission facility, located on a 95-acre parcel traversing the City and Town of Ithaca’s municipal boundary (Site). The PUD is for a mixed-use district, which includes residential, commercial, office, manufacturing and a natural area, and which consists of four primary phases: (1) the redevelopment of four existing buildings (21, 24, 33, & 34); (2) the repurposing of the remaining existing buildings; (3) potential future development within areas of the remainder of the site adjacent to the existing buildings/parking areas; and (4) future developments within remaining areas of the Site. The CWD Project also requires a subdivision approval and approvals from the Town of Ithaca for a Planned Development Zone and site plan approval; and

WHEREAS, in accordance with the adopted City process for consideration of a PUD, the application was circulated in July 2014 to City boards and committees, as well as, to the Town of Ithaca, and to the County Planning Department; and

WHEREAS, a required public information session, was held on August 5, 2014. In accordance with PUD regulations, the meeting was advertised in the Ithaca Journal, the property was posted with signs and property owners within 500 feet of the property were notified by mail of the meeting; and

WHEREAS, a legal notice was posted to the Ithaca Journal, on July 29, 2014, in order to advertise a legal public hearing on August 13, 2014; and

WHEREAS, the process for consideration of an application for the PUD requires that the applicant obtain a preliminary approval in concept from the Common Council prior to beginning the site plan review process; and

WHEREAS, that the Common Council did, on September 3, 2014 grant a preliminary approval in concept to UP for their application for a PUD district to be established at the Site; and
WHEREAS, that by granting a preliminary approval in concept, the Common Council acknowledged that UP could begin the site plan review process, despite any zoning-based deficiencies in the application; and

WHEREAS, UP did submit a site plan review application to the City of Ithaca Planning Board in September of 2014; and

WHEREAS, the CWD Project exceeded the thresholds defined for Type I projects in both the State and City Environmental Quality Review Law. Type I actions carry with them the presumption that it is likely to have a significant effect on the environment. Specifically, this CWD Project exceeds the Type I thresholds as defined in Chapter 176 of the City of Ithaca Code, Environmental Quality Review Ordinance, §174-6 (B)(1)(i),(j),(k),(n), (2), (6), (7),(8)(a)and (b) and the State Environmental Quality Review Act §617.4 (b)(2),(3), (5)(iii), (6)(i), and (iv); and

WHEREAS, Common Council, the Town of Ithaca Town Board, the Town of Ithaca Planning Board, the Tompkins County Department of Health, the NYS Department of Health, the NYS Department of Transportation, and the NYS Department of Environmental Conservation all consented to the City of Ithaca Planning and Development Board’s being Lead Agency for this CWD Project; and

WHEREAS, the City of Ithaca Planning and Development Board, as Lead Agency, made a Positive Declaration of Environmental Significance on October 2, 2014, directing the Project Sponsor to prepare a Draft Generic Environmental Impact Statement (DGEIS) to evaluate potential impacts of the proposed CWD Project; and

WHEREAS, on October 18, 2014, the City of Ithaca Planning and Development Board held both an Agency Scoping Session and a Public Scoping Session to identify issues to be analyzed in the GEIS; and

WHEREAS, the City of Ithaca Planning and Development Board did, on January 13, 2015, approve a Scoping Document; and

WHEREAS, the City of Ithaca Planning and Development Board, as Lead Agency for the purpose of environmental review, did on March 8, 2016 review the DGEIS submitted by UP for completeness and adequacy for the purpose of public review and comment, and with the assistance of City Staff and the City’s consultants, Adam Walters of Phillips Lytle LLP, find the DGEIS to be satisfactory with respect to its scope, content, and adequacy; and

WHEREAS, on March 29, 2016, a public hearing was held by the Planning and Development Board to obtain comments from the public on potential environmental impacts of the proposed action as evaluated in the DGEIS, and written comments for the same purpose were accepted until May 25, 2016; and
WHEREAS, Concurrent with the Environmental Review and over the same four year period, Common Council, did, meet numerous times with the project team to review and provide feedback on the draft PUD and Design Guidelines; and

WHEREAS, Common Council did circulate the draft PUD and Design Guidelines for comments in December 2017 and again in December 2018 and all relevant comments have been incorporated; and

WHEREAS, the final draft PUD is comprised of four districts: the CW1 Natural Sub Area, containing 8.01 acres of predominately undeveloped land/open space and CW3A, CW3B & CW3C, containing 21.31 acres of mixed use development in both new and existing buildings. The Design Guidelines are intended to supplement the zoning and provide clear but flexible guidance during the site plan review process; and

WHEREAS, the Planning and Development Board as Lead Agency, did on February 26, 2019 accept the Final GEIS for the CWD Project as complete for filing, having duly considered the potential adverse environmental impacts and proposed mitigating measures as required under 6 NYCRR Part 617 (the SEQRA regulations) and Chapter 176 of the City of Ithaca Code (the City of Ithaca Environmental Quality Review Ordinance, CEQRO); and

WHEREAS, the Planning and Development Board as Lead Agency, did on March 26, 2019, issue positive written findings (Findings Statement) determining, among other things:

(a) That consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the Draft and Final Generic Environmental Impact Statements; and

(b) The Findings Statement was prepared by the City of Ithaca Planning and Development Board, as Lead Agency relating to the Chainworks Redevelopment Project, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”) and Chapter 176 of the City of Ithaca Code, City Environmental Quality Review Ordinance (“CEQRO”). This Findings Statement draws upon the matters set forth in the SEQRA/CEQRO record, including the Generic Environmental Impact Statement (“GEIS”), consisting of the DGEIS and the FGEIS, as well as the public comments on the DGEIS received at a public hearing and during the public comment period; and

(c) A DGEIS and FGEIS have been prepared on behalf of the Lead Agency. The purpose of the DGEIS and FGEIS was to identify and evaluate the potential significant adverse environmental impacts of the proposed project and, where applicable, to identify reasonable alternatives or mitigation measures that would reduce the effect of those impacts to the maximum extent practicable.
The Findings represents the conclusion of the environmental review of the proposed project by the Lead Agency. Under SEQRA and CEQRO, this Findings Statement must:

1. Consider the relevant environmental impacts, facts and conclusions disclosed in the GEIS;
2. Weigh and balance relevant environmental impacts with social, economic and other considerations;
3. Provide a rationale for the Planning Board’s pending decision (regarding site plan review for the Project);
4. Certify that the requirements of SEQRA have been met;
5. Certify whether, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and whether any such adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to any site plan approval those mitigation measures that were identified, in the GEIS, as practicable.

This is a “positive” findings statement, which means that the proposed Project is potentially “approvable” (a relevant term used in the State’s “SEQR Handbook”) by the Planning Board, as to its site plan. The Planning Board will use this Findings Statement to assist in its review of the proposed site plan, and in considering conditions that could be applied to any approval thereof.

All involved agencies, as listed in the FGEIS, should prepare their own SEQRA findings before making their own decisions.

WHEREAS, Common Council has carefully reviewed the Lead Agency's findings and finds them thorough and comprehensive and consistent with SEQR; now, therefore be it

RESOLVED, That Common Council adopts the Lead Agency’s findings in their entirety including the following certifications:

I. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of NYSDEC, 6 NYCRR Part 617, and local regulations, have been met; and

II. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
To: Planning and Economic Development Committee

From: Lisa Nicholas, Deputy Director of Planning & Development

Date: April 4, 2019

RE: Chain Works District Planned Unit Development (PUD) – Findings for the Environmental Impact Statement

Please find attached the findings adopted by the Planning Board on March 23, 2019 as well as a resolution that outlines the EIS process, Common Council’s role in overseeing development of the PUD and resolving that Common Council, as an Involved Agency in the environmental review, has “carefully reviewed the Lead Agency’s findings and finds them thorough and comprehensive and consistent with SEQR” and adopts the Lead Agency’s findings in their entirety.

In the next few months Common Council will be considering approval of the PUD and Design Guidelines for the Chainworks Development Project. In accordance with the NYS Environmental Quality Review Act (SEQRA), all involved agencies must prepare their own SEQRA findings before making their own decisions.

In accordance with the City’s PUD Ordinance, a project must receive final site plan approval from the Planning Board for at least one phase of a development project before Common Council can adopt a proposed PUD. The applicant intends to begin the site plan review process for Phase 1 in April and staff estimates this may take 2-4 months.

Please contact me if you have questions or would like additional information. lnicholas@cityofithaca.org 607-274-6557.
Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the City of Ithaca’s Environmental Quality Review Ordinance (collectively, SEQR), and applicable implementing regulations, the City of Ithaca Planning and Development Board, as Lead Agency under SEQR, makes the following findings.

**Name of Action:** Chain Works District Redevelopment Project

**Date:** March 26, 2019

**Lead Agency:** City of Ithaca Planning and Development Board  
108 East Green Street  
Ithaca, New York 14850

**Project Sponsor:** UnChained Properties, LLC (UP)

**Project Location:** The Project is located on approximately 95 contiguous acres of land in central NYS, South of Cayuga Lake in the Finger Lakes Region, and straddles the City and Town border in Tompkins County (Site or Project Area). The Site is bounded as follows:

To the east, the Site follows South Aurora Street / NYS Route 96B, a major transportation corridor that connects downtown Ithaca to South Hill, Ithaca College, and the residential neighborhoods in the Town. It is a primary route for travelers from Binghamton and points south.

To the north, the Site borders residential neighborhoods comprised primarily of single and multifamily homes in the City.

To the west, the Site slopes steeply to meet Spencer Street in the City, then traces the back of the residential properties lining the east side of Spencer Road. In the Town of Ithaca, the property line traces the alignment of the former Lehigh Valley Railroad and future Gateway Trail, as well as a large parcel of undeveloped land.

To the south, the Site borders the South Hill Business Campus in the Town.

**Classification:** Type I Action; Positive Declaration Issued; DGEIS and FGEIS Prepared

**Contacts:**

**Lead Agency:**  
Lisa Nicholas  
City of Ithaca Planning Department  
108 East Green Street  
Ithaca, New York 14850  
Phone: (607) 274-6550

**Project Sponsor:**  
David Lubin  
UnChained Properties, LLC  
225 Colonial Drive  
Horseheads, NY 14845  
Phone: (607) 739-3826
DESCRIPTION OF ACTION:

The Chainworks District (CWD) Project (Project or Preferred Alternative) is a proposed mixed-use redevelopment of the 95-acre former Morse Chain/Emerson Power Transmission facility (Site) that traverses the City and Town of Ithaca’s municipal boundary. The Site is located along the New York State Route 96B corridor and where Turner Street and South Cayuga Street meets the northern edge of South Hill. The Project involves the redevelopment and rehabilitation of the existing architecture and landscape into a 1.7 million square foot (sf) mixed-use “live, work, play” district. Attached hereto as Attachment A is FGEIS Figure 2.3-2 Conceptual Site Layout Plan. The Project consists of removing approximately 92,320 sf of the existing 821,200 sf buildings, constructing 86,600 sf of vertical additions, and constructing 890,700 sf of new buildings. The Project is estimated to be completed over a seven-to-ten year period. The first phase (Phase I) will consist of redeveloping four existing buildings generally located at the northern and southern most ends of the Site. These first four buildings are approximately 331,450 sf and will contain a mix of office, residential, and industrial uses. Subsequent phases of development will be determined as the Project proceeds and will include new structures to complete a full buildout of 1,706,150 sf consisting of approximately 915 residential dwelling units, 184,350 sf of commercial space and 260,900 sf of industrial use.

Infrastructure work related to the full development of the Project will include the following: (1) removing select buildings to create public courtyard areas and a network of open spaces and roads; (2) creating pedestrian, bicycle, and vehicular connections throughout the Site from South Hill to Downtown Ithaca; (3) improving the existing roads within the Site while creating new access points into the Site; (4) mitigating existing environmental impacts from historic uses; (5) fostering the development of a link, the Gateway Trail, to the Black Diamond Trail network; and (6) installing stormwater management facilities, lighting, public water and utilities, landscaping and other Site amenities.

The development of the Site is fostered by a proposed rezoning of the City portion of the Site into a Planned Unit Development (PUD), and the Town portion into a Planned Development Zone (PDZ). Design Guidelines are set forth in the proposed PUD/PDZ Zoning Code. The PUD/PDZ Zoning Code is attached hereto as Attachment B. The zoning and related Design Guidelines for the Project divide the development of the Site into four (4) Sub Areas, each with its own set of Design Guidelines to focus the Project Sponsor’s vision for the Project as an integrated whole. Sub Areas CW2 and CW3 were further enumerated into subsections, as shown in FGEIS Figure 2.3-1 below.

The addition of subsections and building buffers are in response to comments received during the Generic Environmental Impact Statement (GEIS) process, specifically regarding the character/size of the existing residential structures adjacent to the Project and the additional need of a transition between the existing and proposed structures along NYS Route 96B. The Sub Areas are defined as:

Natural Sub Area (CW1): A ± 23.9 acre conservation zone containing a mature Appalachian Oak-Hickory forest to be used for passive recreation, generally located along the western portion of the Site.

Neighborhood General Sub Area (CW2): A ± 21.2 acre zone for clusters of new residential development using a mix of housing styles and coinciding with primary points of access into the Site, generally located at the southeastern end of the Site within the Town. The CW2 Sub Area is split into subsections CW2A and CW2B. This allowed for the reduction from 6 to 4 stories in the CW2A in response to GEIS comments.

Neighborhood Center Sub Area (CW3): A ± 39.7 acre zone for mixed uses ranging from residential to industrial, using existing buildings at the core of the Site and clusters of new buildings at the northern edge of the Site and along NYS Route 96B; all located in the City and Town. The CW3 Sub Area is split into subsections CW3A, CW3B and CW3C in response to GEIS Comments. CW3A reduce the maximum allowed above-grade stories from 6 to 4 and maximum allowed façade length from 180 feet.
to 120 feet. CW3C also reduces the maximum allowed above-grade stories from 6 to 4 but also prohibits below-grade stories.

**Industrial Sub Area (CW4):** A ± 10.3 acre zone for industrial uses centrally located on the Site using existing buildings located in the City and Town.

Following a detailed design process with extensive public outreach and involvement, the Project Sponsor unveiled a detailed conceptual site plan in October 2014. On October 20, 2015, the Planning Board issued a positive declaration for the Project, requiring the preparation of a GEIS. The Lead Agency issued notices to all then-known involved or interested agencies to solicit Lead Agency status for the Project on October 28, 2014. The Project Sponsor then prepared a Draft GEIS (DGEIS), copies of which were made available for public review. The DGEIS was accepted as complete by the Lead Agency on March 8, 2016, and a Notice of Public Hearing appeared in the Ithaca Journal on March 18, 2016 and in the Environmental Notice Bulletin on March 23, 2016. A public hearing on the proposed Project was held on March 29, 2016. Due to extensive public interest, the public comment period was extended from May 10, 2016 to May 25, 2016.

Many comments were received during the public comment period. Copies of all comments received are provided in Appendices A and B of the Final GEIS (FGEIS), which also incorporates the DGEIS by reference. Responses to every substantive comment received is provided in Chapter 3 of the FGEIS. Comments covered the purpose and need for the Project, the alternatives considered, potential environmental impacts, and mitigation measures, among other things. In light of the comments received, various changes were made to the DGEIS. These changes are detailed in Chapter 4 and Appendix D of the FGEIS.

Final designs for less-defined, more conceptual Project phases and components, or any proposed changes to the better-defined elements (collectively, Future Project Plans) will require further evaluation pursuant to SEQR. The lead agency will be responsible for performing an environmental review on the Future Project Plans proposed in relation to (i) the FGEIS and (ii) the Findings Statement. Once Future Project Plans have been submitted to the lead agency, that agency must determine if the environmental impacts associated with such Future Project Plans have been adequately addressed in the FGEIS and SEQR Findings Statement.
Additionally, the following reviews, permits and/or approvals are/were required to facilitate the proposed Project:

- SEQR: Preliminary Site Plan Approval of Conceptual Site Layout Plan and Final Site Plan Approval for two Buildings (from the City of Ithaca Planning and Development Board)
- Rezoning to a PUD (from the City of Ithaca Common Council)
- Building and Demolition Permits; Certificate of Occupancy (from the City of Ithaca Code Enforcement)
- Highway Work Permits; Water and Wastewater System Improvements Plan Approval (from the City of Ithaca Board of Public Works)
- Rezoning to a PDZ (from the Town of Ithaca Town Board) Preliminary Site Plan Approval of the Conceptual Site Layout Plan and Final Site Plan Approval for two Buildings (from the Town of Ithaca Planning Board)
- Building and Demolition Permits; Certificate of Occupancy (from the Town of Ithaca Code Enforcement)
- Water and Wastewater System Improvements Plan Approval (from the Tompkins County Department of Health (TCDOH))
- County Planning Review (from the Tompkins County Department of Planning (TCDP))
- Highway Work Permit (from the New York State Department of Transportation (NYSDOT))
- 401 Water Quality Certification; State Pollutant Discharge Elimination System (SPDES) / Stormwater Pollution Prevention Plan (SWPPP); (from the New York State Department of Environmental Conservation (NYSDEC))
- Water and Wastewater System Improvements Plan Approval (from the New York State Department of Health (NYSDOH))
- Federal and State Preservation (from the New York State Office of Parks, Recreation, and Historic Places (NYSOPRHP))
- Amendment to the current Record of Decision (ROD) to allow mixed-use development (NYSDEC)
- Request for Boundary Modification to release southern portion of Site from Inactive Hazardous Waste Disposal Site (IHWDS) Registry (NYSDEC)
FACTS AND INFORMATION RELIED UPON TO SUPPORT THE DECISION:

1. The City of Ithaca Planning and Development Board, as Lead Agency, conducted a coordinated review pursuant to SEQR.

2. The City of Ithaca Planning and Development Board commenced the SEQR process for the Project in October of 2014 by circulating a notice of intent to act as Lead Agency along with a Full Environmental Assessment Form to all then-known Interested or Involved Agencies:

   Involved Agencies
   - City of Ithaca (City)
   - City of Ithaca Board of Public Works
   - City of Ithaca Common Council
   - City of Ithaca Planning and Development Board (Lead Agency)
   - NYSDEC, Region 7
   - NYSDOH
   - New York State Department of Office of Parks, Recreation, and Historic Preservation (SHPO)
   - NYSDOT, Region 3
   - TCDOH
   - TCDP
   - Town of Ithaca (Town)
   - Town of Ithaca Town Board
   - Town of Ithaca Planning Board

   Interested Agencies & Parties (note: some City groups are no longer in existence as of 2018)
   - South Hill Civic Association (SHCA)
   - Tompkins County Area Development
   - City of Ithaca School District
   - Community Advisory Group (CAG)
   - City of Ithaca Conservation Advisory Council (CAC)
   - City of Ithaca Bicycle/Pedestrian Advisory Council (BPAC)
   - City of Ithaca Shade Tree Advisory Committee (STAC)
   - Disability Advisory Council (DAC)

3. None of the Interested or Involved agencies objected to the City of Ithaca Planning and Development Board acting as Lead Agency pursuant to SEQR and the City of Ithaca Planning and Development Board was properly established as the SEQR Lead Agency for the Project in November of 2014.

4. Following a detailed design charrette planning process with extensive public outreach and involvement, the Project Sponsor unveiled a detailed concept site layout plan for Chain Works in October 2014.

5. On October 2, 2014, the Lead Agency issued a positive declaration for the Project requiring the preparation of the DGEIS.

6. Following issuance of the positive declaration, a Draft Scoping Report was issued. A Public Scoping Meeting to solicit comments on the draft scope was held on October 18, 2014 and a Final Scoping Document was approved on January 13, 2015.
7. Following issuance of the Final Scoping Document, the DGEIS was prepared by UP pursuant to the requirements of SEQR. On March 8, 2016, the Lead Agency determined that the DGEIS was complete and adequate for public review and scheduled a public hearing.

8. Copies of the DGEIS were made available for public review at the City of Ithaca Planning Department, the Town of Ithaca Planning Department, the City of Ithaca Office of the Clerk and the Tompkins County Public Library. A copy of the DGEIS was also posted on the CWD website.


