BOARD OF ZONING APPEALS (BZA)

AGENDA

The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 6:00 p.m. on Tuesday, October 6, 2020. City Hall remains closed to the public. This meeting will be conducted remotely via the online platform Zoom, pursuant to the Governor’s Executive Order 202.1. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg.

Scheduled Public Hearings

There are two options to participate in a public hearing:

1. Submit comments by email no later than 4 p.m. on the day of the meeting (contacts below), and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing.

2. To speak at the meeting, sign up and receive instructions through the contact(s) listed below.

All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.

I. CONTINUED APPEALS
A. Appeal Number: 3167
   Address: 215 E. State Street
   Zone: CBD-60 & CBD-140
   Applicant: Ithaca Properties, LLC, Owner
   Public Hearing: No
   Description: Request for an area variance from §325-8, Column 8, Maximum Number of Stories, Column 9, Maximum Height in Feet, and Column 14/15, Rear Yard, requirements of the Zoning Ordinance to allow the construction of a new mixed-use building with 200 residential units and three floors of structured parking on the E. Green Street side of the parcel.

II. NEW APPEALS
A. Appeal Number: 3162
   Address: 120 E. Green Street
   Zone: CBD-140
   Applicant: Vecino Group
   Owner: Ithaca Urban Renewal Agency
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 9, Maximum Height in Feet, and Column 14/15, Rear Yard, requirements of the Zoning Ordinance to allow the construction of a new mixed-use building with 49,000 square foot conference center, 218 affordable housing units, and 350 structured parking spaces.

B. Appeal Number: 3165
   Address: 419 N. Cayuga Street
   Zone: R-3aa

If you have a disability and would like specific accommodation in order to participate, please contact the City Clerk’s Office at 274-6570 by 12:00 p.m., no later than 2 days (not including weekends and holidays) before the meeting.
Applicant: Barken Family Realty LLC, Owner
Public Hearing: Yes
Description: Request for an area variance from §325-8, Column 7, Lot Width, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance to increase the occupancy of an existing multiple dwelling on a property that does not meet minimum lot size requirements.

C. Appeal Number: 3168
   Address: 230 Bryant Avenue
   Zone: R-1b
   Applicant: Trade Design Build Architecture
   Owner: John W. Rudan Jr.
   Public Hearing: Yes
   Description: Request for an area variance from §325-8, Column 4, Off-Street Parking, Column 11, Front Yard, and Column 12, Other Front Yard, requirements of the Zoning Ordinance to construct a third story dormer on an existing multiple dwelling that does not meet the minimum off-street parking requirements.

III. ADMINISTRATIVE MATTERS

IV. APPROVAL OF MINUTES – September 1, 2020

V. ADJOURNMENT

ACCESSING ONLINE MEETING MATERIALS

Parties interested in reviewing application materials prior to the meeting may visit the City’s website at http://www.cityofithaca.org/368/Board-of-Zoning-Appeals (select “Most Recent Agenda”), beginning one week before the scheduled BZA meeting. Please do not hesitate to contact our office if you have any questions or need any assistance accessing the materials.
To: City of Ithaca Board of Zoning Appeals  
Date: September 25, 2020  
From: Nels Bohn, IURA Director of Community Development  
Subject: Green Street Garage Redevelopment Project – area variance applications  
 Vecino Group New York, LLC, Asteri project, 120 E. Green St.  
 Ithaca Properties, LLC, Rothschild mixed-use project, 215 E. State St.

The purpose of this memo is to provide context for the urban renewal project at the Green Street Parking garage site that includes the two above-listed projects that have applied for area variances. This urban renewal project is a public-private partnership development initiated by the City for which the Ithaca Urban Renewal Agency (IURA) negotiates with selected developers on a sales price for the project site and specific redevelopment plans. The Common Council must approve the IURA-recommended urban renewal project prior to property conveyance.

In 2017, the City of Ithaca was faced with a decision about how to respond to numerous structural deficiencies in the aged western and eastern sections of the Green Street parking garage constructed in 1974. The center section above Cinemapolis was reconstructed in 2008. Recognizing that a two-deck parking garage is not the highest and best use for this site, the City of Ithaca Common Council decided to explore a public-private partnership for a mixed-use project to include public parking.