10. A public hearing was held on March 29, 2016 at the Cinemapolis movie theater. Due to extensive public interest in the Project and several requests made during the DGEIS public hearing, the public comment period, originally scheduled to expire on May 10, 2016, was extended until May 25, 2016.

11. Notices of comment period extension were published in the Ithaca Journal, City of Ithaca Planning and Development Board website and on the CWD website. Additionally, comments received after the end of the public comment period prior to the issuance of the FGEIS have been accepted and responded to within this FGEIS.

12. The FGEIS was issued on February 26, 2019 and a notice of completion of the FGEIS appeared in the ENB on 3-13-19.

13. The FGEIS was distributed to the Interested and Involved agencies and copies of the FGEIS were made available for public review at The Planning Department at the City of Ithaca and the Tompkins County Public Library – Central Branch. A copy of the FGEIS has also been posted on the CWD website. Pursuant to SEQR, the FGEIS was held open and available for more than 10 calendar days in order to afford agencies and the public a reasonable time period in which to consider the FGEIS before the Lead Agency issued its written findings statement.

14. The Lead Agency has carefully and thoroughly reviewed the information contained in the DGEIS, including all appendices and the comments to the DGEIS, and the FGEIS including all appendices (collectively referred to as the GEIS). The Lead Agency finds that the GEIS provides a thorough examination of all significant potential impacts that would result from undertaking the Project. The Lead Agency has carefully reviewed, questioned and analyzed the various impacts of, alternatives to, and potential mitigative measures for the Preferred Alternative and weighed these issues against the social and economic benefits of the Preferred Alternative and other essential considerations.

15. The Lead Agency recognizes that qualified experts on any topic may differ in their conclusions and, in particular, may differ in the judgments employed during analysis. Nevertheless, the Lead Agency has carefully reviewed many hundreds of pages of documentation on the various issues that have been submitted by government agencies, experts, interested stakeholders and the general public that reflect hundreds of hours of examination of the Project during a SEQR process that has taken more than four years. On balance, and after careful consideration of all relevant documentation and comments, the Lead Agency believes it has more than adequate information to evaluate all the benefits and potential impacts of the Project as a basis for considering whether to undertake the Project.
FINDINGS AND CONCLUSIONS SUPPORTING THE DECISION:

The GEIS provides a thorough and comprehensive analysis of the environmental, social and economic impacts and details appropriate mitigation measures for the Preferred Alternative as well as the No Action Alternative, Development in Accordance with Existing Zoning Alternative, and Maximum Development Alternative. A summary of the relevant environmental impacts, facts and conclusions disclosed in the GEIS are described below.

1. Land Use and Zoning

The GEIS examined the Project’s consistency with existing land use controls and local development plans and policies to evaluate Project components alongside the visions for this area of the City and Town. The predevelopment land use within the Site is industrial. The existing zoning for the majority of the Site (64.37 acres) is classified as Industrial (I-1 in the City and I in the Town). The remainder of the developable portions of the parcel is zoned medium density residential. The zoning for the adjacent parcels is medium density residential except for the South Hill Business Park PDZ to the south of the Site. The City of Ithaca adopted its Comprehensive Plan in September 2015 and PUD Zoning in October 2014. The Town of Ithaca adopted its Comprehensive Plan in September 2014 and has been using Special Land Use Districts (now called PDZs) since August 1984. There are currently 14 Special Land Use (Mixed-Use) or PDZ districts within the Town of Ithaca.

Potential Impacts

- The Project will create land use impacts in terms of both form and intensity of uses. The current pattern of land use promoted by the existing land use regulations resulted in a large industrial complex.
  - The most substantial change in land use is the allowance for residential use where no residential development is currently permitted.
  - In terms of form, the existing zoning does not regulate the size, scale, massing or disposition of buildings on the parcel in relationship to the surrounding land uses. In contrast, the Project’s proposed PUD/PDZ Zoning Code will do so.
- The most important potentially significant adverse impacts of a built-out landscape of conventional zoning is the loss of the character along NYS Route 96B.
- Existing zoning will be impacted by the Project through the rezoning of the Site as a PUD and PDZ.
  - Rezoning the City portion of the post-industrial Site as a PUD will allow the Project to respond to and help implement planning and land-use concepts being set forth in the City’s Comprehensive Plan which include the following impacts or opportunities:
    - Regional sprawl would be avoided by providing a mixed-use development that bridges the City and Town, the Region, and Downtown.
    - Revitalizing the under-utilized Site with a mix of uses, including housing, would extend and help implement the City’s goals to provide more housing and revitalize the urban core.
    - Linkages between the City and Town, Ithaca College and Downtown, would be strengthened by physically allowing the Site to be a link between them. This would increase walkability and accessibility to Downtown, in turn reducing the overall carbon footprint of the greater community.
    - A trail on the western side of the Site would link the Site and the City to a greater network of trail connections within the City and beyond.
    - Natural areas will remain largely undeveloped to reduce stormwater runoff and increase the acreage of environmentally valuable and sensitive areas.
  - Rezoning the Town portion of the Site as a PDZ would allow the Project to respond to the planning and land-use concepts set forth in the Town’s Comprehensive Plan, which includes the following impacts or opportunities:
Sprawl would be avoided by providing denser clusters of housing with significantly smaller footprints than other developments in the Town can offer.

Environmentally valuable areas would be preserved and protected as an amenity for the neighborhood and surrounding community.

The CWD will promote human-scaled development and social connectivity within the Project and around the community by providing a connection for the trail network and between South Hill and Downtown Ithaca.

The new development will take on a cluster form avoiding environmentally and visually sensitive areas.

- **CW1 Sub Area**: This Sub Area is intended to remain undeveloped. With greater intensity of uses adjacent to this Sub Area, there is a potential impact on the natural condition of this area including the introduction of recreational trails bringing people within close proximity of a natural area that has seen little human activity. There could be potential stormwater impacts in the CW1 Sub Area as a result of the changes to intensity of land use in the CW2 Sub Area upstream.

- **CW2 Sub Area**: A potential impact on the surrounding natural areas could result from dense residential development in what is currently an undeveloped wooded area.
  - Having residential uses in close proximity to the CW1 Sub Area could increase the amount of human activity within the natural wooded area.
  - The increase in intensity of use will also impact the few off-site residential uses adjacent to that area, but should have little effect on the commercial use to the south of the Site or Ithaca College campus to the southeast.
  - There will be a larger number of people moving by foot and by car between the Site and the surrounding neighborhoods placing more stress on existing sidewalk and street infrastructure.

- **CW3 Sub Area**: A potential impact to the CW3 Sub Area includes impacts to the character of the district and the relationship of new buildings and uses in close proximity to the existing surrounding uses, specifically the Hillview-Turner place neighborhood.
  - There will be a larger number of people moving by foot and by car between the Site and the surrounding neighborhoods placing more stress on existing sidewalk and street infrastructure.

- **CW4 Sub Area**: The possibility of creating very large buildings with significant visual impact exists by right without many restrictions in place.

**Mitigation**

- The rezoning of the parcel to a PUD/PDZ with the establishment of Sub Areas and the adoption of Design Guidelines will mitigate impacts to the form and intensity of land uses.
  - Buffers will be maintained in areas adjacent to existing residential zones to control the intensity of development.
  - Form and intensity of uses will also be mitigated by following site plan review procedures.
  - Buildings within a 100-foot buffer along NYS Route 96B will be limited to a maximum of four stories.
  - In conjunction with the CWD PUD/PDZ Zoning Code approval, a Conceptual Site Layout Plan will be submitted to the Town and City Planning Boards for preliminary site plan approvals pursuant to §270-185 of the Town Code and §276-6 of the City Code.
  - In the event a final Site Plan submitted for approval is not in substantial agreement with the Conceptual Site Layout Plan and/or other Project thresholds are exceeded, the Town and City Planning Boards - or whomever is the proper lead agency for the Project component under consideration - will have the opportunity to determine whether such changes warrant additional environmental review.

- The Comprehensive Plans both describe the use of new mixed-use zoning as a tool to implement shared land use goals for the Site.
The preservation of neighborhood is addressed through the development of the CWD PUD and related Design Guidelines for the City and PDZ in the Town.

- In contrast to the existing pattern of development, the Project calls for compact development, which integrates land uses, creates a strong multimodal network of streets and paths, and makes for a more efficient use of infrastructure and existing services.
- The Design Guidelines will mitigate potential land use impacts by encouraging development that will contribute to the CWD’s unique character. Moreover, the Design Guidelines establish Site Plan Review procedures with specific regulations for the district.
- The Design Guidelines have been prepared to provide clear and useful guidelines for the design, construction, review, and approval of growth in the CWD. These standards will help ensure that new buildings are compatible with either the existing historic industrial buildings or the character of the immediate surrounding neighborhoods. The Design Guidelines further address Site and building standards for each of the proposed Sub Areas and identify site planning, thoroughfares, lighting, signage, and building design requirements.

- **CW1 Sub Area:** Retained a public passive recreation space. The Design Guidelines effectively prevent the development of the CW1 Sub Area. There is no proposed specific mitigation for this Sub Area because the preservation of this land as a natural area is in fact part of the proposed mitigation for the other Sub Areas.
  - Any potential buildings in CW1 would require design review by the Planning Board prior to approval.

- **CW2 Sub Area:** Allow the development of any Residential use. In response to DGEIS comments, this Sub Area was split into two subsections.
  - To the extent possible, the use of open space preservation techniques, such as the clustering of dwelling structures, is encouraged for the undeveloped land within the Site to mitigate impacts from dense development in other Sub Areas. This clustering technique preserves the significant natural areas in the CW1 Sub Area and specific designated trail linkages can be established to existing open space areas throughout the Site during site plan review.

- **CW3 Sub Area:** Same as CW2 (excluding detached dwellings) and including any Assembly, Business, Educational, Factory, Mercantile or Storage use as defined by The Building Code of New York State. This Sub Area was split into three subsections in response to DGEIS comments. Buffers between the CW3 Sub Area and the existing residential uses are included in the Design Guidelines to mitigate potential impacts from higher density uses in relatively close proximity to lower density uses.

- **CW4 Sub Area:** Any Business, Factory or Storage use as defined by The Building Code of New York State.

2. Land

The GEIS examined the Project’s potential impacts to land for the 95 acre parcel including in-situ soils, surface geology, and topography. Natural features of the Site include exposed bedrock along the steeper slopes, and a heavily wooded area in the southern portion of the Site. The Site contains mostly Lordstown series soils, similar to other hillsides in the area. The underlying in-situ soils have high bearing capacity which makes the construction of buildings acceptable. The Site slopes steeply east-to-west with the highest elevation, of approximately 800’, at the top of South Aurora Street and the lowest, of approximately 440’, where the Site meets Spencer Street. Approximately 50% of the Site contains slopes of less than 20%, which are deemed appropriate for development.
**Potential Impacts**

- The Project will utilize standard cut and fill excavation methods during construction of the new roads, parking areas and building pads. The potential option for grading of the Site estimates 68,000+ cubic yards of fill will be necessary to balance the Site.
  - This bulk cut and fill estimate provides total volumes and does not account for construction materials that are required to be imported nor does it include the void volume required for below-grade structures such as storage and parking areas.
- The amount of disturbance for Phase I is limited due to the intent to start initial occupation at the Site in the buildings that require the least amount of preparation. The impacts associated with the Phase I buildings are as follows:
  - Building 21: Limited to the minor sidewalk and parking area restorations required to occupy the building.
  - Building 24: Limited to re-surfacing existing pavement areas and establishing pedestrian access into the building from parking areas.
  - Buildings 33/34: Depending on parking requirements of future tenant(s), the development of the south parking areas which includes the demolition of the existing metal storage building and construction of two parking areas.
- As with all earthwork operations, the full development of the Project will expose soils which will increase the potential for short and long-term erosion impacts and potential loss of sediment from the Site.
  - Short term erosion impacts are mainly due to the site construction phase.
  - Potential long-term erosion impacts are due to improper construction techniques including non-compliance with State Pollutant Discharge Elimination System (SPDES) General Construction (GC) permit requirements for the stabilization of stockpiles or other idled disturbed areas for periods exceeding 14 days as well as improper diversion of stormwater flows through unstabilized areas of construction.
- Potential impacts to adjacent parcels are anticipated to be limited due to the distance of the new development from property lines. Other potential impacts include working in areas with environmental concerns which are discussed in further detail under Public Health and Environment.
- Potential impacts for development beyond Phase I, listed by Zoning Sub Area, are as follows:
  - **Sub Area CW1**: Impacts to soils and topography in the CW1 Sub Area are limited to the sections where recreational trails or associated structures are constructed. Disturbance due to the development of recreational features will be minimal. The largest potential impacts to this Sub Area are due to the erosion potential associated with the development of Sub Area CW2 located upgradient from CW1.
  - **Sub Area CW2**: This Sub Area contains the potential for the most new development within the Site and also the most potential impacts to Site soils and topography. CW2 will be terraced to develop multi-family residential units configured in multiple stories that benefit with the use of the sloping grades to construct structured parking under certain residential buildings. Based on the previous geotechnical studies, it is anticipated that blasting will not be required. Heavy construction equipment will be used to remove as much of the fractured/weathered bedrock as feasible. If additional rock removal is required, blasting may be necessary. The in-situ soils in CW2 are highly erodible.
  - **Sub Area CW3**: The CW3 Sub Area consists mostly of terraced parking areas that will be redeveloped for buildings, parking areas and roads. The portions of CW3 that are anticipated to include new buildings and parking areas are uphill of the existing developed portions of the core. The Conceptual Site Layout Plan was developed to benefit from the existing terraced areas of the Site to limit total earthwork.
  - **Sub Area CW4**: Impacts to CW4 are limited to the potential construction of two parking areas that total less than 1 acre of disturbance. This is a minor amount of disturbance and would normally not require a NYSDEC SPDES GC permit. However, since this is
part of a plan of common development, a full SWPPP will be required for this portion of work.

**Mitigation**

- Future development of new areas will be located primarily in areas with slopes less than 20%. Sub Area CW1, which contains areas with slopes greater than 20%, will be preserved. Development will be relocated away from areas with unstable soils.
  - Such topographic restrictions on future development minimizes erosion and potential impacts to topography while reducing the amount of cut and fill required.
- The Conceptual Grading Plan prepared with the goal of balancing the amount of cut and fill minimizes the import/export of materials to and from the Project.
  - Detailed grading plans of each subsequent phase will be developed to mitigate the excess fill requirements.
  - Subsoils will be tested by a certified laboratory.
  - Construction specifications will be developed based on the laboratory analysis and recommendations of the geotechnical testing firm.
- Side slope grades of all cut and fill areas are set to minimize the potential for future erosion. Phase I Site Plan drawings include an existing conditions survey performed by a NYS Licensed Surveyor.
  - Subsequent Site Plans will also include existing conditions surveys.
- Grading and Erosion Control plans and geotechnical reports for subsequent phases will be developed during the Site Plan approval process.
- Demolition and Grading Plans will be developed as part of all Site Plan submissions.
  - Grading plans will be developed to balance cut and fill requirements with the design intent of disposing of all excess material on-site.
  - Excess soils created by the excavation for below-ground structure parking and storage levels will be utilized as fill around adjacent structures and, if suitable, in pavement areas.
  - Complete construction specifications for earthwork and erosion control will be developed for each phase.
- Coverage under the NYSDEC SPDES GC Permit (GP-0-015-002) for erosion and sediment control will be obtained. A SWPPP will be developed, and will require or implement the following:
  - Specific limits of disturbance (LOD) will be defined for each Phase to maintain impacts within the permitted area.
  - Develop Erosion & Sediment Control Plans as part of all Site Plan submissions.
  - Minimize stream impacts from erosion by minimizing earthwork within 50 feet of the banks as well as protecting from excess stormwater runoff during construction.
  - Minimize the areas of disturbance for slopes exceeding 20%. Maintain those areas in a vegetated state to the maximum extent practicable.
  - Determine slope stability by a qualified engineer for development of slopes in excess of 3:1. Retaining walls, turf reinforcement mats or other Best Management Practices (BMPs) will be designed by a qualified engineer for slopes exceeding 3:1.
  - Inspect for site stabilization by a qualified inspector as part of the SPDES GC Permit to achieve the same.
  - Obtain written approval from the MS4 prior to the disturbance of five acres or more at any one time.
  - Obtain certification by a licensed professional engineer that attests to the construction and implementation of the SWPPP upon completion of the site construction portion for the individual phases.
- Follow any applicable excavation management plan approved by NYSDEC to manage appropriately any impacted soils encountered during construction.
• If necessary, a system of controlled blasting would be specified that includes methodology, mitigation and monitoring requirements.
  o The blasting specifications will be developed in accordance with NYSDOT Geotechnical Engineering Manual: Procedure for Blasting.
  o All Local, National Fire Protection Association (NFPA), Occupational Safety and Health Association (OSHA) and NYS Department of Labor (NYSDOL) requirements will be followed.
  o A written blast plan will be developed and pre-operations meetings will be conducted with the Project Sponsor, Engineer, Contractor, and City and Town Staff.

3. Water Resources

The GEIS analyzed the impacts to water resources that would be associated with each of the alternatives. In particular, the GEIS analyzed the potential impacts associated with stormwater management, groundwater and hydrogeological conditions. There are three unnamed tributaries that converge and run east-to-west within the Site to Six Mile Creek, which is located approximately 500 feet to the northwest of the Site. No other surface water or ephemeral water features are known to exist on the Site. There are no Federal or State mapped wetlands inventoried on the Site. No wetlands were encountered on field walks in the developable areas of the Site. Groundwater at the Site includes a shallow fractured bedrock horizon and a deeper, competent bedrock in which groundwater resides in a fractured vertical network. Groundwater may also be found in certain locations within the thin overburden and fill material located throughout the Site. Pockets of “perched” groundwater can be encountered in the overburden areas. On-Site stormwater infrastructure is in place from previous development, all of which predate current State, Local, and Federal stormwater regulations.

Potential Impacts

- Surface Water and Hydrogeological Setting: It is anticipated that there will be four crossings of the unnamed tributary proposed for the Project, all in CW2, that could result in impacts typical of crossing intermittent streams without proper mitigation. Such impacts include erosion or bank destabilization resulting in blockage or redirection of flow through the stream.
  o Even though the potential of on-Site flooding is minimal because of topography and existing grades, the increased amount of impervious surfaces will consequently increase stormwater peak runoff rates that potentially will impact downstream stormwater conveyance systems.
  o The total volume estimated during the 100-year design storm event increases by 2.992 acre-feet. Even assuming no infiltration or evapotranspiration, the potential increase in the water surface elevation for Cayuga Lake is immeasurable (0.00084 inches).
  o Additional potential impacts include erosive velocities of peak runoff rates depending on the discharge location.
- Groundwater: The Phase II ESA indicates areas of perched groundwater due to the on-Site bedrock. This will potentially impact structures with subgrade levels, specifically structured parking.
  o Construction may be potentially impacted by high groundwater or perched pockets of groundwater that may be experienced at various locations.
  o Groundwater may impact the design of the foundation including the selection of materials as well as construction methods.
  o Groundwater dewatering may also impact downstream drainage structures. Because of the impacts to groundwater from historic uses, special handling of groundwater at certain locations on the Site may be necessary.
- Stormwater: The creation of impervious surfaces is the main cause of increased stormwater runoff rates and impacts to stormwater quality.
There are numerous existing catch basins and stormwater sewers to collect and transport stormwater runoff along with grass swales. The full extent of the system and its connection and outfalls are currently unknown.

The Conceptual Site Layout Plan anticipates an increase of impervious surfaces of 11.2 acres (from 17.3 acres to 28.5 acres). The Project will maintain 35.75 acres, or 37% of the Site, as pervious.

The runoff flow and volume estimates for POS-A are anticipated to increase by approximately 5% due to the utilization of the green areas adjacent to SR 96B.

POS-B through POS-D consists of areas that are mostly redevelopment and are likely to see negligible differences in the estimated runoff rates and storm volumes.

POS-E, which includes all of zoning Sub Area CW1 and CW2, will be the area with the most new development and therefore will have the greatest increase in stormwater volume. The runoff rates for drainage Sub Areas E-3 and E-4 will peak higher but earlier in the storm period. This will actually reduce the total peak stormwater runoff rates for POS-E due to the much larger upstream area (Sub Areas E-1 and E-2).

Mitigation

- The Town Code defines required setbacks for development along streams. A total setback of 50 feet for any new development along a stream will be maintained for this Project as required by Town Code within the entire Site.
- All stream crossings will be designed in accordance with NYSDEC standards.
- The Generic SWPPP for the entire Site and SWPPPs for individual phases will provide specific mitigation for surface water/hydrogeological resources.
- Stormwater quantity and quality mitigation may include the following:
  - The addition of more diversion swales.
  - Use of the guidance for redevelopment projects in the NYS SWMDM Chapter 9.
  - Runoff reduction practices in accordance with the NYS SWMDM Chapter 3.
  - Utilization of traditional stormwater infrastructure such as curb, gutter and storm sewers for collection/conveyance.
  - Mitigation of stormwater velocity to insure protection from erosive flows including proper groundcover protection (biological as well as structural).
  - Green infrastructure mitigation which may include bioretention, planters, rain gardens, green roofs, and other infiltration practices depending on the suitability of the in-situ soils to mitigate both stormwater quantity and quality impacts.
  - On-Site storage and reuse of stormwater flows as reduction practices such as repurposing the on-Site underground water storage tanks near Driveway III or creation of a new storage area in Sub Area CW2.
- Alternative stormwater quality mitigation practices known as hydrodynamic systems such as gravity and vortex separators will also be considered during site plan approval.
- All existing stormwater utility structures will be mapped in accordance with the SWPPP.
- All new stormwater facilities will be designed in accordance with the most current version of the NYS Stormwater Management Design Manual.
- Stormwater facilities will be reviewed for capacity during individual site plan reviews.
- The NYSDEC will issue a ROD Amendment that identifies the required remedial work to support mixed-use development and address previously unidentified potential impacts to groundwater and stormwater from existing contamination in compliance with the Inactive Hazardous Waste Site Program regulations and guidance documents. Typical remedial approaches associated with any impacts to groundwater include:
  - Excavation and off-Site disposal of source area materials to reduce or prevent contaminants from impacting stormwater and groundwater.
  - Capture/treatment of impacted surface or groundwater.
  - Solidification/stabilization or capping of impacted soils to reduce or eliminate leaching.
  - In-situ chemical treatment of impacted soil and/or groundwater.
• Routine monitoring of groundwater.
• Implementation of any applicable groundwater management plan approved by NYSDEC for groundwater encountered during construction.

The proposed Phase I mitigation is depicted on the Site Plan Drawings and includes:
• Reduction of impervious areas within the Phase I project limits.
• Rehabilitation of existing stormwater collection system in the existing road and parking areas in the Phase I Project limits.
• Construction of stormwater collection systems in new parking areas.
• Conservation of natural areas directly adjacent to Phase I.
• Installation of rain gardens and/or bioretention areas in and adjacent to parking areas.

4. Vegetation and Fauna

The existing vegetation and fauna on the Site have been surveyed as part of the GEIS. Seventy-seven acres, or approximately 80% of the Site, are currently forested (34 acres/35%) or vegetated state (43.7 acres/45.5%), while 17.3 acres, or 20%, are comprised of buildings, roads, and other impervious surfaces. The New York State Natural Heritage Program (NYSNHP) was consulted to obtain a summary of rarities found in the Site vicinity. A qualified biologist was unable to find any of these, or any other species, listed as Rare, Threatened, Special Concern, or Endangered in NYS by NYSNHP or NYSDEC within the Site.

Potential Impacts

• There are potential impacts to plant and wildlife habitat, particularly with regard to the removal of some plants and habitat areas for the construction of the proposed new development.
• The Conceptual Site Layout Plan anticipates an increase of impervious surfaces of 11.2 acres (from 17.3 acres to 28.5 acres).
  o The vegetated area will decrease by approximately 11.2 acres, resulting in an impact to existing permeable surfaces. A majority of this decrease is planned to occur in areas containing invasive plants identified throughout the Site, resulting in fewer quantities of invasive species on Site. The Project will maintain 35.75 acres, or 37% of the Site, as pervious.
• With the reduction of vegetated areas, wildlife habitat may also be impacted. The qualities of forested areas vary, with some being highly disturbed.
• As a result of development in CW2, CW3, and CW4, fauna found in these zones of lesser habitat quality will be displaced, likely relocating to CW1 where forests containing higher habitat quality will be preserved. Development may have an impact on the native deer population.
  o DGEIS Table 5.4-1 describes the acreage of vegetative cover lost in each Sub Area as a result of the Project:

<table>
<thead>
<tr>
<th>Sub-Areas</th>
<th>Existing Area (Acres)</th>
<th>Developed Area (Acres)</th>
<th>Change (Acres)</th>
<th>Change (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CW1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appalachian Oak-Hickory</td>
<td>16.68</td>
<td>16.68</td>
<td></td>
<td>0.00%</td>
</tr>
<tr>
<td>Successional Forest</td>
<td>7.18</td>
<td>7.18</td>
<td></td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>23.86</td>
<td>23.86</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CW2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appalachian Oak-Hickory</td>
<td>6.23</td>
<td>2.83</td>
<td>(3.40)</td>
<td>-54.57%</td>
</tr>
<tr>
<td>Successional Forest</td>
<td>0.33</td>
<td>0.26</td>
<td>(0.07)</td>
<td>-21.21%</td>
</tr>
<tr>
<td>Successional Old Field</td>
<td>14.61</td>
<td>2.51</td>
<td>(12.10)</td>
<td>-82.82%</td>
</tr>
</tbody>
</table>
The following describes what forest types will be impacted through full, partial, or selective removal resulting from the Project by Sub Areas:

- **CW1**: Appalachian Oak-Hickory forest is a native, older growth forest containing high-quality species and ecological habitat. All of this forest type located within CW1, which constitutes 16.68 acres of the total 23.04 acres, or approximately 72.4% of this forest type on the Site, will be preserved.

- **CW2**: This Sub Area consists of two types of vegetative cover:
  - Successional Old Field consisting of successional shrubs and young trees. The make up of this vegetative cover largely consists of invasive species as is typically found on disturbed sites. Portions of this vegetative cover will be fully removed where new development will occur, and other areas will be selectively removed and replanted as an open space amenity for CW2.
  - Appalachian Oak-Hickory as described in CW1 is in the north to northwestern portions of this Sub Area, encompassing approximately 6.23 acres. A portion of this vegetative cover is likely to be disturbed by proposed development in CW2.

- **CW3**: This Sub Area consists of three types of vegetative cover:

<table>
<thead>
<tr>
<th>Sub Area</th>
<th>Appalachian Oak-Hickory</th>
<th>Successional Forest</th>
<th>Formerly Cult. Successional Forests</th>
<th>Lawn / Garden</th>
<th>Impervious</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CW1</td>
<td>0.13</td>
<td>4.14</td>
<td>0.42</td>
<td>-</td>
<td>5.58</td>
<td>10.27</td>
</tr>
<tr>
<td>CW2</td>
<td>23.04</td>
<td>26.12</td>
<td>3.13</td>
<td>3.65</td>
<td>24.08</td>
<td>95.03</td>
</tr>
<tr>
<td>Entire Parcel</td>
<td>23.04</td>
<td>26.12</td>
<td>3.13</td>
<td>3.65</td>
<td>24.08</td>
<td>95.03</td>
</tr>
</tbody>
</table>

The following describes what forest types will be impacted through full, partial, or selective removal resulting from the Project by Sub Areas:

- **CW1**: Appalachian Oak-Hickory forest is a native, older growth forest containing high-quality species and ecological habitat. All of this forest type located within CW1, which constitutes 16.68 acres of the total 23.04 acres, or approximately 72.4% of this forest type on the Site, will be preserved.

- **CW2**: This Sub Area consists of two types of vegetative cover:
  - Successional Old Field consisting of successional shrubs and young trees. The make up of this vegetative cover largely consists of invasive species as is typically found on disturbed sites. Portions of this vegetative cover will be fully removed where new development will occur, and other areas will be selectively removed and replanted as an open space amenity for CW2.
  - Appalachian Oak-Hickory as described in CW1 is in the north to northwestern portions of this Sub Area, encompassing approximately 6.23 acres. A portion of this vegetative cover is likely to be disturbed by proposed development in CW2.

- **CW3**: This Sub Area consists of three types of vegetative cover:
Successional Forests, which are characteristic of disturbed sites, consisting largely of invasive and pioneer species. These areas are located in the eastern area of CW3. This forest type is also located around the existing structures in CW3.

Formerly Cultivated Successional Forest containing species that have been cultivated in the past and have naturalized and become invasive. Some species include Barberry and Norway Maples. These zones are largely located at the junction between single-family homes and the Site. This vegetative cover is found in the area around Building 21.

Maintained Lawns/Garden Areas are largely lawns with some cultivated plants. This vegetative cover is found in the northeastern area of CW3.

Portions of the vegetative cover described above will be fully removed where new development will occur, and other areas will be selectively removed and replanted as an open space amenity for CW3.

- CW4: Successional Forests, as described in CW3 above. This vegetative cover is found around the existing structures in CW4. As with CW3, portions of this vegetative cover will be partially or selectively removed in area will the redevelopment of the existing structures will occur.

Mitigation

- Forested and cultivated areas on portions of the Site, which have historically been disturbed, are of poor quality and contain numerous invasive species. Although new impervious areas will be constructed, abandoned existing impervious areas – walks, parking lots, and stairs – that no longer serve a purpose, will be removed and replaced with vegetated areas of higher quality.

- Phase I is designed to minimize impacts to the existing trees, however there are some removals necessary. A majority of trees which will undergo removal are either invasive or naturalized species with little ecological value for native habitats.
  - A detailed tree survey will be performed when development occurs in conjunction with site plan review to minimize impacts to older trees.

- Mitigation for an increase of the Site’s impervious area resulting from the Project includes the designation of a portion of the Site as a new Sub Area known as CW1.
  - The Project Sponsor is willing to offer mechanisms such as appropriate deed restrictions or conservation easements to memorialize the dedication of the CW1 Sub Area. A majority approximately 72% of the high quality Appalachian Oak-Hickory forest is located in the CW1 Sub Area, and will be preserved as an amenity and recreational area.
  - The designation of the CW1 Sub Area will minimize disturbance in an area with high quality native vegetation, provide the means for the development of long term conservation plans in specified areas of the Site, and landscape and tree preservation standards.
  - Any wildlife that may be disturbed due to the development of other Sub Areas will likely relocate to CW1 where forests containing higher quality habitat will be preserved. Under the rezoning of the Site, this area is to be maintained as natural forest that will be preserved in perpetuity.
  - Additional trails will be developed to allow the recreational and educational use of the higher quality forested CW1 Sub Area.

5. Public Health and Environment

The GEIS evaluated potential impacts to public health and the environment that the Project and each of the alternatives may have due to existing contamination. The existing very comprehensive environmental investigation data generated by the property owner and the Project Sponsor provide sufficient data to analyze potential significant impacts from identified areas of concern (AOCs) as a
result of the Project and the alternatives as well as an analysis of mitigation measures to protect human health and the environment from impacts that may arise from redevelopment of the Site.

**Potential Impacts**

- Multiple AOCs were found to have contaminants exceeding their relevant cleanup standards for soil and groundwater, including but not limited to Trichloroethylene and other VOCs, arsenic, barium, cyanide, polychlorinated bi-phenyls, and petroleum products. If not addressed over time these contaminants can have impacts to public health and the environment.
  - Specifically, impacts in soil can leach to groundwater or if within the surface soil can be a potential contact issue for people on site or off site if erosion occurs.
  - Impacts in subsurface soils can be a concern in the event the future ground intrusive work encounters those impacts and they are not properly handled.
  - Impacts in groundwater can migrate off-Site and can present in surface water down gradient in locations where bedrock fractures outcrop at the surface creating seeps.
  - Volatile Organic Compounds (VOCs) impacting soils or groundwater beneath a building can impact indoor air through soil vapor intrusion.
- The Lead Agency understands that in anticipation that the Project will move forward in a manner consistent with the Conceptual Site Layout Plan, NYSDEC has approved an Interim Remedial Measure (IRM) Work Plan using, in some instances, the Soil Cleanup Objective (SCO) that applies to the proposed use of an area based on the Conceptual Site Layout Plan. In other instances, the Protection of Groundwater SCO is proposed.
  - As part of implementing the IRM, select locations along the sanitary sewer lines will be investigated to assess pipe integrity and potential impacts in soil beneath or adjacent to the sewer lines.
  - Any areas where soil impacts exist above the applicable SCOs will need to be remediated.
- The Lead Agency further understands that the property owner performed a Boundary Reassessment Study that assessed conditions on the 36.76 acre undeveloped portion of the Site to the south of the creek that runs east/west across the Site and produced evidence that prior operations and/or disposal did not take place in that area. As a result, NYSDEC realigned the IHWDS boundary to exclude that southern portion of the Site from remedial requirements of the IHWDS Registry. Because of the presence of soil vapors in the vicinity of the sewer lines running through that portion of the Site, the property owner filed a declaration of covenants and restrictions requiring that the potential for soil vapor intrusion be addressed to the satisfaction of NYSDEC and NYSDOH whenever any habitable structures are built within an 80 feet wide area around the sewer lines.
- The current Record of Decision (ROD) calls for the Site to be remediated to allow only for industrial use. Therefore, NYSDEC will need to amend the ROD to allow for the proposed mixed uses at the Site contemplated under the Project. The requirements for remediating the Site will be more stringent for mixed-use with a residential component than industrial or commercial uses alone. As a result, the Project will improve the existing impacts from the Site’s historic uses and the Preferred Alternative will be more beneficial from a public health and environment perspective than the No Action Alternative and the Existing Zoning Alternative.
- This more stringent cleanup will mitigate impacts to the environment, public health, and surrounding residences by: (1) completing the remediation of more contaminants for a mixed-use than under an industrial use; (2) addressing previously unknown contaminants thus significantly reducing the potential for migration downgradient and impacting the surrounding community and environment; and (3) establishing proper management of the Site over time.
- Specifically, for soils, the following AOCs will have to be addressed:
  - Former department 507 Degreaser Area (AOC1).
  - Building 24 area (AOC26).
  - Former salt baths area (AOC27).
  - Building 30/oil shed area (AOC28).
- Former propane storage area (AOC29).
- Rice paddy area (AOC30).
- Upper Parking Lot 6 area (AOC31).
- Former spray pond area (AOC32).
- Area east of Buildings 13A and 14 (AOC34).
- East of Building 24 (AOC35A).
- Building 11A (AOC35C).
- Near Parking Lot 4 (AOC35D).
- South of Parking Lot 3 (AOC35G).
- Parking Lot 3 (AOC35H).
- Former railroad right-of-way (LBA-SB-240) (AOC35K).
- Former railroad right-of-way (DS-1) (AOC35L).

- If the No Action or Existing Zoning alternatives were to be implemented only the industrial use and, in some instances, the protection of groundwater SCOs would apply leaving the following AOCs not remediated or remediated to a lesser extent for soils:
  - AOC29
  - AOC31
  - AOC32
  - AOC35A
  - AOC35G
  - AOC35H
  - AOC35K
  - AOC35L

- Additional environmental issues that will need to be addressed to a greater degree than under the No Action or Existing Zoning alternatives include:
  - Vapor intrusion for VOCs for existing buildings that will be routinely occupied.
  - Vapor intrusion for VOCs for any habitable structures to be built in the vicinity of the NCR sewer or Ithaca College sewer lateral within Sub Area CW2 and an eastern portion of CW3.

- Construction for the Project will encounter impacted soil and fill materials. These activities have the potential to impact the on-Site workers or the environment if not properly handled. Specifically, the Project may incur the following impacts:
  - General construction activity creating dust which could have contaminants such as heavy metals or SVOCs.
  - Excavations within areas of soil impacted with VOCs could create vapor emissions.
  - Dewatering to support excavations could result in the discharge of contaminated groundwater to surface soils, surface waters and/or the sewer system.
  - Construction workers could come into contact with impacted media.
  - Construction vehicles could transport impacted media off-Site to unregulated areas.
  - Stockpiled soils exposed to precipitation could transport contaminants through runoff.

- Typical remedial approaches discussed in the GEIS include:
  - Excavation and off-Site disposal of impacted soils, which has been and is currently being implemented by an IRM for 16 AOCs and previously employed for PCB impacted soils around a former transformer pad.
  - Placing a barrier or cap above soil/fill materials impacted with contaminant concentrations above the applicable SCOs. Again, a technique currently being implemented as part of a NYSDEC approved IRM.
  - Solidification/stabilization of impacted soils.
  - In-situ chemical treatment of impacted soil and/or groundwater.
  - In-situ or ex-situ thermal treatment of soil and/or groundwater.
  - Extraction and treatment of impacted groundwater and/or soil vapor.
  - Routine groundwater monitoring.
Sub slab depressurization (SSD) systems and/or pressurization monitoring of buildings for mitigation of potential soil vapor intrusion.

**Mitigation**

- An amendment to the existing ROD must be approved by NYSDEC. The amendment will facilitate development of the Site in a manner that protects public health and the environment under a mixed-use redevelopment scenario with a residential component.
- The specific final remedy or remedies at the Site will depend on the contaminant type, location and impacts to groundwater. The pros and cons of each remedial approach will be evaluated as part of the study of remedial alternatives that will be presented in a feasibility study and reviewed by NYSDEC in a separate regulatory process that results in the further amendment of the ROD. Specifically:
  - A feasibility study evaluating remedial approaches will be completed by the property owner for review and approval by NYSDEC. Following NYSDEC approval, all necessary remedial work will be completed to the requirements of the use for the specific area being developed or which will be affected by development.
  - All disturbances of soil (e.g., construction of new buildings, renovation of existing buildings, and/or utility work) within Sub Areas CW3 and CW4 and that portion of CW1 north of the creek that runs generally west to east across the Site will require the implementation of an SMP and associated Excavation Work Plan, Groundwater Management Plan and a Community Air Monitoring Plan (CAMP)
    - All such work would require an Environmental Monitor to complete appropriate oversight and management/characterization of disturbed materials. This includes continuous air monitoring for VOCs and fugitive dust, monitoring excavations for potential impacted media, sampling of all water and soil generated, stockpiling soils on plastic and covering with plastic until the final disposition of materials are determined and approved by NYSDEC.
    - These measures will address concerns related to VOC emissions, transport of impacted media off-Site, fugitive dust and run-off.
    - All work will be done by appropriately trained personnel, under oversight by an environmental monitor and with NYSDEC approval.
  - The Site must be: (1) remediated to restricted residential, commercial and/or industrial SCOs, as appropriate based on the proposed uses at the Site, or to protection of groundwater standards if a particular area of the Site experiences impacts to groundwater above relevant standards; (2) subject to groundwater treatment and/or monitoring in those areas where groundwater impacts exceed applicable standards; (3) subject to appropriate use restrictions consistent with the proposed uses at the Site; (4) subject to appropriate prohibitions on the use of groundwater at the Site without approval from NYSDEC; (5) subject to development and implementation of an appropriate Site Management Plan (SMP); and (6) subject to on-going monitoring that institutional and/or engineering controls are being properly implemented and/or maintained.
  - An SMP will be developed by the property owner and approved by NYSDEC after completion of the IRMs and issuance of the amended ROD which will set forth engineering and institutional controls for that portion of the Site north of the creek that remains on the IHWDS Registry.
    - The SMP and its components will be used to facilitate redevelopment and be amended as needed subsequent to installation of additional remedial systems and completing all remediation activities at the Site.
    - Implementation of an SMP will assure that the IRMs and other remedial actions selected through a feasibility study and amendment of the ROD will remain functional and effective.
    - Regular inspection of the caps, soil covers, and permanent erosion controls (e.g., gravel and vegetation) will identify potential problems and allow maintenance actions to be taken before more serious issues arise.
An inspection procedure and frequency will be developed as part of the SMP to record and track Site conditions. Repair and maintenance procedures will be described to restore the deficiencies to the desired conditions. The plan will include routine maintenance activities such as sealing of asphalt cracks.