Common Council asked the IURA to structure an urban renewal project for the site seeking a project to include the following programmatic elements:

- At least 450 parking spaces open to the public
- Housing units specifically designed to appeal to a diverse demographic, including a substantial number of units to be affordable to low- and moderate-income households
- A conference center
- Street level active uses along Green Street
- Retention of the Cinemapolis cinema and a public walkway between Green St. and The Commons

In 2018, the IURA issued a Request for Proposals for redevelopment of the Green Street parking garage site. Four developers submitted proposals. None of the developers responding agreed to
construct public parking or the conference center without government backing for these public elements of the project.

Vecino Group New York, LLC was selected to redevelop the western and center sections of the garage at a negotiated sales price of $1 for the project site, in recognition of affordable housing incorporated into the project. Subsequently, Ithaca Properties, LLC was selected to redevelop the eastern section of the garage. The sales price of the eastern air rights site was set at a fair market value of $2,340,000 before the projected cost of demolition and clearance is credited against the purchase price. The City conceptually agreed to lease newly constructed parking incorporated into each project and financially guarantee the lease for the conference center after receiving a $5 million grant from New York State, and a commitment of ongoing financial support from Tompkins County, the Downtown Ithaca Alliance, and downtown hotels. The City is planning to establish a new City hotel room occupancy tax as the primary means of supporting the conference center, with related state enabling legislation being successfully passed by the NYS Assembly and Senate this year. All financial analysis and decision to move forward with the Conference Center was based on the specific size and location of the center as part of the Vecino project.

The development agreement with Vecino requires inclusion of a conference center and 350 public parking spaces as public components of the project. The draft development agreement with Ithaca Properties requires demolition and new construction of two decks of public parking aligned with the existing parking decks in the center section of the garage as public components at the eastern section of the site.

As relates to Vecino’s rear yard area variance application, this request is largely driven by the necessary footprint for a financially feasible conference center and constraints imposed by the IURA-requirement to retain the Home Dairy Alley extension to Green Street. Per the Hunden conference center studies (2016 and 2019), feasibility of the conference center is causally related to the size of the main ballroom that then dictates the floorplate of the project. The size of the ballroom is already below the ideal size recommended by Hunden. Further reduction would decrease financial feasibility for this public component of the project.

Regarding the Ithaca Properties LLC variance application for increased number of floors, the IURA-requirement to reconstruct two parking decks for public parking effectively dedicates two stories for non-economic uses. The reconstructed parking decks will be leased to the city at a rate that covers actual construction costs without profit to the developer. The requirement to align the decks with the existing center section requires the floor-to-floor height of the ground floor to be a minimum of approximately 17 feet.

The proposed Vecino/Ithaca Properties projects in combination meet Common Council objectives for the redevelopment project as it includes:

- 470 public parking spaces
- Over 400 housing units, including 250 below-market rate housing units
- 50,000 sq. ft. conference center
- An improved Home Dairy Alley extension to Green Street
- Retention of the Cinemapolis cinema
- Enhanced street level storefront activation along Green Street
In summary, the area variances requested above are primarily driven by public components required by the IURA to be included in the urban renewal project to meet Common Council redevelopment objectives.

Please let me know if you have questions or seek additional information.

Cc: Megan Wilson, Senior Planner
    JoAnn Cornish, Director of Planning & Development
    Lisa Nicholas, Deputy Director of Planning
    Tom Knipe, Deputy Director for Economic Development
    Vecino Group New York, LLC
    Ithaca Properties, LLC
Appeal of property owner Ithaca Properties, LLC for an Area Variance from Section 325-8, Column 8, Number of Stories, Column 9, Height in Feet, and Column 14/15, Rear Yard, requirements of zoning ordinance. The applicant proposes to construct a new mixed-use building at 215 E. State Street. The property is a through-parcel with frontage on both the Commons (E. State Street) and E. Green Street and is currently occupied by a commercial building on the Commons side and the eastern third of the Green Street Parking Garage on the E. Green Street side. The applicant proposes to demolish the eastern third of the Green Street Parking Garage and construct a new building on the portion of the site currently occupied by the garage. The existing commercial building on the Commons will be retained. The new building will provide 200 residential units and three levels of structured parking. The new parking decks will connect to the center section of the Green Street Parking Garage, and the new building will connect to the existing commercial structure to provide an interior pedestrian corridor between E. Green Street and the Commons. The proposed building will be 14 stories and will exceed the 12 stories allowed by the zoning ordinance. The proposed building will also exceed the maximum height of 140’, with a height of 156’ 10’ at the top of the elevator tower. The applicant seeks the additional building height to accommodate the parking decks, connect to the existing commercial building for pedestrian access, and provide a rooftop terrace for residential tenants.