The SMP will identify locations where contamination remains and will include procedures for assuring the institutional controls remain in place and effective.

An excavation work plan will address proper management of soils and groundwater that may be encountered during any future ground intrusive activities. These plans will provide the process by which one properly manages both known and any unknown contamination that may be encountered during ground intrusive activities and require monitoring of such activities by an environmental professional.

In addition to soil excavation and groundwater management, the SMP will contain a CAMP, and operation, monitoring and/or reporting requirements specific to the remedial alternatives selected by NYSDEC for the Site.

Finally, the SMP will contain operation, maintenance and monitoring requirements for treatment systems and/or monitoring programs for groundwater treatment systems or soil vapor intrusion systems that may be employed at the Site as part of the final remedy along with a schedule of regular reporting on the activities conducted under the SMP to NYSDEC.

Enforcement of the SMP requirements will be through the filing of an environmental easement covering the Site.

- Areas of impacted concrete (Buildings 4, 8, 13A, 14 and 34) will require remediation which will most likely take the form of removal or capping.
- In the event air monitoring indicates fugitive dust or VOCs, appropriate vapor and/or dust suppression actions will be taken.
- Occupation of existing buildings and construction of new ones in the CW3 and CW4 Sub Areas will require the Project Sponsor to address the potential for soil vapor intrusion via mitigation and/or monitoring. Specifically, for the Preferred Alternative this includes:
  - Mitigation of Buildings 1, 2 (basement portion), 3, 4, 5, 6 and 6A (remaining portions), 8, 9, 10, 18, 21, 24, 33 (remaining portions) and 34.
  - Monitoring of Buildings 13A and 17.
  - Building 2 (upper portion) would require additional analysis to determine whether additional actions are required to reduce exposure as part of the feasibility study.
  - Evaluation of areas designated for new construction in CW3 and CW4 Sub Areas for the potential for soil vapor intrusion followed by NYSDEC and NYSDOH approval.
  - Compliance with the Declaration of Covenants and Restrictions that requires evaluation of areas designated for new construction in the CW2 Sub Area for the potential for soil vapor intrusion when habitable structures are planned to be constructed in the vicinity of the former NCR and Ithaca College sewer lines.

- Filing and compliance with an environmental easement that: (i) restricts the use of the portion of the Site still on the IHWDS Registry to Restricted Residential, Commercial and Industrial uses (as those terms are defined by the relevant NYSDEC regulations); (ii) restricts the use of groundwater without NYSDEC approval; and (iii) requires the implementation of an SMP.

- The property owner has commenced NYSDEC approved IRMs to address 16 different AOCs at the Site based upon cleanup objectives consistent with the Conceptual Site Layout Plan. All approve IRMs will be completed in compliance with NYSDEC-approved plans.

- Mitigation also includes development of emergency action plans and compliance with Community Right to Know requirements by tenants using hazardous substances.
  - Pre-demolition/rehabilitation surveys will be performed during each phase of development on those buildings where warranted based upon historical use, visual evidence, and prior investigation results to further assess the need for special management of demolition debris.
6. Historic and Archaeological Resources

The GEIS evaluated the potential impacts on Cultural Resources listed on or eligible for listing on the State or National Register of Historic Places (“S/NRHP”) in and in the vicinity of the Project Area. This included evaluating potential effects to architectural and archaeological resources. A Determination of Eligibility (DOE) was prepared for the Site for review by the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) to determine whether the above-ground historic architectural resources are eligible for listing on the National Register of Historic Places. The Site has been determined eligible for the National Register of Historic Places. A Phase 1A archaeological survey was conducted under the supervision of a Registered Professional Archaeologist and in accordance with the NYSOPRHP’s Phase 1 Archaeological Report Format Requirements. Archaeological investigations did not result in information that would significantly add to the understanding of the construction, function, or use of the manufacturing facility and no additional archaeological investigations were recommended.

**Potential Impacts**

- In order to bring air and light into the redeveloped complex, and provide sufficient space for circulation, selective demolition is planned, potentially resulting in impacts to the existing structures through partial or full removal. These buildings are: Buildings 3A (1920s), 4A (1920s), portions of 6 (1950s) and 6A (1940s), 8A (1920s), 9 (1900s), 10A (1940s), 11A (1940s) and 14 (1940s).

**Mitigation**

Currently the Project Sponsor is not seeking historic tax credits as originally considered during the DGEIS process. Subsequent consultation with NYSOPRHP determined that the redevelopment of the buildings as mixed-use structures utilizing the Architecture 2030 goals precluded coverage under the historic tax credit system. The change of use and redevelopment of the existing buildings in accordance to current energy/buildings codes will take precedence over the following historic mitigation:

- The Project Sponsor is pursuing a variety of options to retain the historical character and significance of the CWD by retaining key individual structures, including the pre-1965 portions of the factory building (all sections except 13B, 34 and 35), the Office Building (21), and the Office/Commercial Building (24), to mitigate any potential impacts to the existing structures resulting from the selective or full demolition of buildings.
- The Secretary of the Interior’s Standards and Guidelines serve as a methodology to identify, document, and evaluate which existing structures and areas within the Site are appropriate for preservation and rehabilitation. These guidelines help determine how best to accommodate building removal, how best to maintain/rehabilitate significant structures, and which how to integrate complementary (adjacent and out-lying) new development. The Project Sponsor has and will continue to employ these guidelines where feasible.
- Pursuing certification by the USGBC for LEED ND, a framework for identifying, implementing, and measuring green building and neighborhood design.
  - Credits 6 and 7 require the retention of at least 20% of the surface of historic buildings except when authorized by the Ithaca Landmarks Preservation Commission and/or NYSOPRHP and to the extent allowed while maintaining compliance with applicable energy codes and goals set forth under Utilities and Effects on the Use and Conservation of Energy Resources.
- Restoring and/or rehabilitating existing structures-to-remain in a way that preserves, reflects, enhances and promotes the inherent historic and architectural significance of these selected buildings.
- Cleaning and repairing existing exterior walls as individual buildings are redeveloped and occupied.
- Repairing, enhancing and restoring existing fenestration at existing openings.
• Replacing existing windows (deteriorated to the point of inoperability) to closely emulate the
design, pattern, color, and perhaps material construction of what currently exists on various
existing CWD structures.
• Wherever possible, restoring and maintaining the interior character of key existing structures
with additional modifications developed to meet the needs and requirements of potential tenants
as well as applicable building codes.
• Enacting architectural guidelines, as described in the PUD/PDZ Design Guidelines, that help
establish a common character for new Site development and which will in turn complement the
rhythm, variety, proportion, size, and scale of the existing and remaining historical structures.
• Working with an appropriate professional to adequately photo document those structures that
will be demolished, so that a historical record of the architecture will remain.
• Selectively preserving historically significant elements of buildings, both internal and external,
that contribute to the historical narrative of both the structure and the Morse Chain Factory itself.

7. Transportation and Circulation

The GEIS analyzed the potential impacts related to the local transportation network. A broad study
area was scoped in consultation with City and NYS Department of Transportation (NYSDOT). The
study locations consist of 30 existing intersections. The study intersections were observed during both
peak intervals to assess current traffic operations. Pedestrian, bicycle, and transit infrastructure are key
to providing a complete transportation system for residents and visitors of the City/Town. Within the City
alone, approximately 42% (15% Town) commute to work via walking (2012 American Community
Survey 5-year Estimates). The TCAT system provides transit service for over 100,000 Tompkins
County residents. Ridership has been increasing steadily over the past several years, with a 6.3
percent increase in trips between 2011 and 2013. Of the 33 routes that service the County, Route 65
provides rural commuter service along NYS Route 96B with stops at the nearby South Hill Business
Park and Longview and Route 11 provides downtown coverage and services Ithaca College and travels
along Coddington Road/Hudson Street. The Site is currently accessed via four drives along NYS Route
96B as well as a connection at Turner Place. Marginal access is also available via S. Cayuga Street.

A Traffic Impact Analysis was prepared to assess existing and future traffic operations on the street
network in the vicinity of the Site, to evaluate potential traffic impacts resulting from the Phase I
development and the full build out of the Site, and to identify appropriate mitigation measures to avoid
or minimize potential impacts to the transportation system (the Traffic Impact Analysis is included in
Appendix I of the DGEIS).

Potential Impacts
• The Project significantly increases development density in an area characterized by a heavy
volume of commuter traffic to and from South Hill, including to Ithaca College via South Aurora
Street / NYS Route 96B. The Site is in close proximity to residential neighborhoods, which will
be impacted by increased traffic volume. The Site’s proximity to the downtown core and Ithaca
College makes it well situated for alternative modes of transportation (e.g., walking, biking,
carpooling, and mass transit).
• A review of both AM and PM peak hour capacity analysis results for the pre-developed condition
indicate that the overall levels of service (LOS) operate at “D” or better at the signalized
intersections, which is an acceptable capacity level. The signalized intersections are the major
roads leading to and around the Site.
  o The overall vehicle traffic in this area will be higher subsequent to completing the
    Project.
  o Availability of queue spacing has been identified as a potential impact.
• The eastbound and westbound approaches at the intersection of Clinton Street/Aurora
Street/Prospect Street operate at LOS “F” during both peak hours for the pre-developed
condition.
Generally, all other approaches to the study area intersections operate at “D” or better, with only four intersections operating with approaches of “E.”

- The Phase I trip generation estimates are 228 vehicles per hour (vph) for the AM peak hour and 182 vph during the PM peak hour. The Full Development trip generation estimates are 945 vph for the AM peak hour and 925 vph for the PM peak hour, as shown in FGEIS Table 5.7-5, provided below:

<table>
<thead>
<tr>
<th>PHASE</th>
<th>LAND USES</th>
<th>SIZE</th>
<th>AM PEAK</th>
<th>PM PEAK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>ENTER</td>
<td>EXIT</td>
</tr>
<tr>
<td>Phase I</td>
<td>Office</td>
<td>82.55 ksf</td>
<td>114</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
<td>80 Units</td>
<td>8</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
<td>170.6 ksf</td>
<td>94</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td></td>
<td>216</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Trip Reductions</td>
<td></td>
<td>-30</td>
<td>-10</td>
</tr>
<tr>
<td></td>
<td>Total New Trips</td>
<td></td>
<td>186</td>
<td>42</td>
</tr>
<tr>
<td>Phase II, Full Build-out</td>
<td>Office</td>
<td>185.6 ksf</td>
<td>254</td>
<td>37</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
<td>835 Units</td>
<td>84</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td>Retail</td>
<td>52.2 ksf</td>
<td>47</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Restaurant</td>
<td>7.2 ksf</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
<td>246.5 ksf</td>
<td>158</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td></td>
<td>543</td>
<td>313</td>
</tr>
<tr>
<td></td>
<td>Trip Reductions</td>
<td></td>
<td>-76</td>
<td>-63</td>
</tr>
<tr>
<td></td>
<td>Total New Trips</td>
<td></td>
<td>467</td>
<td>250</td>
</tr>
<tr>
<td>Full Development</td>
<td>Total New Trips Under Full Development</td>
<td></td>
<td>653</td>
<td>292</td>
</tr>
</tbody>
</table>

- The cumulative effect of Project-generated traffic on the transportation network is dependent on the origins and destinations of that traffic and the location of the access drives serving the Site.
  - Based on the network’s traffic volumes, it is estimated that 62 percent of the total trip generation will originate from west, north, and east of the Site.
  - An estimated 8 percent will travel from NYS Route 96 and Elmira Road.
  - The remaining 30 percent will originate from areas south of the Site.
- The capacity analysis results shown in FGEIS Table 5.7-8 indicate most of the approaches and overall LOSs at the study intersections will operate within acceptable parameters between existing, background, and full development conditions.
  - Additional traffic from the proposed Project may increase the potential for collisions.
  - Proposed Driveway I/Aurora Street
    - Under Phase I full development conditions, the eastbound approach is projected to operate at LOS “E” and “D” during the AM and PM peak hours, respectively.
    - Between Phase I and Phase II, the LOS is projected to decrease to LOS “F” during both peak hours.
    - Driving patterns may change to reflect the typical operating conditions along NYS Route 96B at the Site’s driveways and may utilize other points of ingress/egress.
  - Proposed Driveway II/Aurora Street
    - This intersection is projected to operate as an enter-only driveway.
    - Little to no delay is projected at this proposed intersection.
  - Aurora Street (NYS Route 96B)/Proposed Driveway III
Between Phase I and Phase II full development conditions, the eastbound LOS decreases from “C” and “B” during the AM and PM peak hours, respectively, to “F” during both peak hours.

- Coddington Road/Danby Road/Driveway IV
  - Under Phase I full development conditions, the eastbound left/thru approach is projected to operate at LOS “D” during both peak hours. Between Phase I and Phase II full development conditions, the LOS decreases to “F” during both peak hours. The anticipated delay and corresponding LOS for the eastbound movement is characteristic of un-signalized side roads on heavily trafficked arterials such as NYS Route 96B. Between both phases of full development, the westbound approach from Coddington Road decreases in LOS from “C” to “E” during the AM peak hour and from “C” to “D” during the PM peak hour.

- Proposed Driveway V/Danby Road (NYS Route 96B)
  - This intersection will be constructed during Phase II of full development conditions. A LOS of “C” is projected for eastbound exiting traffic during the AM and PM peak hours. All other approaches operate at LOS “A.”

- Clinton Street (NYS Route 96B)/Aurora Street/Prospect Street
  - The eastbound left and westbound approaches operate at LOS “F” between all conditions during both peak hours. Between Phase I and Phase II full development conditions during the AM peak hour, the eastbound right approach decreases from LOS “C” to “E”.

- State Street/Aurora Street
  - The westbound left approach operates at LOS “C” during the AM peak hour and “F” during the PM peak hour under Phase I development conditions. The AM peak hour LOS for the approach decreases to “F” under Phase II full development conditions. The northbound approach decreases from “B” and “C” to “C” and “D” during the AM and PM peak hours, respectively, between Phase I and Phase II full development conditions.

- Clinton Street/Cayuga Street
  - Between Phase I and Phase II full development conditions during the AM peak hour, the overall LOS decreases from “D” to “E”. The southbound left approaches decreases from “E” to “F” during both peak hours between Phase I and Phase II full development conditions.

- Pine Tree Road/NYS Route 79
  - The southbound approach during the PM peak hour between Phase I background conditions and Phase I full development conditions decreases from LOS “E” to “F”. Between Phase I and Phase II full development conditions, delay increases by 55.1 seconds.

- Access via Turner Place and Cayuga Street
  - The alternative capacity analysis performed shows that delays are projected to increase for all approaches during both peak hours at the Aurora Street/Clinton Street/Prospect Street intersection.

The Project Sponsor’s traffic consultant provided the following table which depicts the results of queuing analysis at the proposed Site access driveways during Phase I and Full Development Conditions:

<table>
<thead>
<tr>
<th>AM Peak Hour Queuing Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Access Driveway</td>
</tr>
</tbody>
</table>

27
<table>
<thead>
<tr>
<th></th>
<th>Average</th>
<th>95th Percentile</th>
<th>Average</th>
<th>95th Percentile</th>
<th>Average</th>
<th>95th Percentile</th>
<th>Intersection (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway I</td>
<td>20</td>
<td>49</td>
<td>46</td>
<td>78</td>
<td>52</td>
<td>91</td>
<td>160</td>
</tr>
<tr>
<td>Driveway II</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
</tr>
<tr>
<td>Driveway III</td>
<td>7</td>
<td>26</td>
<td>36</td>
<td>60</td>
<td>19</td>
<td>39</td>
<td>211</td>
</tr>
</tbody>
</table>

- Based on the above queuing analysis there are sufficient storage lengths at Driveways IV and V during both peak hours. Driveway III during the PM peak hour is borderline based on 95th percentile queues. However, queues of this length are expected to be infrequent and are intended to illustrate a worst-case scenario. On the other hand, Driveway I during the PM peak hour shows queues that are longer than the conceptual available storage.

- The Project Sponsor’s traffic consultant provided the following sight distance evaluation:

<table>
<thead>
<tr>
<th>Drive</th>
<th>North</th>
<th>South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive I</td>
<td>&gt; 500 ft.</td>
<td>400 ft.</td>
</tr>
<tr>
<td>Drive II (proposed to be only an entrance)</td>
<td>400 ft.</td>
<td>&gt; 500 ft.</td>
</tr>
<tr>
<td>Drive III</td>
<td>&gt; 500 ft.</td>
<td>&gt; 500 ft.</td>
</tr>
<tr>
<td>Drive IV</td>
<td>&gt; 500 ft.</td>
<td>&gt; 500 ft.</td>
</tr>
<tr>
<td>Drive V</td>
<td>&gt; 500 ft.</td>
<td>&gt; 500 ft.</td>
</tr>
</tbody>
</table>

- Based upon the above data, there is sufficient sight distance at all the proposed access points except for Drive I, south and Drive II, north.

**Mitigation**

- Mitigation will include all direct access points to the Project including existing and proposed drives on NYS Route 96B as well as extensions of Turner Place and South Cayuga Street into the Project.
  - The mitigation will include access drive improvements. Such improvements may include signalization, signal coordination, turn lanes, and geometric improvements.
  - Off-Site mitigation will consist of signalization optimization and other traffic control measures.
  - Additional mitigation will take the form of vehicle sharing and improvements to pedestrian/bicycle facilities.

**Phase I Specific Mitigation**

- Relative to Phase I, NYSDOT has specified certain mitigation requirements relative to Route 96B. Specifically, NYSDOT will require the following Phase I mitigation:
  - Changing the four-lane section of NY 96B south from the city/town line to past Bella Vista Dr. by reconfiguring the two southbound lanes to one through lane and incorporating left turn lanes for both directions at intersections, and hatching where appropriate.
Sidewalk will be required along the frontage of the Site on the western side of Route 96B, from the city/town line to the Coddington Rd. intersection.

The proposed driveway, immediately south of city/town line, will be a one-way ingress only; no traffic will be allowed to exit onto Route 96B at this location.

In addition, the Project Sponsor shall introduce and implement Transportation Demand Management (TDM) strategies to reduce Single Occupancy Vehicle (SOV) trips to and from the Site. The following potential TDM strategies will be considered for Phase I implementation:

- Market-priced parking
- Preferential parking for ridesharing services
- Bicycle parking facilities
- Subsidized transit passes
- Connections to transit stops (i.e. construct sidewalks to existing stop at Hillview Place)
- Dedicated shuttle service
- Transportation Alternatives Information
- Coordination with Smart Trips Ithaca
- Connected and improved pedestrian network within the Phase I limits (i.e., improvements to sidewalks within Sidewalk Improvement District No. 4)
- Pedestrian oriented design within the Phase I limits
- Bicycle network facilities within the Phase I limits and provide easement to nearby Gateway Trail
- Follow Crime Prevention Through Environmental Design (CPTED) principles in all design
- Coordination with Ithaca College and South Hill Business Park

### Post-Phase I Mitigation

- A post-Phase I Traffic Study will be performed as part of the Phase II site plan application.
- The Lead Agency understands that Washington State’s Commute Trip Reduction (CTR) program and CTR Efficiency Act, a law passed by the State Legislature, requires local governments in urban areas with traffic congestion to develop programs that reduce SOV trips and Vehicle Miles Travelled (VMT) per capita. The Project Sponsor has committed to adapt and scale this program to the projected employment centers proposed within the CWD.
- Addition TDM or CTR initiatives will be implemented as follows:
  - Transit Coordination – Continued coordination with TCAT on transit routes and marketing the nearby routes of 65 and 11. TCAT bus line will boost ridership through increased awareness coupled with improved service.
  - Route Expansion – Working with TCAT to provide new/expanded bus service through the Site provides an opportunity for greater mode choice resulting in trip and parking reductions.
  - Bus Stop Amenities – A clean, well-lit, informative bus stop with shelters and seating greatly improves the image of the transit serving an area. Bus stop amenities make taking the bus a comfortable experience, while proper maintenance tells people that transit makes up an important part of the neighborhood.
  - Employer Carpooling – Carpooling will be encouraged by providing incentives and other services such as ride-matching.
  - Emergency Ride Home – In case of a personal emergency during the day, transportation is provided at no cost to one’s vehicle, residence, or other place such as childcare, doctor’s office, etc.
  - Preferential carpool/vanpool parking – Investigate the use of vRide for employers located on the Site.
  - Transportation Alternatives Information – Bus schedules, walking and bicycling maps, neighborhood and on-Site wayfinding will be made readily available.
  - Telecommuting and compressed work schedules – Employers will be encouraged to offer flexible work options. Employee vehicle trips are reduced by the percentage of...
employees that telecommute or have a “free” day gained through a compressed schedule, on an average day.