In addition, the applicant proposes to construct the building at the rear property line on E. Green Street, providing 0’ of the required 10’ rear yard. The elimination of the rear yard on this site is intended to create a consistent street line among existing and other proposed buildings on E. Green Street and to activate the streetscape.

The applicant attended the September 1, 2020 meeting of the Board of Zoning Appeals. The Board conducted the public hearing and then tabled the application to allow the applicant and City staff additional time to submit information on the proposed public benefits of the project, the need for the requested height variance, background on the recent changes to Downtown zoning, and the City’s requirements for the project.

The property is located in the CBD-60 and CBD-140 use district in which the proposed use is permitted. However, Section 325-32 requires that an area variance be granted before a building permit is issued.
## City of Ithaca Board of Zoning Appeals Worksheet

**Appeal Number**: 3164  
**Address**: 215 E. State Street  
**Date**: 9/1/2020  
**Applicant**: Ithaca Properties, LLC  
**Owner**: Ithaca Properties, LLC  
**Application Type**: Area Variance

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Title</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Condition and Use</td>
<td>Use</td>
<td>Accessory Use</td>
<td>Off-Street Parking</td>
<td>Off-Street Loading</td>
<td>Lot Area (Sq. Feet)</td>
<td>Lot Width (Feet)</td>
<td>Number of Stories</td>
<td>Height in Feet</td>
<td>% of Lot Coverage</td>
<td>Front Yard</td>
<td>Side Yard</td>
<td>Other Side Yard</td>
<td>Rear yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Retail, Office, Parking</td>
<td>146</td>
<td>0</td>
<td>53,805</td>
<td>204.65'</td>
<td>3</td>
<td>33' 8&quot;</td>
<td>100%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>None</td>
<td>None</td>
<td>No Min.</td>
<td>10</td>
<td>12</td>
<td>140'</td>
<td>100% except as required for rear yard</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10 feet minimum</td>
<td>25' feet and a min. of 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Retail, Office, Residential, Parking</td>
<td>157</td>
<td>1**</td>
<td>53,805</td>
<td>204.65'</td>
<td>14</td>
<td>156' 10&quot;</td>
<td>100%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>14 stories</td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>None</td>
<td>None</td>
<td>No Min.</td>
<td>10</td>
<td>12</td>
<td>140'</td>
<td>100% except as required for rear yard</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10 feet minimum</td>
<td>25' feet and a min. of 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**  
Existing deficiencies noted in blue; new or exacerbated deficiencies noted in red.  
* The Commons side of this parcel is located in the CBD-60 zone. It is currently occupied by a commercial building (shown in the plans and renderings) and that structure will remain. The new building will be constructed on the Green Street portion of the parcel that is located in the CBD-140 zone and currently the location of the eastern third of the Green Street Parking Garage. The heights in this table are for the existing parking garage and proposed new building only.  
** There is one loading/service area off of Green Street, just south of the hotel, that will be shared with the project.
BOARD OF ZONING APPEALS (BZA) APPLICATION

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

   APPEAL #: 3164 (FILLED IN BY STAFF)
   HEARING DATE: 9/1/2020
   BUILDING PERMIT #: 40474 (REQUIRED)
   RECEIPT #: 62931 (FILLED IN BY STAFF)

2. Property Address: 215 E. State Street  
   Use District: CBD-140

   Owner’s Name: Ithaca Properties, LLC  
   Owner’s Address: 1721 - D North Ocean Ave

   City: Medford  
   State: NY  
   Zip: 11763

3. Appellant’s Name: Ithaca Properties, LLC  
   Appellant’s Address: 1721 - D North Ocean Ave

   City: Medford  
   State: NY  
   Zip: 11768

   Telephone: 631-207-5730 x 202  
   E-Mail: jrimland@northop.com

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

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

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

   Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 19th day of June, 2020

Notary Public

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

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

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

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>§325- 8, Columns 8, 9, 14/15</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
</tbody>
</table>