- Location and Quantity of Bicycle Parking Spaces – The Project will include convenient bicycle parking locations in clear sight of access points into buildings, safe and secure longer term storage within parking areas, and a sufficient number of bicycle parking spaces that encourages a greater number and demographic of residents, employees, and visitors to utilize bicycling as a means of transportation.

- The Price of Parking – Parking spaces that are typically included in building and rental costs will be reviewed, and “unbundled” parking, paid as a separate item, will be considered.

- Financial Incentive Programs – Developing Commuter Financial Incentive Programs, such as Parking Cash Out, offer employees the choice of receiving a subsidized parking space an equivalent financial incentive.

- Bike Share – A micro bike share system that is developed for the Site or a more robust system that is developed for the City and Town (i.e. Lime Bike) encourage more transit ridership and provide additional public transportation options. A bike share system can offer mobility, economic, health, safety, and quality of life benefits.

- Car Share – Coordination with Ithaca Carshare will be pursued during Phase I as demand potentially grows through increased residential and commercial based occupancy rates.

- Relationship with Ithaca College – The Site is located less than a half-mile from Ithaca College. An integrated and coordinated approach to the development of the Site and potential for interaction between the two entities should be explored.

- Electric Vehicle charging station – The County will be conducting a study to identify needs and opportunities. This could be included in the Project as an amenity to residents, and it supports the County’s goals to reduce greenhouse gas emissions.

- In order to mitigate post Phase I traffic impacts to the maximum extent practicable, following completion of Phase I, the Project Sponsor will implement an on-going Monitoring and Mitigation Implementation Plan (MMI Plan).

- The MMI Plan will include an update of traffic conditions based on full occupancy of Phase I of the development utilizing field collected data and before the next phase of development begins to verify underlying assumptions and evaluate the effectiveness of TDM strategies.

- All traffic study updates will be reviewed by NYSDOT and a City Traffic Engineer.

- This post-Phase I occupancy traffic update will evaluate the following intersections: (i) Aurora Street/Prospect Street/Clinton Street, (ii) Aurora Street/State Street, (iii) State Street/Seneca Way, (iv) State Street/Green Street, (v) Clinton Street/Cayuga Street, (vi) Cayuga Street/Seneca Street, and (vii) Cayuga Street/Spencer Street.

- This post-Phase I occupancy traffic update will also include an evaluation of whether a traffic signal is warranted at all site access driveways.

- The MMI Plan will also provide for additional traffic study updates at the following stages of development:

  - Immediately following tenant occupancy of Phase I of the Project;
  - When proposed post Phase I development within the CWD results in more than 75 vehicle trips per hour (cumulative over Phase I); and
  - Each time a proposed post-Phase I development within the CWD will result in more than 150 vehicle trips per hour
  - In addition, per NYSDOT, a traffic study update will be required for each phase of the project where modifications and/or additional mitigation is proposed in the NYSDOT R.O.W

- Traffic study updates will verify trip distribution models and confirm when traffic mitigation measures identified in the GEIS should be implemented. Other than the update immediately following tenant occupancy of Phase I of the Project, all updates will be submitted and reviewed,
per the thresholds established herein, in conjunction with proposed site plans for each phase of development. The intersections to be analyzed in each traffic update include:

- Site Accesses 1 and 2
- Site Accesses 3, 4 and 5 (NYSDOT owned)
- Aurora Street/Prospect Street/Clinton Street
- Prospect Street/Turner Place
- Columbia Street/Aurora Street
- Aurora Street/State Street
- State Street/Seneca Way (NYSDOT owned)
- State Street/Green Street (NYSDOT owned)
- Clinton Street/Cayuga Street
- Cayuga Street/Seneca Street (NYSDOT owned)
- Cayuga Street/Spencer Street
- Pine Tree Road/SR 79 (NYSDOT owned)
- State Street/Stewart Avenue
- Turner Place corridor between site access and Prospect Street
- Cayuga Street corridor between site access and West Spencer Street

• Additional mitigation measures at specific intersections (dependent upon and subject to future traffic study updates) are described as follows:
  - Prospect Street/S Aurora Street – Impacts to Aurora Street/Clinton Street/Prospect Street and potential mitigation does not include physical improvements to the intersection, as ROW and existing buildings limit the ability to expand the intersection. Additionally, a traffic signal is not an appropriate treatment. Therefore, higher capacity people mover systems (i.e., new TCAT routes and improved headway, and potential automated transit service between the Commons and the Site) are needed.
  - S Aurora Street/Columbia Street – Traffic signal warrants are not met at this intersection to alleviate delays for Columbia Street traffic. All traffic can be accommodated, as needed, at the existing traffic signal at Aurora Street/Hillview Place. The reduction of SOV trips and increased mode share of pedestrian, bicycle, and transit trips will reduce total site generated traffic passing through this intersection.
  - S Aurora Street/Site Access 3 – Delays at Driveway III are projected to decrease from LOS “F” to LOS “E” with the installation of traffic signals at Driveway I and IV.
  - Cayuga Street/Clinton Street – The Project Sponsor’s traffic consultant developed signal timing adjustments for the PM peak hour and the associated capacity analysis results which are presented at Appendix F of the FGEIS. These adjustments reduce the projected LOS “E” for the northbound thru/right approach and LOS “F” for the southbound left approach to LOS “D” for both approaches. The Project Sponsor has had discussions with ITCTC about an automated fixed route system along Cayuga Street that would shuttle people between the Commons and the Site. The Lead Agency recommends that a feasibility study of such a system be performed by ITCTC with participation from the Project Sponsor.

• The capacity analysis indicates most of the approaches and overall LOSs at the study intersections will operate within acceptable parameters between existing, background, and full development conditions. Project driveway specific results and mitigation are as follows:
  - Driveway I: Under Phase I development conditions, the eastbound approach is projected to operate at LOS “E” and “D” during the AM and PM peak hours, respectively.
    - Between Phase I and Full Development, the LOS is projected to decrease to LOS “F” during both peak hours.
    - This intersection should be monitored after redevelopment of the Phase I buildings for delay and operation for drivers entering and exiting the Site to determine what point in the future a traffic signal is installed.
Internal roadways interior to the Driveway I access will be designed to mitigate potential spillback into internal intersections.

The Project Sponsor’s proposed mitigation for Driveway I includes installing advanced intersection warning signage (Manual of Uniform Traffic Control Devices (MUTCD) W2-2L) for northbound approaching vehicles.

- **Driveway II**: This intersection is projected to operate as an enter-only driveway. Therefore, little to no delay is projected at this proposed intersection. No mitigation is warranted or recommended.

- **Driveway III**: Between Phase I and Full Development conditions, the eastbound LOS decreases from “C” and “B” during the AM and PM peak hours, respectively, to “F” during both peak hours.

- **Driveway IV**: Under Phase I development conditions, the eastbound left/thru approach is projected to operate at LOS “D” during both peak hours. Between Phase I and Full Development conditions, the LOS decreases to “F” during both peak hours.

- **Driveway V**: This intersection will be constructed during Full Development after Phase I. A LOS of “C” is projected for eastbound exiting traffic during the AM and PM peak hours. All other approaches operate at LOS “A”.

- **Driveway V**: During Full Development conditions, all of the proposed driveways along NYS Route 96B potentially warrant a left-turn lane during the AM peak hour. The warrants during the PM peak hour are met for the proposed Driveway II, proposed Driveway III immediately south of Grandview Avenue, and the proposed Driveway V. Left-turn lanes are recommended at the proposed Driveways III, IV, and V under Full Development if conditions warrant the same.

  - Under Full Development conditions, the guidelines for a full width right-turn lane are satisfied at the proposed Driveway I under AM conditions only. The remaining driveways are not met.

  - Based on the expected delays under Full Development conditions and a traffic signal warrant analysis, a three-colored traffic signal is recommended for the intersection of Coddington Road/Danby Road/Driveway IV. The traffic signal should be designed to provide a permitted/protected northbound and southbound left-turn phase. Left-turn lanes are recommended at Proposed Driveways III, IV, and V.

- **Aurora Street/State Street (MLK Jr. Street)**: In order to improve the existing and future peak hour operating conditions at this critical intersection, an alternative that provides two westbound approach lanes on State Street was investigated.

  - By restriping the westbound approach to include separate left and right-turn lanes (the right-turn lane should be restriped to include 100 feet of storage), the overall delay decreases during the AM peak hour by 17 seconds per vehicle.

  - Similarly, during the PM peak hour there is a decrease in delay by over 13 seconds per vehicle. In order to provide the two approach lanes on State Street, peak hour ONLY parking restrictions are recommended for the two metered parking spaces on the approach to the intersection.

  - During off-peak hours of operation, drivers can continue to use the approach as a single-lane approach with the ability to continue using the two metered parking spaces on the north side of State Street.

**Summary**

- Mitigation measures have been developed upon completion of Phase I and Full Development (Phase II):
<table>
<thead>
<tr>
<th>PHASE</th>
<th>LOCATION</th>
<th>MITIGATION MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>All signalized City intersections</td>
<td>System-wide signal timing update to ensure optimized signal operation.</td>
</tr>
<tr>
<td></td>
<td>Aurora Street/Clinton Street/Prospect Street</td>
<td>The use of TDM strategies should be utilized to reduce vehicle trips generated as a result of the Project.</td>
</tr>
<tr>
<td></td>
<td>Seneca Street/Cayuga Street</td>
<td>System-wide update of signal timings as mentioned above.</td>
</tr>
<tr>
<td></td>
<td>Clinton Street/Cayuga Street</td>
<td>TDM strategies.</td>
</tr>
<tr>
<td></td>
<td>Pine Tree Road/Slaterville Road</td>
<td>The intersection should be monitored for delay as it relates to potential future signalization.</td>
</tr>
<tr>
<td></td>
<td>Proposed Driveway I/Aurora Street</td>
<td>Consider installation of a three-color traffic signal after redevelopment of the existing buildings, prior to new development in Sub Areas CW3 and CW4. A study of intersection delay at this point will confirm the need for a potential signal. This signal should be coordinated with the traffic signal at Hillview Place.</td>
</tr>
<tr>
<td>II</td>
<td>Aurora Street/State Street</td>
<td>Restripe the westbound approach to provide separate left and right-turn vehicle movements during peak hours only. Enforce peak hour ONLY parking restrictions on north side of State St. approach.</td>
</tr>
<tr>
<td></td>
<td>NYS Route 96B/Coddington Road/Proposed Driveway IV</td>
<td>Realign, restripe the intersection to include opposing northbound/southbound left-turn lanes, and install a three-color traffic signal. The Project Sponsor should work with NYSDOT and the property owners affected by any intersection realignment.</td>
</tr>
<tr>
<td></td>
<td>Proposed Driveways III and V at NYS Route 96B</td>
<td>Install northbound left-turn lanes at Proposed Driveways III and V.</td>
</tr>
<tr>
<td></td>
<td>Cayuga Street/Seneca Street</td>
<td>System-wide update of signal timings.</td>
</tr>
<tr>
<td></td>
<td>Cayuga Street/Clinton Street</td>
<td>System-wide update of signal timings.</td>
</tr>
<tr>
<td></td>
<td>Downtown Ithaca</td>
<td>Update a downtown circulation plan with the purpose of developing a workable multimodal circulation system supportive of all modes of travel in the Ithaca CBD. The plan should be flexible to accommodate evolving modes of transportation.</td>
</tr>
</tbody>
</table>

- The Project will incorporate pedestrian, bicycle, and transit friendly accessibility and mobility design characteristics where possible.
  - Crossing treatments should be installed at all intersections and use high-visibility treatments. Mid-block crossing locations may be installed, where feasible, and not be located further than 400 feet from the nearest crossing location. In lieu of dedicated bicycle lanes where street widths are too narrow for one to be installed (bicycle lanes are required to be at least 5 feet in width adjacent curbs), shared lane markings – “sharrows” – should be used to indicate bicycle friendly streets.
  - Bicycle signage along the roadways can be used to increase driver’s awareness of bicyclists as well as encourage bicycle ridership.
  - An on-Site multi-use trail system should be considered to provide off-street circulation routes for pedestrians and bicyclists. This trail system should be connected to the Gateway Trail along the western ridge of the Site.
The internal pedestrian network should connect to the existing sidewalk network along NYS Route 96B and allow connections to Ithaca College and Downtown through or along the edge of the Site. As of April 2015, a Pedestrian Corridor Study is underway to determine the appropriate locations for a sidewalk/off-road multi-use path system and crossing locations between the City/Town line and King Road. Internal sidewalks should be installed in the anticipation a complete sidewalk network is developed along NYS Route 96B to encourage non-motorized travel.

- Parking and parking lot Design Guidelines have been developed as further mitigation. While it is important to provide parking as a component of the Project, a number of measures have been incorporated into the plan to minimize the need for parking by increasing trail, pedestrian and bicycle connections to strongly encourage walking and bicycling.
- The proposed Gateway Trail will be developed via easements between the Project Sponsor and the City and Town to connect to the South Hill Recreation Way to the existing Black Diamond Trail.
- Pedestrian sidewalks will be constructed in safe and convenient locations, connecting users of the Project to the existing pedestrian network in adjacent neighborhoods.
- Bicycle facilities will be present throughout the Site via on-street pavement markings and signage directing riders to destinations on and off-Site.
- Mass transit access will be provided in locations that are agreed upon through coordination between the Project Sponsor and TCAT as the Site is developed. The Conceptual Site Layout Plan depicts two on-Site bus stops.

8. Utilities

The GEIS evaluated the potential impacts to the utility infrastructure with additional emphasis on public water supply, sanitary sewer and stormwater systems. The Site is currently served by public utilities that have sufficient capacity to provide for additional demand and without the need of expanding public district or service areas. The Site is supplied with potable water by the City. The water is connected to the public water system on Turner Place and at a dead-end line on South Aurora Street near Parking Lot 4. The City Department of Public Works (DPW) indicates there is adequate capacity and pressure in the water supply system. The on-Site private portion of the water system consists of approximately 3,960 lineal feet of 12-inch water main. Approximately 2,340 lineal feet is located outside of the buildings and 1,620 lineal feet is located inside the buildings. The watermain is a mixture of an older cast iron pipe and a newer ductile iron pipe. All upgrades and repairs to the water system were completed using ductile iron pipe. There are 15 fire hydrants connected to the private watermain that protect the existing structures. The system performs with a static pressure of 90 to 130 psi with the ability to provide up to 1,700 gpm for fire flow.

**Potential Impacts**

- The total estimated water usage for the redeveloped core of the District is approximately 110,000 GPD and 161,500 GPD for the new buildings. This is an average demand of 188 gpm. Using a peaking factor of 8.0, there is a peak demand of 1,500 gpm.
  - Overall, the main impact to the water system is the increased usage estimated for the Project.
- The existing sanitary sewer system connects to the City sanitary sewer system at two locations. There is a 12-inch sewer located on Turner Place, adjacent to building 21, and a 10-inch sewer located on South Cayuga Street. The total flow capacity for these two mains is 2,033 gpm and 1,450 gpm, respectively. The wastewater generation rates will mirror the estimates for the public water usage. The estimated wastewater generation is 271,500 GPD. This is an average demand of 188 gallons per minute. Utilizing an 8.0 peaking factor, it is estimated that the peak flows are approximately 1,500 gpm.
  - The main impact to the sanitary sewer system is the increased usage estimated for the Project.

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• The Site is currently served with stormwater drainage facilities consisting of catch basins, stormwater sewers, and grassed swales.
  o The Site does not have any stormwater control facilities, such as retention basins or underground infiltration systems. The Site does not have good infiltration characteristics, as it contains many rock outcroppings and generally the depth to bedrock is minimal.
  o There is also very little existing green space to develop traditional drainage basins.
• The existing 6" natural gas line serving the Site is rated at medium pressure which is currently operating at approximately 20 psi. It is assumed that total energy consumption is 98,000 BTU/sf for commercial space and 94,000 BTU/sf for residential space for the purposes of estimating annual baseline usage. Natural gas usage is estimated at 32% of the total usage. Therefore the natural gas usage annual base line is 45,900 MMBTUs.
• The Site is served by the NYSEG South Hill electric substation located on South Cayuga Street. The Coddington–South Hill 34.5 kV Line #526 traverses the Site from the South Hill substation easterly to Coddington Road.
  o The Site is also served by a private electric substation that is powered by Line #526. This substation was sized to serve the entire Site at its peak operational needs. Based on conversations with NYSEG Staff, depending on final electric usage as well as on-site generation (i.e. photovoltaic), additional upgrades to the existing substation equipment may be necessary.
• The Project will require high-speed data to provide services expected in a new community such as the CWD. The 915 dwelling unit and approximately 400,000+ gross square footage of space dedicated to business uses will put a demand on these utilities.
• Lighting from the Project, once fully developed, will be greater than under current conditions and will increase light levels in the outdoor environment. Without proper planning and design, light trespass (the spillage of light into a neighboring property) can occur. Light going up into the sky, or sky glow, can reduce visibility of the stars.

Mitigation
• Water/Sanitary Sewer
  o The City may be able to restore the old cast iron pipe likely to have heavy tuberculation that historically fed the three water storage tanks on Site to have better flowrates.
    ▪ However, the City recommends adding a new public water connection point further down South Aurora Street near the main entrance drive to loop the system when the new buildings are constructed in the CW3 Sub Area.
    ▪ If the tuberculation cannot be mitigated, then a replacement watermain will be installed.
  o Loop existing City water system through Sub Area CW3 from the current connection at NYS Route 96B/Driveway III intersection to a new point of connection at the NYS Route 96B/ Driveway I intersection.
  o Construct any new public water and sewer mains to have a minimum diameter of 8-inches and be looped (if practicable). All work shall be in accordance with (Ten State) Recommended Standards for Water Facilities and Water Works.
  o Use NYS required water saving plumbing fixtures. The Project will follow LEED ND guidelines for new buildings and buildings undergoing major renovations by reducing indoor water usage 20% from a baseline, demonstrable through product cutsheets and fixture schedules.
  o Meter and audit individual buildings.
  o Investigate the on-Site storage and reuse of stormwater by repurposing the on-Site underground water storage tanks near Driveway III or creating a new storage area in Sub Area CW2 to reduce on-Site water demand.
• Stormwater Infrastructure
  o At a minimum, the on-Site storm sewer collection system will be designed for the 10-year design storm.
o A full SWPPP and coverage under NYSDEC General Construction SPDES permit will be required. The stormwater mitigation features for the redeveloped portions of the site will be designed in accordance with NYSDEC’s guidelines for redeveloped projects. The new construction areas will fall under NYSDEC regulations for traditional development.
o A majority of stormwater controls will be green infrastructure suitable for the urban setting. The “Water Quality Volume” and “Runoff Reduction Volume” will be treated using a combination of green roofs, stormwater planters, and hydrodynamic separators.
o Develop an Operations and Maintenance (O&M) Plan to ensure the proper use of the stormwater conveyance system.

- **Electric/Natural Gas Energy Use**
o Alternative energy measures are being investigated for the Site including PV, wind, and CHP or cogeneration systems.
o New buildings will meet LEED criteria and include efficient design and renewable energy systems necessary to achieve at least a 70% reduction in fossil fuel use in compliance with the Architecture 2030 Challenge. That would reduce energy usage by up to 53,000 MMBTU per year and return the usage estimates to pre-developed estimates for typical industrial use of the existing Site based on the 821,200 sf GSA.

- A full photometric plan will be submitted with each site plan application and will incorporate “Dark Sky” techniques to confine and minimize light to the extent practicable while maintaining proper safety.