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

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

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

5. Notes or Special Conditions:
August 5, 2020

Megan Wilson  
Senior Planner  
Division of Planning & Economic Development  
108 E. Green Street, 3rd Floor  
Ithaca NY 14850

RE: Board of Zoning Appeals Application  
215 E. State Street – Rothschild Mixed Use Development Project

Dear Ms. Wilson:

CHA, on behalf of the applicant, is pleased to submit the enclosed Board of Zoning Appeals application related to the above referenced project. The application is submitted in support of certain area variances which are necessary to implement the redevelopment project in conjunction with the ongoing Site Plan Review process.

Project Summary

Ithaca Properties, LLC is proposing a redevelopment project on the site bounded by East Green Street, the Marriott Hotel, The Rothschild Building and the center section of the City Owned Parking Deck. Currently, the site is an existing parking deck that has reached the end of its useful life and needs to be replaced. This project will demolish and rebuild the three (3) levels of parking in the eastern section of the deck. Vehicular connections will remain between the existing center section on levels 2 & 3. The upper two (2) levels of parking will provide continued public use. The Green Street façade will be provide a residential lobby and access to the proposed building, including a pedestrian connection through the building to the Commons. Ten (10) levels of residential units, each about 16,300 sf, will be constructed above the parking levels. The project will feature 200 apartment units, including in studio, 1- & 2-bedroom configurations. Portions of the existing two-story Rothschild Building will be renovated to house amenity spaces alongside the existing tenants that will remain within the building. It will also feature an interior, conditioned pedestrian connection from the new building lobby at Green Street to the Commons, which will serve as the building’s front door.

Area Variance Request Summary

The proposed project has complex components regarding the existing site topography and various floor height elevations intended to connect the active pedestrian corridors between The Commons and East Green Street. This includes accommodating various levels of parking to service the downtown public areas. As such, the project will request a variance for the total number of stories to be 14 floors, inclusive of these park deck floor levels and a roof top terrace which is also considered a floor level, compared to the maximum allowable of 12 stories. The proposed overall building height of 156’-10” exceeds the allowed 140’ height. The 156’ 10” height is measured to the top of the elevator overrun and represents a small portion of the rooftop footprint to minimize its visibility. The majority of the roof top elevation is 142’-6” compared to the allowed 140’ height and therefore will not significant alter the perceived skyline of the building when compared to the surrounding areas of downtown.
Additionally, the project is unique in that there are two (2) existing street frontages. The CBD-140 district requires a minimum 10’ rear yard setback. However, on this “through lot” configuration, The Commons is defined as the front lot area, while East Green Street is the rear lot area. In an effort to provide consistent street line setback with respect to adjacent buildings fronting on East Green Street, the project will request a variance for the “rear” yard to be reduced to zero feet.

The following information is enclosed:

- Zoning Appeal Application
- Fee = $150.00 (provided under separate cover)
- Owner’s Authorization Form
- Property Owner List – 200’ Adjacent to the site per TC Assessor
- Notice of Appeal Form
  - Letter to Neighbors
- Full EAF – (in conjunction with the SRP application coordinated review)
- Property Survey
- Architectural Plan & Elevations
- Site Plan Drawings

If you should require any additional information or have any questions, please do not hesitate to contact our office at 315-257-7220 or jtrashr@chacompanies.com.

Very truly yours,

James F. Trasher, P.E.
Vice President

Enclosures
Cc:

V:\Projects\ANY\K5\059216.000\Corres\Applications\14 - ZBA Resubmission-8-5-20.doc
WHEREAS: 6 NYCRR Part 617 of the State Environmental Quality Review Law and Chapter 176.6 of the City Code, Environmental Quality Review, require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS: State Law specifies that for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for site plan approval for a mixed-use project by Ithaca Properties, LLC, project sponsor, and

WHEREAS: The applicant is proposing to demolish the western section of the existing public parking garage, rebuild two levels of public parking (approx. 130 spaces), construct one ground-level private parking area (approx. 34 spaces) and 10 floors of residential with approximately 200 apartments. The new building will have an interior connection to the existing building and will be accessed through the entrance at 215 E. State Street on the Commons. Likewise, the parking decks will connect to the new proposed decks and garage entrance to the west. The building will also feature a residential lobby on Green Street. Portions of the existing two-story Rothschild Building will be renovated to house amenity spaces for tenants. The project is in the CBD-140 zoning district and requires area variances for rear yard setback and number of stories. It is also in the Street Level Active Use Overlay Zone (SLAUOZ). The project will require approval from Common Council for sale of the property (air rights), and

WHEREAS: This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(b), (d), (k) and (n) and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (5)(iii) and (9) and is subject to environmental review, and

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

and South Cayuga Street Intersection”, “Shadow Study”, and “Material Board”, all prepared by BSB Design
and dated July 28, 2020 and other application materials, and

WHEREAS: the City of Ithaca Parks, Recreation, and Natural Resources Commission and other interested
parties have been given the opportunity to comment on the proposed project, and any received comments
have been considered, now, therefore, be it

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

Moved by: Petrina
Seconded by: Godden
In favor: Blalock, Glass, Godden, Jones, Petrina, Randall
Against: None
Abstain: Lewis
Absent: None
Vacancies: None
OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: 3164                                      DATE: 6/19/2020

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

I (We) Ithaca Properties, LLC of 1721-D North Ocean Ave
(Name)                        (Street Address)
Medford, NY 11763
(City/Municipality) (State & Zip Code)

Owner of the property at 215 E. State Street
(Street & Number)

☐ I am the sole owner of the above-mentioned property.
☐ This property is also owned by __________________________
and I have a Power of Attorney to authorize this appeal (attach POA).

I do hereby authorize CHA Consulting, Inc to appeal or request a
Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the
9/1/2020 meeting of the Board of Zoning Appeals.
(Date)

(Signature)

STATE OF NEW YORK) COUNTY OF TOMPKINS

Sworn to this 19th day of June, 2020

Notary Public

Notary Public available at City Hall

Note to those signing this form:

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

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

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3164

TO: Owners of Property within 200 feet of 215 E. State Street and others interested.

(property address)

FROM: Ithaca Properties, LLC applicable to property named above, in CBD-140 zone.

(name of person or organization making appeal)

REGARDING: (check appropriate box)

☐ Area Variance ☐ Use Variance ☐ Sign Variance

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

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

The PLANNING BOARD will consider this case on August 25 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVcnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

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

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

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

1721-D North Ocean Ave
Medford NY 11768

Signature of Appellant

Address

Date

8/5/2020
August 5, 2020

RE: Board of Zoning Appeals Application
215 E. State Street – Rothschild Mixed Use Development Project

To Whom It May Concern,

CHA, on behalf of the applicant, is pleased to provide the following information related to the above referenced application to the City of Ithaca Board of Zoning Appeals for the proposed redevelopment project.

Ithaca Properties, LLC is proposing redevelopment project on the site bounded by East Green Street, the Marriott Hotel, The Rothschild Building and the center section of the City Owned Parking Deck. Currently, the site is an existing parking deck that has reached the end of its useful life and needs to be replaced. This project will demolish and rebuild the three (3) levels of parking in the eastern section of the deck. Vehicular connections will remain between the existing center section on levels 2 & 3. The upper two (2) levels of parking will provide continued public use. The Green Street façade will be provide a residential lobby and access to the proposed building, including a pedestrian connection through the building to the Commons. Ten (10) levels of residential units, each about 16,300 sf, will be constructed above the parking levels. The project will feature 200 apartment units, including in studio, 1- & 2-bedroom configurations. Portions of the existing two-story Rothschild Building will be renovated to house amenity spaces alongside the existing tenants that will remain within the building. It will also feature an interior, conditioned pedestrian connection from the new building lobby at Green Street to the Commons, which will serve as the building’s front door.

The proposed project has complex components regarding the existing site topography and various floor height elevations intended to connect the active pedestrian corridors between The Commons and East Green Street. This includes accommodating various levels of parking to service the downtown public areas. As such, the project will request a variance for the total number of stories to be 14 floors, inclusive of these park deck floor levels and a roof top terrace which is also considered a floor level, compared to the maximum allowable of 12 stories. The proposed overall building height of 156’-10” exceeds the allowed 140’ height. The 156’ 10” height is measured to the top of the elevator overrun and represents a small portion of the rooftop footprint to minimize its visibility. The majority of the roof top elevation is 142’-6” compared to the allowed 140’ height and therefore will not significant alter the perceived skyline of the building when compared to the surrounding areas of downtown.