9. **Air Quality**

The GEIS focused specifically on the potential impacts to area wide/regional air quality and air quality on the Site. The Project Sponsor evaluated whether the Project would result in violations of ambient air quality standards or health-related guidance values related to vehicle emissions, building emissions and historical impacts. The area wide/regional air quality analysis included an evaluation of National Ambient Air Quality Standards (NAAQS) for six common pollutants and an assessment of Greenhouse Gas Emissions from on-Site emissions. The six common pollutants analyzed were carbon monoxide, lead, nitrogen oxides, ozone, particulates and sulfur dioxide. On site air quality was analyzed by studying numerous investigations of indoor and outdoor on site air quality for over a decade. The GEIS also evaluated whether the Project would result in violations of ambient air quality standards or health related guidance values for vehicle emissions, building emissions and historical impacts.

**Potential Impacts**
- There will be some air quality impacts during construction due to vehicle emissions for a limited timeframe.
- In addition to the vehicle emissions, Greenhouse Gases (GHG) from Building emissions have also been evaluated.
  - GHG emissions resulting from the use of natural gas (45,901 mmBTU annually) to serve the buildings for the Project are projected to total 2,686 Tons of Carbon Dioxide equivalent (CO2e).
  - The GHG components include Carbon Dioxide (CO2 - 2,685 MT/yr), Methane (CH4-0.048 MT/yr) and Nitrous Oxide (N2O - 0.00025 MT/yr).
  - Based on the criteria identified in the NYSDEC FEAF Workbook and the assessment of the GHG emissions due to the Project, there are impacts to air quality from the Project due to carbon dioxide emissions.
- In addition to GHG from building emissions related to energy consumption, tenants with certain types of commercial or industrial operations may emit pollutants into the air. The degree and type of air pollutants emitted depends on the tenant’s specific operations.
- Since the Project includes occupation of many existing buildings not routinely occupied, adverse impacts have the potential to arise from the occupation of Buildings 1, 2, 3, 4, 5, 6, and 6A (any remaining portions), 8, 10, 13A, 13B, 15, 24, 33 (remaining portions), 34 and 35.
The potential for SVI into existing buildings to be occupied and new buildings would need to be addressed by mitigation, monitoring, or further analysis.

- The analyses performed reveal no significant impacts to air quality with the exception of potential exceedance of threshold criteria for carbon dioxide from building emissions and soil vapor intrusion from historical impacts potentially effecting indoor air quality.

**Mitigation**

- **Vehicle Emissions:** No mitigation measures are proposed beyond those set forth under traffic mitigation measures.

- **Building Emissions:** Will be mitigated via the following:
  - Investigate alternative energy measures to reduce building emissions of carbon dioxide
  - New buildings will meet LEED ND criteria and include efficient design and renewable energy systems necessary to achieve at least a 70% reduction in fossil fuel use in compliance with the Architecture 2030 Challenge. That would reduce total energy usage by up to 53,000 MMBTUs per year (note, only a portion of this would be for on-Site building emissions).
  - Any commercial or industrial tenant operations with the potential to emit air pollutants must identify and control those sources through the NYS Air Pollution Control Program (6 NYCRR Part 201) and any other applicable laws and regulations.

- **Historic Impacts:** The prior testing for soil vapor intrusion will be utilized by the Project Sponsor in coordination with NYSDEC and NYSDOH to determine which structures warrant mitigation or monitoring. Existing buildings likely to require mitigation, monitoring or additional analysis include:
  - Mitigation of Buildings 1, 2 (basement portion), 3, 4, 5, 6 and 6A (remaining portions), 8, 10, 18, 21, 24, 33 (remaining portions) and 34
  - Monitoring of Buildings 13A and 17
  - Buildings 2 (upper portion), 10A, 13B, 15 and 35 may require some additional action to identify sources and reduce exposure.

- Prior to any new building construction in the CW3 or CW4 Sub Areas, the VOCs data for soil and groundwater within the proposed building footprint will be analyzed for the potential for soil vapor intrusion and mitigation will be included as part of the construction as warranted.

- Mitigation measures set forth for Public Health and Environment and Traffic shall also serve to mitigate impacts to air quality.

**10. Visual and Aesthetic Resources**

Visual and aesthetic resources are characterized by various elements that form a viewer’s perception and aesthetic response to a place, object, or setting. The GEIS reviewed critical vantage and viewpoints where the visual environment is considered an important aspect of the Site from within the City and Town. Many of these views are listed in the Town Scenic Resource Inventory & Analysis and the Tompkins County Scenic Resources Inventor. These views included Danby Road, Taughannock Boulevard, Cliff Street, Hector Street, West Haven Park, Sheffield Road, Upper Botswick Road, East Shore Park, and Tutelo Park. Specific points in the City include Meadow Street, Route 13 heading south mid-way down the hill, Stewart Park, Allan H. Treman State Marine Park, Cass Park, South Cayuga Street heading south, and Cornell University on East Hill.

A field analysis included a before/after comparison using photography to collect near and distant views. Eighteen (18) existing views were documented in late February during leaf off conditions in order to capture the maximum visual impact. Massing models have also been created to illustrate the potential visual and aesthetic impacts of proposed development in the context of existing Site conditions. The visual impact analysis includes the following:

- Photographs of existing views of the Site during leaf off conditions, as identified in the Scoping Document.
Photographic perspectives, visual renderings, and visual simulations of the Project from each critical receptor point, providing a before/after comparison.
Maps of each viewshed illustrating the sight lines and views internal and external to the Site.
View descriptions from critical vantage points of the proposed development using photographs.
Architectural elevation drawings of the Phase I buildings were developed.

**Potential Impacts**
- The existing Site buildings are, and some proposed new buildings will be, visible from a number of locations throughout the City and Town in varying degrees.
- The visual and aesthetic character of Route 96B, as illustrated in viewsheds 9 and 10, will incur the greatest impacts, as the Project will create a new and vibrant street front.
- More distant views and views of limited visibility of the Project, such as viewsheds 1, 2, 3, 4, 5, 6, 7, 11, 12, 13 and 14 will have far less impacts, as the proposed new structures relate to and blend with the existing structures from a distance.

**Mitigation**
- Mitigation measures include strategies such as architectural approaches and themes consistent with the surrounding neighborhood, visual screening and planting/landscaping and, carefully locating components within the Project. The Conceptual Site Layout Plan serves as mitigation.
- The Conceptual Site Layout Plan mitigates visual impact through the careful placement of proposed structures in a manner that forms a relationship between the topography and the structures across the landscape.
- The Design Guidelines require development to be of similar character with the existing structures. For example, the application of architecture strategies such as fenestration of the proposed structures that continue the rhythm and character of the existing structures allows for new structures to blend with the Site as it exists. The Design Guidelines include detailed limits on the heights of proposed building (different limits for each Sub Area), building setbacks, maximum façade length, and public frontages.
- Sub Area CW1 is designated as a Natural Area, which includes the steep slopes on the western side of the Site and will include the Gateway Trail. This Sub Area is highly visible from many viewpoints and will be preserved. The existing vegetation in this area provides some screening of the existing upslope buildings. Designating Sub Area CW1 as a Natural Area mitigates potential impacts from proposed buildings.
- The Project Sponsor will be following LEED ND guidelines including compact development, tree-lined and shaded streetscapes, and minimized site disturbance.

**11. Community Services**

The GEIS analyzed the potential impacts to community services including Government Facilities, Solid Waste Management, Educational Facilities, Cultural Facilities, Religious Facilities, Health Care Services, and Public Safety. The Site, located in both the City and Town, is relevant to both municipalities' offices. The City of Ithaca City Hall is located at 108 East Green Street and the Town of Ithaca Town Hall is located at 215 North Tioga Street, each respectively 0.5 miles and 0.6 miles north from the Site. The United States Postal Service Downtown Ithaca Office is located at 213 North Tioga Street, approximately 0.6 miles north of the Site. Additionally, a number of approved postal provider satellite sites are located within a 1.5-mile radius from the Site.
**Potential Impacts**

- **Government Facilities:** The Project will result in a notable increase of the tax base, as described under Cumulative Impacts, thereby increasing the revenue for the City, Town and County Governments.

- **Solid Waste Management:** The Project will result in an increase of solid waste. In addition to the solid waste generated by residences on-Site, there will be an increase in commercial and/or manufacturing waste, depending on tenants. Consultation with the TCRSWC revealed that it is currently operating at 21% of its capacity for waste and 41% for recyclables.

- **Educational Facilities:** The Site is located within the Ithaca City School District (ICSD) boundary. The Project estimates there will be approximately 50 children living on-Site creating a new demand on the ICSD. Based on correspondences with ICSD, schools in the ICSD have the capacity to accommodate future residents of the CWD. Higher learning educational facilities in close proximity to the Site include Cornell University (located approximately 1.0 mile northeast of the Site) and Ithaca College (located approximately 0.5 miles to the southeast).

- **Cultural Facilities:** The Site is positioned near a variety of existing cultural facilities. The Tompkins County Public Library is located at 101 East Green Street, approximately 0.5 miles from the Site. Cinemapolis, a 5-screen cinema house, is located at 120 East Green Street, approximately 0.5 miles from the Site. The State Theatre of Ithaca, a historic 1,600 seat theatre that hosts bands, dramatic performances, and films, is located at 107 West State Street, 0.6 miles from the Site. CSMA also offers public dances, musical events, and art shows.
  - The Project will result in a greater demand on existing cultural facilities. It is expected that some employees commuting to the CWD would use existing cultural facilities during their non-work hours. The Project will also provide a significant amount of community space resulting from the selective demolition of portions of existing buildings. This increased internal open space will provide opportunities for markets, collective gatherings, festivals, and other larger community events.

- **Religious Facilities:** The City is the home to many religious institutions including over a dozen within a 1 mile radius. The Project will result in a greater demand on the existing religious facilities. Additionally, it is expected that some employees commuting to the CWD would use existing religious facilities during their non-work hours. It is expected that this would result in a negligible or otherwise positive impact through increased attendance, participation, and donations.

- **Health Care Services:** The City and Town have a number of facilities which provide health and medical care. Cayuga Medical Center is the largest medical facility in the area, with a 204-bed acute care hospital serving inpatient and outpatient needs and an Emergency Department that is open 24-hours per day.
  - The Project will result in a greater demand on the existing health care services due to increased demand largely as a result of the increased residential population, but also to a lesser extent, the workforce employed at the CWD. The Project’s residential population is expected to be approximately 1,830, and the employee population to range between approximately 800-1,000 people.

- **Public Safety Services:** The Project Site is served by a City police station, fire station, County sheriff’s office, NYS police and Bangs Ambulance service. The Project will construct approximately 1,830 bedrooms, or approximately 915 units.
  - This will impact the existing public safety services, requiring resources and staff time from the police (City of Ithaca Police Department, the Tompkins County Sheriff’s Office and at times the New York State Police), fire (the City of Ithaca Fire Department and as needed adjacent and nearby community fire stations and departments) and emergency medical services.

**Mitigation**

- Analyses of the community services indicate that there will be adequate capacity for community services despite increased demands resulting from the Project. Any increased demands from
the Project on such services will be mitigated by the additional tax base generated by the increased property assessment for the Site. The assessed value of the Site will increase from $3.5M to an estimated $236M.

- Additional mitigation includes sales tax and other taxes on revenue generated by the operations of the Project as well as individual business operations located on-site. These additional taxes have not been considered in this analysis but would nevertheless further mitigate the cost of providing community services to the Project.
- Although the Site lies in both the City and Town, there would be no jurisdictional confusion as police protection operates on a “close-car” concept, and fire protection and emergency medical services operate without regard to the City and Town distinctions.

12. Open Space and Recreation

The GEIS analyzed the potential impacts to open space and recreation as a result of the Project and its alternatives within and adjacent to the Site, including parks, trails and other recreational resources. The City, Town, and Tompkins County own many open spaces within a developed urban environment and provide residents and visitors with a wide variety of recreational resources, including hiking, biking, boating, fishing, and educational resources. There is a large quantity of trail networks within and connecting to these parks and recreational resources. Buttermilk and Robert H. Treman State Parks have their own internal hiking trails and are connected by the Finger Lakes Trail System. The Finger Lakes Trail system is over 950 miles in length and runs from the Pennsylvania-New York border in Allegany State Park to the Long Path in the Catskill Forest.

**Potential Impacts**

- The existing impervious area on the Site is 35.75+/- acres. The Project will reduce the overall potential open space on the Site by approximately 11% or 11.2 acres with an increase of development and impervious surfaces in the future.
- The Project will impact open space and recreation by allowing the construction of the proposed Gateway Trail. The Gateway Trail will provide a missing link between South Hill Recreation Way, Buttermilk Falls State Park, the Finger Lakes Trail, and the Black Diamond Trail, creating broader connections between the City, Town, and Tompkins County.
- The construction of the Gateway Trail will impact current residents and visitors to the City, Town, and Tompkins County as a whole, as well as the future residents and employees at the CWD.
- The construction of the Gateway Trail will provide another pedestrian route to, from, and through the Site. This will result in the Site becoming an important link and node in connecting an extensive hiking and recreational trail network that allows for non-motorized activities such as snowshoeing and cross-country skiing in the winter. This action promotes transportation efficiency through multimodal transportation and impacts public health by facilitating physical activity.

**Mitigation**

- To ensure the long term benefits on open space, Sub Area CW1 Natural Conservation Area is proposed to limit development and uses to only recreationally-base programming.
- In addition to the Gateway Trail, with the development of the Project, the Site will become a bridge between South Hill and Downtown Ithaca. A pedestrian network will traverse the Site, connecting NYS Route 96B to S. Cayuga Street, allowing for greater accessibility to Downtown amenities and services, and vice versa. A pedestrian network is also being established internally within the Site with sidewalks along many streets and pedestrian-dominated courtyards.
- Open spaces, courtyards, and a pedestrian network of sidewalks and trails will provide passive and active recreational opportunities throughout the CWD.
The City of Ithaca and its consultants published a draft Parks and Recreation Master Plan in November 2017. The Plan, among other things, highlights the future connection of the Gateway Trail/Buttermilk Falls Corridor as one of the key planned trail system enhancements. A permanent easement will be established along the western portion of the Site to assist with such trail enhancements.

13. Construction Activities

The GEIS analyzed the potential impacts from Project construction activities and measures to mitigate them. The Site has been utilized as a construction staging area for multiple off-Site projects in the area including the City sponsored Commons infrastructure redevelopment project.

Potential Impacts

- The Project calls for the full development of the Site over a seven to ten year period in multiple phases. Planning and coordination will be required for the construction of the various phases. The NYSDEC ROD amendment and market conditions will influence phasing and timing of the redevelopment plan.
- Because the Project will have multiple phases over many years, there are both short and long term potential impacts. Many of these impacts are typical of any construction project, and include work related to: (1) site work; (2) foundations; (3) steel work; (4) concrete flatwork; (5) exterior wall construction; (6) roofing; (7) interior finish work; and (8) exterior site improvements.
- Construction work for the Project in the CW3 and CW4 Sub Areas may encounter impacted media and building materials such as concrete floor slabs. As such, these activities have the potential to impact on-Site workers, neighboring properties, or the environment if not properly handled.
- Additional construction impacts typical for a project of this nature include:
  - Construction Staging: Due to the multiple phases, a construction staging area may potentially impact the residents/occupants of the Site as well as the adjacent property owners.
  - Soil Erosion/Dust: Development of the Site will include clearing and grading of land which creates the potential for soil erosion due to land disturbance and stormwater runoff. Particulate matter and dust generation is also a potential impact due to demolition and grading.
  - Solid Waste: Construction and demolition on the Site will generate related solid waste. Those materials not reused or recycled will require disposal.
  - Noise/Emissions: Noise, air emissions and vibration will be generated from construction activities, worker traffic, heavy equipment operation and delivery vehicles.
  - Construction Traffic: Traffic volumes will increase from the movement of construction workers and off-Site construction equipment.
  - Asbestos: Projects that involve demolition typically encounter asbestos containing materials (ACM).
  - Worker Safety: Projects of this type have potential impacts to workers including health and safety concerns typically associated with construction activities.

Mitigation

- NYSDEC ROD Amendment: A SMP (which includes an Excavation Work Plan and Groundwater Management Plan) and various other Remedial Work Plans specific to the area being addressed will be developed and implemented for all areas of the Site that remain on the IHWDS Registry, i.e., all areas generally located north of the creek that runs west to east across the Site.
- All work at the Site involving the disturbance of impacted soils or groundwater in the IHWDS areas will also be implemented under CAMPs and Health and Safety Plans in order to ensure that impacts to on-Site workers and the surrounding community are mitigated.
This includes continuous monitoring during periods of impacted soil or groundwater disturbance by an environmental professional.

- Construction activity will be coordinated with NYSDEC-approved remediation to eliminate or minimize disturbance of impacted media and building materials.

- **Construction Staging**: The majority of the construction will be staged in former Parking Lot #6 (which is the parking area east and uphill of Building 34). This staging area is centrally located and will allow ease of access to the Site and also provides a large paved area to reduce temporary construction impacts. The area utilized for staging will be fenced and gated to control access.

  - Lot #6 will be used as a staging area and will minimize traffic interruptions by providing two separate construction access points on NYS Route 96B that can easily be operated and maintained with typical flagging in accordance with NYSDOT requirements or with the addition of temporary traffic signalization. This central staging area will also maintain the pedestrian, bicycle and vehicle access and parking for the CWD population throughout the multiple development phases.

  - Limits of disturbance during construction will be clearly delineated to reduce encroachment into sensitive or prohibited areas and the areas of disturbance will be limited to the extent practicable.

  - The Site Plan drawings for Phase I include a detailed construction staging plan.

  - Project identification and wayfinding signage to distinguish construction and public access points will be used. Signage shall also be provided to indicate contacts for complaints and/or questions regarding the Project. Signage shall be maintained throughout the construction phase.

- **Soil Erosion/Dust**: A generic SWPPP has been prepared for the full development of the Site. A Full SWPPP is developed for the Phase I Site Plans in accordance with the NYS SWMDM and the NYS Erosion and Sediment Control Manual. Mitigation will include coverage under a SPDES General Construction Permit (GP-0-15-002), installation of proper erosion and sediment (E&S) control measures in accordance with the approved SWPPP, and weekly inspections by a Qualified Professional.

- Dust creation is also mitigated by implementing the SWPPP. Specific mitigation will include wetting of roadways and hydroseeding/mulching immediately upon grading to minimize dust and promote vegetative cover. Potential fugitive dust emissions from material storage piles will be controlled through the use of enclosures, seeding, covers or spraying with a dust suppressant as necessary.

- The generation of airborne demolition-related dust will be reduced through standard construction practices including application of dust suppressants over the involved area to minimize blowing and circulation of exposed soils/materials.

- The need for blasting will be minimized as much as possible. If blasting is deemed necessary, any permits and authorizations will be clearly identified and obtained as part of the Site Plan approval process prior to commencing. Blasting specifications would be developed in accordance with NYSDOT procedures for blasting. Any blasting will be minimized when developing grading plans.

- **Solid Waste**: Prior to demolition, the Project Sponsor will consult with Finger Lakes ReUse to determine eligibility for their “deconstruction” program that identifies suitable buildings for deconstruction, safely dismantles them by hand to harvest maximum materials, and then sells the materials through their existing ReUse Center at discounted prices. All other metal construction debris will be separated and recycled. Any remaining debris will be disposed of at permitted construction and demolition (C&D) landfill.

- Construction disposal plan for non-recyclable construction waste handling and removal in accordance with local regulations and following LEED guidelines will be developed. Phase-specific disposal plans will be developed during the Site Plan Approval process.

- All remaining demolition debris will be disposed of at C&D landfills or recycling facilities permitted by NYSDEC (per 6 NYCRR 360 Solid Waste Management Facilities). NYSDEC
requires demolished materials containing lead paints to be disposed of at permitted C & D facilities.

- **Noise/Emissions:** Proper maintenance of all construction equipment and appropriate muffler systems on all equipment will be required. Construction vehicles will be shut down whenever practicable and the idling of such vehicles will not be permitted.