Additionally, the project is unique in that there are two (2) existing street frontages. The CBD-140 district requires a minimum 10’ rear yard setback. However, on this “through lot” configuration, The Commons is defined as the front lot area, while East Green Street is the rear lot area. In an effort to provide consistent street line setback with respect to adjacent buildings fronting on East Green Street, the project will request a variance for the “rear” yard to be reduced to zero feet.

If you should require any additional information or have any questions, please do not hesitate to contact our office at 315-257-7220 or jtrash@chacompanies.com.

Very truly yours,

James F. Trasher, P.E.
Vice President
COUNTY OF TOMPKINS
125 E Court St
Ithaca , NY, 14850
500700 70.-2-11
106-12 TIOGA ST N
Ag Exempt? No

MDLD FAMILY LTD PARTNERSHIP
1140 Washington Ave
Winterpark , FL, 32789
500700 70.-3-12
208-10 STATE ST E
Ag Exempt? No

DALEY, JOSEPH
306 E State St
Ithaca , NY, 14850
500700 69.-1-11
101-11 AURORA ST N
Ag Exempt? No

S & S PARTNERSHIP
20 Rosina Dr
Ithaca , NY, 14850
500700 70.-3-4
116 AURORA ST N
Ag Exempt? No

FALE ENTERPRISES INC
PO Box 642
Ithaca , NY, 14850
500700 70.-2-15
156 STATE ST E
Ag Exempt? No

FALE, JASON
PO Box 642
Ithaca , NY, 14850
500700 70.-3-16
111 TIOGA ST N
Ag Exempt? No

CITY CENTRE ASSOCIATES, LLC
300 Plaza Drive
Vestal , NY, 13850
500700 69.-4-1
301 STATE ST E
Ag Exempt? No

SCIARABBA, KAREN
119 E State St
Ithaca , NY, 14850
500700 70.-3-10
218 STATE ST E
Ag Exempt? No

FALE ENTERPRISES INC
PO Box 642
Ithaca , NY, 14850
500700 70.-2-16
154 STATE ST E
Ag Exempt? No

CITY OF ITHACA
108 E Green St
Ithaca , NY, 14850
500700 70.-4-4.1
100 S AURORA ST
Ag Exempt? No

SHEN PROPERTIES, LLC
16 Arbor Point Court
St Charles , MO, 63303
500700 70.-3-7
224 STATE ST E
Ag Exempt? No

CITY OF ITHACA
108 E Green Street
Ithaca , NY, 14850
500700 70.-9-1
142 AURORA ST S
Ag Exempt? No

DALEY, JOSEPH
306 E State St
Ithaca , NY, 14850
500700 70.-4-5.1
171 STATE ST E
Ag Exempt? No

TTH ASSOCIATES, LLC
PO Box 6531
Ithaca , NY, 14850
500700 70.-3-8
222 STATE ST E
Ag Exempt? No

SCIARABBA, KAREN
119 E State St
Ithaca , NY, 14850
500700 70.-2-14
158 STATE ST E
Ag Exempt? No

DEIN, ROBERT H
4000 Wailea Alanui Dr, #2304
Kihei , HI, 96753
500700 70.-4-5.2
120 GREEN ST E
Ag Exempt? No

CITY OF ITHACA
108 E Green St
Ithaca , NY, 14850
500700 70.-3-5
206 STATE ST E
Ag Exempt? No

PHILIPSON, PAUL P
206 E State St
Ithaca , NY, 14850
500700 70.-3-3
206 STATE ST E
Ag Exempt? No

CAYUGA GREEN APT, LLC
1527 Madison Road, Suite B
Cincinnati , OH, 45206
500700 70.-8-10.2
131-135 GREEN ST E
Ag Exempt? No

DALEY, JOSEPH
306 E State St
Ithaca , NY, 14850
500700 69.-1-14
115 AURORA ST N
Ag Exempt? No

ITHACA PROPERTIES LLC
1721 D North Ocean Ave
Medford , NY, 11763
500700 70.-4-4.2
215 E STATE ST
Ag Exempt? No