- The Project will be governed by the respective City and Town guidelines for construction schedules and local noise ordinances. Hours of operation for exterior construction will be limited to the hours of 7:00 am to 6:00 pm Monday through Saturday, or as per the City/Town Ordinances for noise. Interior construction will be limited to Monday through Saturday from 7:00 am to 11:00 pm.

- **Construction Traffic:** A safe construction/delivery routing plan will be developed. This includes the development of a Maintenance and Protection of Traffic Plan for all work zone areas. Parking for construction-related personnel will be located on-Site.

- **Asbestos/Hazardous Materials:** An asbestos survey in accordance with 12 NYCRR 56 Section 5 will be completed for all structures scheduled for renovation or demolition prior to such activity to determine the presence, if any, of asbestos-containing building materials. This survey will be performed by a licensed asbestos inspector certified in compliance with 12 NYCRR 56 Section 3.2.

- **Worker Safety:** All work will be completed in accordance with OSHA requirements including developing an accident prevention program that provides for frequent and regular inspection of the jobsites, materials, and equipment by competent persons designated by the employers in accordance with 29 CFR 1926.20(b).

### 14. Irreversible and Irretrievable Commitments of Resources

As part of the impact analysis SEQR requires that the GEIS identify the irreversible and irretrievable commitment of resources, if any. The GEIS identified several irreversible and irretrievable commitments of resources required for construction and operation of the Build Alternatives, which would include construction materials, energy (construction and operation phases), labor, capital, and land. The Project Sponsor will undertake practical efforts to minimize impacts through the implementation of a project-specific Sustainability Program, using LEED ND as the framework for the development and operation of the Project.

Public and private financial commitment is likely to provide residents and municipalities in the immediate area, region, and State with increased property and sales tax revenue, growth in land values surrounding the Site, other revenues directly or indirectly generated by the new development, and other intangible quality of life benefits to the City and Town such as the provision of improved access to downtown and the 95 acre parcel itself. Therefore, the financial investment in the Project represents long-term beneficial effects, rather than irreversible or irretrievable commitments of resources.

### 15. Unavoidable Adverse Impacts

SEQR also requires an analysis of unavoidable adverse impacts. The GEIS found that the Build Alternatives are generally consistent with local and regional plans and policies for redeveloping the Site and would result in significant short- and long-term benefits. However, some unavoidable adverse impacts would result from implementation of the Build Alternatives. The unavoidable adverse impacts are similar for each Build Alternative but may vary in degree of impact.

Construction-phase impacts would include localized and temporary impacts to soil erosion, solid waste generation, sound levels, air quality, and traffic. Short-term noise impacts associated with construction-related vehicles would be regulated by local and State regulations and standards. Soil erosion would be mitigated through the NYSDEC SPDES process and the development of project specific SWPPP’s. Air quality impacts would be limited to short-term increases in fugitive dust and mobile source emissions.
from construction equipment. Construction traffic will be minimized with the development of on-site staging areas.

Overall, the Build Alternatives would have significant, positive long-term impacts. However, as with any sizable urban development, there may be minor long-term impacts. These impacts include increased vehicular traffic, noise and air quality resulting from denser development patterns. Some existing viewsheds will be altered due to the placement of new structures on the site. In addition, there would be impacts to public utilities due to increased usage including natural gas, electric, fiber optics, public water, and sanitary/storm sewers.

16. Growth Inducing Aspects

Under SEQR the GEIS must also analyze potential growth-inducing aspects of the Project. The GEIS identified the following growth-inducing aspects: The Project would provide significant investment and potential growth in the City and the Town through the revitalization of a vacant industrial site. Through the revitalization and transformation of a large, underutilized Site with identified environmental challenges, the CWD will function as a lively, mixed-use, sustainable community and regional destination.

In particular, the Project would include the construction of a substantial mixed-use neighborhood including residential, commercial, office, and industrial/maker-space opportunities. This, in turn, would expand the City’s employment base as well as add much needed new housing. The Project addresses two of the underlying causes of gentrification: low housing supply and a shortage of developable land in the City for new housing. Rezoning the CWD to allow the development of new housing will reduce pressure on existing neighborhoods to accommodate Ithaca’s job growth and demand for housing in walkable neighborhoods.

17. Effects on the Use and Conservation of Energy Resources

The construction and operation of the Build Alternatives would have both short-term and long-term impacts on the use and conservation of energy resources. In the short-term, construction of all Build Alternatives would require the use of nonrenewable energy resources including: gasoline, diesel fuel, and electricity. In addition to construction-related energy use by equipment, the indirect use of energy would also occur as a result of construction workers commuting to and from the construction site.

The long-term impacts of each Build Alternative on energy resources would differ in magnitude for each of the Build Alternatives with the Low-Density Alternative having the least impact and the High-

Long-term impacts on the use and conservation of energy will result from the consumption of energy from day-to-day Project operations, such as heating, cooling, powering various commercial and industrial operations and lighting buildings, and from Project generated traffic. Long-term impacts on the use and conservation of energy will result from the consumption of energy from day-to-day Project operations, such as heating, cooling, powering various commercial and industrial operations and lighting buildings, and from Project generated traffic.

New buildings will meet LEED ND criteria and include efficient design and renewable energy systems necessary to achieve at least a 70% reduction in fossil fuel use in compliance with the Architecture 2030 Challenge. That would reduce total energy usage by up to 53,000 MMBTUs per year and return the usage estimates to pre-developed estimates for typical industrial use of the existing Site based on the 821,200 sf gross square area (GSA).

Finally, the Project’s adaptive reuse of existing buildings allows for the preservation of the energy embodied in existing buildings. By preserving the existing buildings where feasible, the Project will avoid the disposal of thousands of BTUs worth of building materials. Building reuse extends the life
cycle of buildings and conserves resources such as energy by requiring less manufacturing and transportation of materials.
THRESHOLDS:

Pursuant to SEQR, Agencies may prepare a GEIS when there is a need to assess a wide variety of impacts at a more conceptual level on a larger geographic area, often including cumulative impacts, rather than project-specific or site-specific EISs. As Project plans move forward, Project changes may occur as the conceptual development plan is developed into final design proposals for the well-defined elements, but more likely, for the less defined components. Such changes may specifically include proposed changes to the contemplated development program.

The Project was evaluated utilizing a GEIS to analyze Site-specific impacts associated with various aspects of the Preferred Alternative as well as more long-term and/or cumulative impacts associated with future phases of Project development. Final designs for less-defined Project components as well as any proposed changes to the more well-defined elements (hereinafter referred to as “Future Project Plans.”) would require further evaluation pursuant to SEQR. The City of Ithaca Planning and Development Board, as Lead Agency, would be responsible for performing an environmental review on Future Project Plans and must consider Future Project Plans proposed in relation to the GEIS and the Findings Statement. Upon development of Future Project Plans, the Project Sponsor would work with the Lead Agency to determine if the environmental impacts associated with such Future Project Plans have been adequately addressed in the GEIS and SEQR Findings Statement, taking into account whether the proposal exceeds any of the thresholds outlined below. Such a determination must be made before any Future Project Plans are approved. A Checklist for Future Project Plans Consistency with GEIS has been developed and is attached hereto as Attachment C.

In the event that the Lead Agency determines that:

I. Future Project Plans would be carried out in conformance with the conditions and thresholds established in below, then no further SEQR compliance would be required;

II. Future Project Plans would be carried out in conformance with the conditions and thresholds established below, but are not addressed or are not adequately addressed in this Statement of Findings, then an amended findings statement must be prepared;

III. Future Project Plans are not addressed or are not adequately addressed in the GEIS for the Project, but the proposal does not exceed any of the thresholds established below, or the proposal does exceed a threshold(s) established in below, but would not result in any significant adverse environmental impacts, then a negative declaration must be prepared; or

IV. Future Project Plans are not addressed or are not adequately addressed in the GEIS for the Project and/or the proposal would exceed one of the thresholds established below and may have one or more significant adverse environmental impacts, then a supplement to the GEIS must be prepared.

Future Project Plans that exceed any one of the following conditions or thresholds shall not be considered to have been addressed by the GEIS/Findings Statement and must be evaluated by the Lead Agency to determine whether additional environmental review (e.g., a Supplemental Generic Environmental Impact Statement) would be necessary:

<table>
<thead>
<tr>
<th>Environmental Setting</th>
<th>Threshold/Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use</td>
<td>Material changes to when site plan approvals are triggered; allowable uses in Sub Areas; size and location of Sub Areas (see Figure 2.1-3 and Table 2.7-1); required buffers; maximum Sub Area coverage; and maximum density.</td>
</tr>
<tr>
<td>Land – Topography</td>
<td>Development proposed on slopes greater than or equal to 20%.</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Water Resources – Stormwater</td>
<td>Future proposed action likely to exceed total impervious site coverage rate of 70%.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>Non-recreational facilities proposed in CW1. Material change to size (23.86 acres) and location of CW1.</td>
</tr>
<tr>
<td>Public Health and Environment</td>
<td>The NYSDEC Issued ROD Amendment to allow for the mixed-use of the Site does not call for a remedial action different from those analyzed in the GEIS.</td>
</tr>
<tr>
<td>Transportation</td>
<td>Future proposed action likely to exceed a mixed-use development of 1.7 MSF or square footage allocations for land uses set forth in Table 5.7-4.</td>
</tr>
<tr>
<td>Utilities</td>
<td>Proposed action likely to cause the Project’s total demand to exceed:</td>
</tr>
<tr>
<td>Water</td>
<td>Discharge to Turner Place Sewer 271,500 GPD and peak @ 1500 gpm</td>
</tr>
<tr>
<td></td>
<td>Discharge to South Cayuga Street Sewer 2,033 gpm</td>
</tr>
<tr>
<td></td>
<td>Total peak sewer discharge 1,450 gpm</td>
</tr>
<tr>
<td></td>
<td>Natural Gas / Electric 1,500 gpm</td>
</tr>
<tr>
<td></td>
<td>Light 143,400 MMBTUs</td>
</tr>
<tr>
<td></td>
<td>Not to exceed Design Guidelines, Table 13</td>
</tr>
<tr>
<td>Utilities</td>
<td>Proposed action likely to cause Project’s total emission of carbon dioxide equivalent to exceed 2,686 tons/year.</td>
</tr>
<tr>
<td>Air Quality</td>
<td>Proposed maximum building height exceeds Design Guidelines, Table 7. Material change to size (23.86 acres) and location of CW1.</td>
</tr>
<tr>
<td>Visual and Aesthetic Resources</td>
<td>Proposed maximum building height exceeds Design Guidelines, Table 7. Material change to size (23.86 acres) and location of CW1.</td>
</tr>
<tr>
<td>Open Space</td>
<td>Non-recreational facilities proposed in CW1. Material change to size (23.86 acres) and location of CW1.</td>
</tr>
</tbody>
</table>
CERTIFICATION OF FINDINGS:

Having considered the DGEIS and the FGEIS, including the comments received on the DGEIS and the FGEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, the Lead Agency finds and certifies that:

III. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of NYSDEC, 6 NYCRR Part 617, and local regulations, have been met; and

IV. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

The City’s designees are hereby directed to file and distribute this Findings Statement as required by 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (SEQR).

These Findings were adopted by majority vote of the City of Ithaca Planning and Development Board at a duly called meeting held on March 27, 2019.

City of Ithaca Planning and Development Board
108 East Green Street
Ithaca, New York 14850

Signature of Responsible Officer:__________________________________ Date:___________________

Name/Title of Responsible Officer:_________________________________
10.2 Resolution to Select Artwork for City Mural Program
WHEREAS, in 2010, the City created a mural and street art program to beautify blank walls within the city, while providing local artists from all sections of the community an opportunity to showcase their work; and

WHEREAS, the Board of Public Works approved several locations for future murals and street art, throughout the City, by resolution on May 19, 2010 and the City-owned parking garages and municipal electrical boxes are pre-approved mural locations; and

WHEREAS, Rusty Keeler, Melody Often, and Annabelle Popa have submitted proposals to paint murals on an electrical box on S. Titus Ave, in the Dryden Road Parking Garage, and on the exterior of the Seneca Street Parking Garage, respectively; and

WHEREAS, the Community Life Commission formed a mural subcommittee to assess mural proposals, hold public comment and recommend proposals for consideration; and

WHEREAS, the Mural Subcommittee held a public comment period on the mural designs and locations at its meeting on March 12, 2019 to gather input on the proposed murals, and the responses to the proposals have been mixed; and

WHEREAS, the installation of the murals will be funded by the artists and will be budget-neutral to the City; and

WHEREAS, at its meeting on March 18, 2019, the Community Life Commission voted to recommend that the Common Council approve the three mural projects at their proposed locations; now, therefore be it

RESOLVED, That the City of Ithaca Common Council selects the proposals by Rusty Keeler, Melody Often, and Annabelle Popa as recommended by the Community Life Commission, for installation on an electrical box on S. Titus Avenue, in the Dryden Road Parking Garage, and on the exterior of the Seneca Street Parking Garage; and, be it further

RESOLVED, That the selected artists may proceed with the installation of their murals upon the execution of an agreement with the City as reviewed by the City Attorney.
To: Planning & Economic Development Committee

From: Alex Phillips, Planner

Date: April 3, 2019

RE: 2019 Murals – Round 1 Recommendations

Three artists are seeking approval for murals recommended by the Community Life Commission. Last fall, the Community Life Commission (CLC) agreed to change the City’s mural review. The change in procedures established two deadlines for mural proposals (February 15th and May 15th) that would allow final approval to happen during warmer months for painting. A Mural Subcommittee was established to undertake a more detailed review of proposals, collect public comments, and make a recommendation on proposals to the CLC. After reviewing the subcommittee’s work, the CLC made its formal recommendation to the Common Council. The set of proposals is now ready for consideration by Common Council.

The first deadline under these new procedures was February 15, 2019, and five proposals were submitted. Planning staff worked with CLC member Rusty Keeler to establish the 2019 Mural Subcommittee, which included Jim Garmhausen (mural artist), Samantha Hillson (former Public Art Commission member), John Spence (Executive Director, Community Arts Partnership), and Jay Stooks (mural artist).¹ The group met for its initial review of the proposals on February 26th and asked staff to circulate three of the proposals for public comment. These proposals were: "Giraffe Box" by Rusty Keeler (electrical box at NE corner of S. Albany St. & S. Titus Ave.); "Aikido" by Melody Often (Dryden Road Parking Garage); and "The 'Other' World" by Annabelle Popa (Seneca Street Parking Garage). The subcommittee also asked staff to work with the remaining two artists to identify alternative locations for their proposals and encourage them to resubmit in May.

The Mural Subcommittee met again on March 12th to review public comment. The public response to the proposals was mixed. Members made the following comments and recommendations on individual proposals:

¹ Rusty Keeler submitted a mural proposal in February and did not serve on the Mural Subcommittee for Round 1. He will join the group for the second round of proposals in May.
“Giraffe Box” by Rusty Keeler (Electrical Box at S. Albany Street & S. Titus Avenue)
Public comment on this proposal was neutral. This particular electrical box is scheduled for replacement within the next few years. The subcommittee recommends approval of this proposal for the current City-owned box.

“Aikido” by Melody Often (Dryden Rd. Parking Garage)
The proposal is not intended to communicate or promote violence or fighting. It is intended to highlight a relationship and the role of power. It features a powerful female African-American figure, which is often absent from public art. The artist’s work is of high quality, and the proposal features bold colors that will enliven the space. That said, the subcommittee acknowledged that there is a lot of openness surrounding this piece and much is left to personal interpretation. While it is good to have art that is thought-provoking and encourages conversation, there should be a way to learn more about the design and the artist’s intent. The subcommittee recommends this proposal for approval but also recommends that access to the artist’s statement be provided.

“Other World” by Annabelle Popa (Seneca Street Parking Garage)
Most negative comments about this proposal were focused on the eel. The subcommittee did not find the design to be frightening and disagreed with asking the artist to alter her design, noting that asking an artist to change the central component of a design is to ask for a new design altogether. The artist’s work is of high quality, colorful and bold and is worthy of a prominent location. The subcommittee recommends this proposal for approval for the exterior of the Seneca Street Parking Garage at the corner of N. Tioga Street and E. Seneca Street.

At the March 18th Community Life Commission meeting, the commission reviewed public comment, the subcommittee’s work and recommended the three proposals.

The proposals and the submitted public comments are attached for your review. If you have any questions prior to the meeting, please contact me at aphillips@cityofithaca.org.
PROPOSAL # 1:

GIRAFFE BOX

NE CORNER OF S ALBANY & S TITUS
Electric box location

Back-Up Item 10.2

RUSTY KEELER
GIRAFFE BOX
GIRAFFE BOX

This corner is a high traffic area for cars and pedestrians/dog walkers and a “welcome to Ithaca” point for daily commuters. I thought it would be fun to set a playful tone for drivers as they drive into the city and also have a deeper layer of positivity for people walking close to the box.

MATERIALS
Brushes
Paint
  Yellow Paint
  Brown Paint

BUDGET
$40
Dimensions
n/a
PROPOSAL # 1:

GIRAFFE BOX

PREVIOUS WORKS
RUSTY KEELER
PROPOSAL # 2:

AIKIDO GARAGE WALL

DRYDEN ROAD GARAGE
114 Dryden Rd, Ithaca, NY, 14850
PROPOSAL # 2:

AIKIDO GARAGE WALL

An Aikido mural showing the gentle use of power on wall at bottom of
Dryden Rd  Collegetown Garage.

MATERIALS

Brushes
Ladders
Stirrers
Dropcloth
Buckets
Water Jugs
Rags
Paint
  Blue Paint
  Yellow Paint
  Red or Brown Paint
  Black Paint
  White Paint

BUDGET

$500

DIMENSIONS

n/a
PROPOSAL # 2:

AIKIDO GARAGE WALL

PREVIOUS WORKS
MELODY OFTEN
PROPOSAL # 3:

THE ‘OTHER’ WORLD

SENeca STREET GARAGE
215 N Tioga St, Ithaca, NY, 14850

ANNABELLE POPA
THE ‘OTHER’ WORLD
PROPOSAL #3:

THE ‘OTHER’ WORLD

"The Other World" is a mural depicting life underwater. Often throughout history civilizations have 'fetishized' and objectified other cultures in order to benefit from them without giving back to support culture - I feel we are now doing the same to ocean life. While there are countless of fundraisers and companies claim that they help fund research to help the oceans, we need to take matters in our own hands and instead of throwing money at the problem, help in any little way we can. It is easy to destroy something when it is out of site. I hope this mural will make viewers feel that they are physically in the ocean which will keep it in their frame of mind.

MATERIALS
- Montana 94 Spray Cans
- Brushes
- Acrylic Ink
- Tarp

BUDGET
- $300

DIMENSIONS
- n/a
PROPOSAL # 3:
THE ‘OTHER’ WORLD

PREVIOUS WORKS
MELODY OFTEN
10.3 Resolution Approving Joint Sewer Agreement Amendment to Eliminate Chairperson Term Limit

WHEREAS, the Ithaca Area Wastewater Treatment Facility (“IAWWTF”) is owned and operated by the City of Ithaca, Town of Ithaca, and Town of Dryden (“Municipal Owners”), with oversight provided through this Special Joint Committee (“SJC”) composed of representatives from the three Municipal Owners; and

WHEREAS, the Municipal Owners entered into a December 31, 2003 Joint Sewer Agreement that governs IAWWTF administration and operations; and

WHEREAS, Section 13.3 of the Joint Sewer Agreement provides as follows:

“13.3 The SJC will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies. No chairperson shall serve for more than two consecutive one-year terms but may be re-elected after a minimum of a one-term period has elapsed since that person last served as chairperson.”

; and

WHEREAS, at its meeting on February 20, 2019, the SJC adopted a resolution recommending elimination of the limit on a chairperson serving more than two consecutive terms, because it often takes an SJC chairperson more than a year to develop enough understanding of the IAWWTF and the chairperson role to function efficiently and effectively with the other SJC members and staff; and

WHEREAS, Section 17.1 of the Joint Sewer Agreement provides that it may be amended as follows:

“17.1 This Agreement may be modified or amended by an instrument in writing, duly executed and acknowledged by the duly authorized representatives of each Party, upon approval by majority vote of the voting strength of the respective governing bodies of said Party.”