POND, MARSHA R
844 Clubview Blvd N
Columbus , OH, 43225
500700 70.-3-5
112-14 AURORA ST N
Ag Exempt? No

FANE, JASON
PO Box 642
Ithaca , NY, 14850
500700 81.-3-2.1
130 CLINTON E ST
Ag Exempt? No

FANE, JASON
PO Box 642
Ithaca , NY, 14850
500700 70.-3-15
200-04 STATE ST E
Ag Exempt? No

COUNTY OF TOMPKINS
125 E Court St
Ithaca , NY, 14850
500700 70.-8-11
201 GREEN ST E
Ag Exempt? No

DICIO PARTNERSHIP
407 W Seneca St
Ithaca , NY, 14850
500700 70.-3-6
108-10 AURORA ST N
Ag Exempt? No

CAREY BUILDING ASSOCIATES LLC
PO Box 6531
Ithaca , NY, 14850
500700 69.-3-7
314-20 STATE ST E
Ag Exempt? No

WRISELY, DAVID E
1119 Coddington Rd
Ithaca , NY, 14850
500700 70.-2-17
150-52 STATE ST E
Ag Exempt? No

FANE, JASON
PO Box 642
Ithaca , NY, 14850
500700 70.-3-11
212-216 STATE ST E
Ag Exempt? No

SCIARABBA, KAREN
119 E State St
Ithaca , NY, 14850
500700 70.-3-9
220 STATE ST E
Ag Exempt? No
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, __Brian F. Bouchard_________________________, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before August 18, 2020. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Brian F. Bouchard)

(Appellant’s Signature)

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

Zoning Appeal #3164

Phone: (607) 274-6550
Fax: (607) 274-6558
August 25, 2020

Megan Wilson, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY  14850

Re:   Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed mixed use building located at 215 East State Street, City of Ithaca Tax Parcel #70.-4-4.2, Ithaca Properties, LLC, Owner/Appellant.

Dear Ms. Wilson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Department of Planning & Sustainability pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

Please inform us of your decision so that we can make it a part of the record. We look forward to reviewing added details related to the site plan review for this project.

Sincerely,

Katherine Borgella, AICP
Commissioner of Planning and Sustainability
**ZONING REGULATIONS FOR DEVELOPMENT**

**JURISDICTION:** CENTRAL BUSINESS DISTRICT, CBD-140

**EXISTING LOT INFORMATION:** 215 E. STATE ST., TAX MAP # 70-4-4.2

1.24 ± ACRES

**CODE PROVIDED:**

**MAXIMUM LOT COVERAGE: 100%**

**MAXIMUM NUMBER OF STORIES: 12**

**MAXIMUM BUILDING HEIGHT: 140'**

**MINIMUM YARDS:**
- **FRONT YARD: (STATE ST.)** NONE
- **SIDE YARD: (EAST)** NONE
- **SIDE YARD: (WEST)** NONE
- **REAR YARD: (GREEN ST.)** 10'

**PARKING:**

**PARKING SPACE SIZE:** 9' X 18'

**REQUIRED PARKING:**
- **RESIDENTIAL (200 UNITS):** NA
- **TOTAL:** 150 SP.

***DENOTES VARIANCE REQUIRED**

**DRAWING COPYRIGHT © 2020**

**CHECKED BY:**

**DRAWN BY:**

**SUBMITTAL / REVISION:**

03/26/2020

AS SHOWN

BFB

BGH

JFT

ITHACA PROPERTIES, LLC

215 E. STATE STREET
ITHACA, NY 14850

1721-D NORTH OCEAN AVE
MEDFORD, NY 11763

www.chacompanies.com

300 South State Street - Suite 600
Syracuse, NY 13202

315.471.3920

CITY COMMENTS/REVISED FOOTPRINT

5/8/2020

BGH

MPT PLANS

JFT

CITY COMMENTS

5/29/2020

BGH

MPT COMMENTS

JFT

LANDSCAPE PLAN UPDATES

6/5/2020

BGH

CITY COMMENTS

6/15/2020

BGH

LANDSCAPE PLAN UPDATES

7/28/2020

BGH

CITY COMMENTS

8/3/2020

BGH
EXISTING OFFICE TO REMAIN
HOTEL ENTRY
EAST GREEN STREET
THE COMMONS
SOUTH AURORA STREET
7-STORY PARKING STRUCTURE
CENTER ITHACA
HOTEL
COMMERCIAL SPACE 12,860 SF
EXISTING OFFICE TO REMAIN
61 SPACES
BIKE SPACES
COMMERCIAL SPACE 12,860 SF
18
10
9
18
6
841
1184
LEVEL 2
215 EAST STATE STREET, ITHACA, NY
JULY 28, 2020 | SH200014.00
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.)
© 2020 BSB Design, Inc.
Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407
ROTHSCHILD MIXED USE DEVELOPMENT
LEVEL 2
JULY 28, 2020 | SH200014.00
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