; now, therefore be it

RESOLVED, That the City of Ithaca/Town of Ithaca/Town of Dryden approves and authorizes the Mayor/Ithaca Town Supervisor/Dryden Town Board to execute an amendment to the Joint Sewer Agreement, subject to the approval of the City Attorney/Attorney for the Town, that eliminates the chairperson term limit by deleting the second sentence in Section 13.3, so that Section 13.3 reads as follows:

“13.3 The SJC will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies.”
AMENDMENT TO JOINT SEWER AGREEMENT
AMONG CITY OF ITHACA, TOWN OF ITHACA AND TOWN OF DRYDEN

This Amendment to the Joint Sewer Agreement is made by and among the City of Ithaca, Town of Ithaca, and Town of Dryden (the “Parties”) and is effective on February 20, 2019.

Whereas, the Parties’ Joint Sewer Agreement, dated December 31, 2003, provides in Section 13.3 as follows:

“13.3 The SJC [Special Joint Committee] will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies. No chairperson shall serve for more than two consecutive one-year terms but may be re-elected after a minimum of a one-term period has elapsed since that person last served as chairperson.”

Whereas, the Parties wish to eliminate the chairperson’s term limit,

NOW, THEREFORE, in consideration of the agreements contained herein, the parties agree as follows:

1. Section 13.3 of the Joint Sewer Agreement is amended by deleting the second sentence in Section 13.3, so that Section 13.3 reads as follows:

“13.3 The SJC will elect its own chairperson annually and shall establish scheduled monthly meeting dates to provide for timely referrals to the Parties’ respective boards or governing bodies.”

2. This amendment shall take effect on the date written above.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers on the day(s) and year set forth below.

CITY OF ITHACA

By: ___________________________ Date: ___________________________

Svante L. Myrick
Mayor

Page 1 of 2
Amendment to Joint Sewer Agreement
Among City of Ithaca, Town of Ithaca, and Town of Dryden

TOWN OF ITHACA

By: ___________________________ Date: ___________________________
    William Goodman
    Supervisor

TOWN OF DRYDEN

By: ___________________________ Date: ___________________________
    Jason Leifer
    Supervisor

By: ___________________________ Date: ___________________________
    Alice Green
    Dryden Town Board Member

By: ___________________________ Date: ___________________________
    Daniel Lamb
    Dryden Town Board Member

By: ___________________________ Date: ___________________________
    Linda Lavine
    Dryden Town Board Member

By: ___________________________ Date: ___________________________
    Kathryn Servoss
    Dryden Town Board Member
10.4 An Ordinance to Amend the City of Ithaca Municipal Code Chapter 164
Entitled “Dogs and Other Animals”; to amend Article IV entitled “Backyard
Chickens”

ORDINANCE 2019-___

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca as
follows:

Section 1. Amendments to Chapter 164, Article IV.
Chapter 164, Article IV shall be amended to read as follows:

[164-27 Backyard Chickens]
The prohibition against keeping chickens in this Chapter shall, during a two-year pilot
program that shall expire on May 1, 2018, not apply to up to twenty pilot applicants
approved for the keeping of up to four female chickens (hens) per 3,000 Square Foot
Lot while the animals are kept in such a manner that all requirements of this Article are
satisfied.]

164-28: Requirements for Keeping Chickens
A. [Chickens] Up to 6 female chickens may only be kept on those Lots with a
Property Class Code of 210, 215, 220, 240, 250, or substantially identical
successor designations.
B. Chickens may only be kept on those [L]ots possessing a Lot Square Footage of
[not less] more than [32] 0,000 square feet.
C. No chicken facility or any structure that houses chickens or any fenced pen area,
either temporarily or permanently, shall be located within any of the following
prohibited areas:
   1. Within the setback requirements of the zone in which it is located;
   2. Within twenty [20] feet of any adjacent Lot’s residential principal structure
      or accessory structure that contains a residential unit, [or within five feet of
      any principal structure on the Lot housing the chickens]; and
   3. Within five feet from any abutting residential property line, unless the
      adjacent owner agrees in writing to a lesser setback.
D. Chickens may only be kept by a domiciliary of a dwelling unit located on the Lot
on which the chickens are kept.
E. Chickens must be kept in and confined in a properly designed and constructed
coop or chicken house, or a fenced and covered enclosure that is at least 4
square feet per chicken in size, which additionally includes a run. Each covered
coop and run combined shall be located in, and shall not cover more than 50%
of, the Rear Yard of the Lot.
F. It shall be unlawful for any person to allow chickens [hens] to run at large upon
the streets, alleys or other public places of the City, or upon the property of any
other person.
G. During daylight hours the adult chickens shall have access to the chicken coop and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chickens and to prevent access to the chickens by dogs and other predators.

H. Chicken feed must be in rodent resistant and weather proof containers.

I. A chicken coop, and the premises where the chicken coop is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjoining Lots and the responsible domiciliary and the owner shall remove any odorous or unsanitary condition. The Lot owner shall be responsible for the repair on any adjoining Lot of any damage caused by the chickens, including but not limited to damage to dwellings, structures and yards, and shall be responsible for repair of any unsafe condition.

J. The person keeping the chickens shall abide by all Solid Waste Storage and Collection standards of the City's Exterior Property Maintenance Code, §331-7.

K. Roosters and Guinea Fowl are expressly prohibited, regardless of the age or maturity of the bird.

L. [Pilot] R[e]gistration pursuant to Section 164-29 is required for the keeping of chickens.

M. [Approved pilot] R[e]gistrants must provide evidence of having completed a seminar regarding the care of chickens in an urban environment from the Cornell Cooperative Extension Office, or similarly qualified organization acceptable to the Clerk’s Office.

164-29: [Pilot] Registration Process and Parameters.

[A. No more than twenty pilot registrations for the keeping of chickens shall be approved under this Article IV.]

[B. Registration shall take place at the City of Ithaca Clerk’s Office upon submission of a $35 registration fee, and verification of a completed chicken-keeping seminar.

[C. The City Clerk and Police Department shall, at least three months prior to the expiration of the pilot program, report to a Committee of the Common Council on the status of the pilot program.] The City Clerk and Police and/or Cooperative Extension shall report to a committee of Common Council annually about the numbers of households registered to keep chickens and any complaints arising as a result.

[D. As a courtesy, property owners shall notify the City Clerk at such time when they are no longer keeping chickens.

E. Should the pilot program not be extended after the two-year period, Cornell Cooperative Extension Office may help rehome the hens in the program.]

F. The City Clerk may revoke registration for a specific site via written notice to the property owner when the City Clerk or designee finds, at his or her sole discretion, that any requirements of this Article are not met, a rebuttable presumption of which shall be created by (a) a record of three or more complaints to the Ithaca Police Department about a specific site’s
chickens, (b) on the recommendation of Cornell Cooperative Extension, or (c) on the recommendation of the Ithaca Police Department. Upon revocation, the City Clerk shall notify the owner in writing of the same, in compliance with sub-section 164-30, and if the revocation stands, the owner must remove the chickens [hens] from the property in coordination with such assistance as may be available from the Cornell Cooperative Extension Office, who may assist with rehoming them.

Section 5. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This ordinance shall take effect immediately upon publication as provided for in the City Charter.
Review of the City of Ithaca Pilot Chicken Ordinance and recommendations for a Permanent Ordinance to keep chickens in the City of Ithaca.

Fall 2017 – Pilot project review conducted by Monika Roth, CCE Tompkins, and two Cornell Graduate students taking an agriculture and food policy course in the Law school.

Stephen Flynn is a 3rd year Law Student.

Jonathan Burk is a senior economics student.

Review process

-Students investigated ordinances for chicken keeping in other cities to determine how similar or different those are from Ithaca’s and to determine if some provisions might be removed or added to a permanent City ordinance.

In general, the city pilot program provisions are very similar to those in other communities of our size.

-Students and Ms. Roth, visited 5 of the residents with Chickens to evaluate compliance and satisfaction with the City Ordinance.

All chicken owners were generally in compliance – two had coops located on the property line but in both cases there was no residence on the adjacent properties and in one case, the owner had permission. There was a mix of coop styles and run space available at all sites. The coops were either homemade or prefabricated and the runs used a variety of fencing including both wire and mesh. All appeared to be secure enough to contain chickens and at least provide a deterrent from predators. Feed and water were appropriately provided. Manure was commonly being turned into a compost bin covered with straw bedding. No odors were detected during the Fall day on which we conducted our visit.

Residents were satisfied with the city ordinance. Most indicated they had prior chicken raising experience so for these people, a class did not provide much additional information. One person who has a 6-person household, indicated that 4 hens were not quite enough to meet their egg needs and that 6 hens would be ideal. Most people raised the chickens for eggs, and valued having access to fresh eggs from their own chickens and the folks with children also valued the opportunity to teach them about animal care. A number of people had dogs and chickens with no issue arising. Only one resident suspected a hawk might have taken a chicken. Some indicated there were some mice and rats about but did not feel the numbers had increased over what they had seen before having chickens. All were interested and supportive of a permanent ordinance.

Recommendations

-Remove the 3000 SF Lot requirement – given the setbacks and the requirement to locate chickens in the rear yard and that to coop and run not cover more than 50% of the lots it seems that there is appropriate space on smaller lots while at the same time maintaining distance from neighboring residences. Another option might be to have a lower SF minimum.
- **Consider allowing up to 6 hens** – as long as the 4 SF per bird requirement is met, many yards could accommodate 6 hens and provide more fully for the family food needs.

- **Consider allowing coops to be located against a garage or even home where appropriate.** This gives the homeowner more flexibility in locating a pen on their properties.

- **CCE class on chicken keeping** – may not be needed if someone has experience, but then there is no standard set of “instructions” that all residents have received. The class does not seem to have been a huge impediment to getting registered as CCETC is now offering the instruction by appointment in cases where we do not have a class scheduled and someone is eager to keep chickens.

- **Consider some sort of re-registration or check in process** – should residents re-register after so many years? Or should the clerk annually check on how many people in the city are keeping chickens? And document complaints. This may take time and may not be a top priority for the clerk or police dept. Perhaps contract with CCETC to conduct an annual survey/site visit and to be the first responder for complaints. Or the City Life Commission might take this on?
13. **INDIVIDUAL MEMBER – FILED RESOLUTIONS:**

13.1 **Alderperson Brock - Resolution in Support for the New York State Assembly and Senate Bills to Establish a Process for the Adoption of an Environmental Bill of Rights**

WHEREAS, the City of Ithaca Common Council supports the right of each resident to clean air and water; and

WHEREAS, in the United States there are many states/commonwealths with Constitutions that contain some form of "environmental rights" or expression of environmental values; and

WHEREAS, it is the constitutional duty of all levels of government within New York State to protect the health, safety and welfare of their residents giving residents a right to live and work in a clean environment; and

WHEREAS, communities in New York State like Hoosick Falls, Long Island and Newburgh, along with many other communities throughout the United States like Flint, Michigan and Toledo, Ohio have suffered contaminated water systems caused by lack of intervention and/or protection by either government and/or private interests; and

WHEREAS, in watersheds throughout the Finger Lakes, municipalities and individuals draw drinking water that has in recent years been affected by Harmful Algae Blooms making treatment more expensive for municipal water supplies, and sometimes impossible for individual households that draw water directly from the lake; and

WHEREAS, there is at present a uniform bill before both the New York State Assembly (A. 2064 [Englebright, Gottfried, et al.])¹ and the New York State Senate (S. 2072 [Carlucci et al.])² to add the following language to the New York State Constitution that will formally establish in the New York State Constitution a right to clean water, clean air, and a healthful environment:

> Resolved, that article 1 of the constitution be amended by adding a new section 19 to read as follows: 
> § 19. Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.

; and

WHEREAS, formally establishing such a civil environmental right will help drive better government decision-making at all levels, helping prevent conditions in which land, water and air become contaminated; and

WHEREAS, establishing such a right will also affect individuals and private enterprise and promote better decision-making based on the New York Constitution’s acknowledgement that all residents have environmental rights; and

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WHEREAS, passing these bills will address a gap in the state’s legal foundations and provide an expression of values that other states have already seen fit to establish; now, therefore be it

RESOLVED, That the City of Ithaca Common Council supports a New York State Environmental Bill of Rights Amendment, Assembly Bill 2064 and Senate Bill 2072, amending Article 1, the Bill of Rights, of the New York State Constitution by inserting a new Section 19, reading: “Each person shall have a right to clean air and water, and a healthful environment.” which recognizes the inalienable and self-executing right of all New Yorkers to clean water, clean air, and a healthful environment; and, be it further

RESOLVED, That this right be as fundamental as a person’s right to freedom of speech and assembly; and, be it further

RESOLVED, That the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Thomas O’Mara, New York State Assemblywoman Barbara Lifton, Senate Assembly Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.
<table>
<thead>
<tr>
<th>State</th>
<th>Article or Section</th>
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<tbody>
<tr>
<td>Ohio</td>
<td>Protecting private property rights in ground water, lakes and other watercourses.</td>
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<td>§19b.</td>
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<tr>
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<td>(A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in ground water, lakes, and watercourses.</td>
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<td>(B) The preservation of private property interests recognized under divisions</td>
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<td>(C) and (D) of this section shall be held inviolate, but subservient to the public welfare as provided in Section 19 of Article I of the Constitution.</td>
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<td>(C) A property owner has a property interest in the reasonable use of the ground water underlying the property owner's land.</td>
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<td>(D) An owner of riparian land has a property interest in the reasonable use of the water in a lake or watercourse located on or flowing through the owner's riparian land.</td>
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<td>(E) Ground water underlying privately owned land and nonnavigable waters located on or flowing through privately The Constitution of the State of Ohio 5 owned land shall not be held in trust by any governmental body. The state, and a political subdivision to the extent authorized by state law, may provide for the regulation of such waters. An owner of land voluntarily may convey to a governmental body the owner's property interest held in the ground water underlying the land or nonnavigable waters located on or flowing through the land.</td>
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<td>(F) Nothing in this section affects the application of the public trust doctrine as it applies to Lake Erie or the navigable waters of the state.</td>
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<td>(G) Nothing in Section 1e of Article II, Section 36 of Article II, Article VIII, Section 1 of Article X, Section 3 of Article XVIII, or Section 7 of Article XVIII of the Constitution shall impair or limit the rights established in this section.</td>
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<td>Massachusetts</td>
<td>Article XLIX.</td>
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<td>[The conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the commonwealth are public uses, and the general court shall have power to provide for the taking, upon payment of just compensation therefor, of lands and easements or interests therein, including water and mineral rights, for the purpose of securing and promoting the proper conservation, development, utilization and control thereof and to enact legislation necessary or expedient therefor.] [Superseded by Amendments, Art. XCVII.]</td>
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<td>Article XCVII.</td>
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<td>Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: - The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.</td>
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<td>The general court shall have the power to enact legislation necessary or expedient to protect such rights.</td>
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<td>In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.</td>
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<td>Pennsylvania</td>
<td>§ 27. Natural resources and the public estate.</td>
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<td>The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. (May 18, 1971, P.L.769, J.R.3)</td>
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<td>1971 Amendment. Joint Resolution No.3 added section 27.</td>
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<td>State</td>
<td>Article/Section</td>
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<td>Montana</td>
<td>Section 3. INALIENABLE RIGHTS. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life’s basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.</td>
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<td>Michigan</td>
<td>§ 52 Natural resources; conservation, pollution, impairment, destruction. Sec. 52. The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction. History: Const. 1963, Art. IV, § 52, Eff. Jan. 1, 1964.</td>
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<td>Oregon</td>
<td>(1) Protect and restore water quality, watersheds and habitats for native fish and wildlife that provide a healthy environment for current and future generations of Oregonians;</td>
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<td>Virginia</td>
<td>Section 1. Natural resources and historical sites of the Commonwealth. To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth’s policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.</td>
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<td>Illinois</td>
<td>ARTICLE XI \ SECTION 1. PUBLIC POLICY - LEGISLATIVE RESPONSIBILITY \ The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy. (Source: Illinois Constitution.) \ SECTION 2. RIGHTS OF INDIVIDUALS \ Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law. (Source: Illinois Constitution.)</td>
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<td>Rhode Island</td>
<td>Section 17. Fishery rights — Shore privileges — Preservation of natural resources. \ The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.</td>
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<td>Hawaii</td>
<td>ENVIRONMENTAL RIGHTS \ Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law. [Add Const Con 1978 and election Nov 7, 1978]</td>
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Alderperson Brock - Resolution Supporting Universal Rent Stabilization and Control

WHEREAS, the City of Ithaca has documented and identified unmet need for affordable housing opportunities to serve low and moderate income residents; and

WHEREAS, as a result, in 2018, Common Council amended the Community Investment Incentive Tax Abatement Program ("CIITAP") to expand its applicable boundaries and to require new residential developments participating in the program of ten (10) units or more to have a minimum of twenty percent (20%) of their housing units be affordable to households earning up to seventy-five percent (75%) of the Area Median Income ("AMI") calculated using the average AMI of the three (3) most recent years; and

WHEREAS, CIITAP is only one way to address housing affordability, and aside from the new construction that is required to be affordable according to this program, currently state law does not provide local authority to form a local board that would determine annual allowable rental increases in order to protect tenants from arbitrary rent increases; and

WHEREAS, according to recent data, seventy-three percent (73%) of the residents in the City of Ithaca are renters, and the average vacancy rate is the lowest in Tompkins County at approximately one percent (1%); and further, over fifty percent (50%) of Tompkins County residents pay thirty percent (30%) or more of their income (a standard affordability metric) to pay their rent; and

WHEREAS, the New York State's Emergency Tenant Protection Act (ETPA) of 1974 provides rental protections including rent stabilization whereby landlords are subject to regulated rent increases and tenants have the right to renewal leases; and

WHEREAS, under the current ETPA law only municipalities in Nassau, Westchester, Rockland counties and New York City are eligible to adopt a form of rent stabilization, resulting in rent protections only applying to tenants in 8 of the state’s 62 counties; and

WHEREAS, in 2019, New York State’s Emergency Tenant Protection Act (ETPA) of 1974 will be expiring, presenting an opportunity for our leadership in Albany to improve and extend the tenants’ rights moving forward; now, therefore be it

RESOLVED, That the City of Ithaca Common Council calls upon our leaders in Albany to strike the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and to provide critical rental rights to tenants in the City of Ithaca and across the state; and, be it further

RESOLVED, That the City of Ithaca supports and endorses S2892A/A5030 the “Good Cause” bill, which would bring the right to a lease renewal with limited rent increases to all renters in non-owner occupied buildings in the state; and, be it further

3 https://www.nysenate.gov/legislation/laws/ETP
RESOLVED, That the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Governor Andrew Cuomo, New York State Senator Thomas O’Mara, New York State Assemblywoman Barbara Lifton, Senate Assembly Chair Brian Kavanagh, and Assembly Housing Chair Steven Cymbrowitz.

14. **MAYOR’S APPOINTMENTS:**

14.1 **Appointment/Reappointments to Cable Access Oversight Committee - Resolution**

RESOLVED, That Rich DePaolo be reappointed to the Cable Access Oversight Committee, as a representative from the Town of Ithaca, with a term to expire December 31, 2020; and, be it further

RESOLVED, That Wies vanLeuken be reappointed to the Cable Access Oversight Committee, as a representative from the Village of Cayuga Heights, with a term to expire December 31, 2021; and, be it further

RESOLVED, That Gossa Tsegaye be appointed to the Cable Access Oversight Committee, as a representative from the City of Ithaca, to fill a vacancy with a term to expire December 31, 2019.

14.2 **Appointment to Examining Board of Electricians – Resolution**

RESOLVED, That Tim Hayes be appointed to the Examining Board of Electricians to fill a vacancy with a term to expire December 31, 2021.

14.3 **Appointment/Reappointment to Community Police Board – Resolution**

RESOLVED, That Shirley Kane be reappointed to the Community Police Board with a term to expire December 31, 2021; and, be it further

RESOLVED, That Richard Onyejuruwa be reappointed to the Community Police Board with a term to expire December 31, 2021; and, be it further

RESOLVED, That Hannah Logue be appointed to the Community Police Board as a Youth Member with a term to expire December 31, 2020.