LEVEL 4

25'  50'  75'  100'

EAST GREEN STREET

CENTER ITHACA

THE COMMONS

7-STORY PARKING STRUCTURE

NORTH AURORA STREET

SOUTH AURORA STREET

HOTEL

TRASH MECH. / ELEC.
LOBBY
STAIR 1
STAIR 2
FIRE SERVICE
ACCESS
ELEVATOR
FIRE SERVICE
ACCESS
ELEVATOR

EXISTING ROOF

PARKING BELOW

A1
656 SF

A2
768 SF

AA

S3
540 SF

S4
672 SF

6'-0" HIGH WALL

25'  50'  75'  100'

NORTH

215 EAST STATE STREET, ITHACA, NY

JULY 28, 2020 | SH200014.00

JULY 28, 2020 | SH200014.00

JULY 28, 2020 | SH200014.00
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

LEVEL 6

25' 50' 75' 100'
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

LEVEL 7
EAST GREEN STREET

THE COMMONS

SOUTH AURORA STREET

7-STORY PARKING STRUCTURE

CENTER ITHACA

HOTEL

LEVEL 9

EXTERIOR PATIO

25'  50'  75'  100'

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.)
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.).

© 2020 BSB Design, Inc.
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

STUDIO UNIT
1 BEDROOM UNIT
2 BEDROOM UNIT
**LIFE SAFETY REQUIREMENTS**

<table>
<thead>
<tr>
<th>LIFE SAFETY PLAN SHEETS:</th>
<th>SHOWN ON PLANS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRE PROTECTION REQUIREMENTS</td>
<td></td>
</tr>
<tr>
<td>Structural frame, including beams and joists</td>
<td></td>
</tr>
<tr>
<td>Floor construction, including supporting beams and joists</td>
<td></td>
</tr>
<tr>
<td>Fire Barrier Separation</td>
<td></td>
</tr>
<tr>
<td>shafts - other (ELEVATORS)</td>
<td></td>
</tr>
<tr>
<td>LAVATORIES</td>
<td></td>
</tr>
<tr>
<td>Showers/</td>
<td></td>
</tr>
<tr>
<td>Interiors</td>
<td></td>
</tr>
<tr>
<td>Exterior</td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td></td>
</tr>
<tr>
<td>Over 30'</td>
<td></td>
</tr>
<tr>
<td>Exterior</td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td></td>
</tr>
<tr>
<td>Over 30'</td>
<td></td>
</tr>
</tbody>
</table>

**CONSTRUCTION TYPE:**

- Type I-A
- Type I-B
- Type II-A
- Type II-B
- Type III-A
- Type III-B

**FIRE PROTECTION REQUIREMENTS:**

- Fire Separation (504.2)
- Allowable (Table 503)
- Reduction (510.2)

**LIFE SAFETY PLAN SHEETS:**

- SHOWN ON PLANS
- ALLOWABLE OPENINGS PER TABLE 705.8  -  PROJECT IS IN CONFORMANCE

**EXTERIOR:**

- Over 30' - Exterior
- Over 30' - Interior

**INTERIOR:**

- Over 30' - Exterior
- Over 30' - Interior

**LIFE SAFETY PLAN SHEETS:**

- SHOWN ON PLANS
- ALLOWABLE OPENINGS PER TABLE 705.8  -  PROJECT IS IN CONFORMANCE

**EGRESS:**

- Number and Arrangement of Exits

**ELECTRICAL SUMMARY:**

SEE COMCHECK SUMMARY FOR ENERGY CODE COMPLIANCE

**MECHANICAL SUMMARY:**

SEE MECHANICAL DRAWINGS FOR MECHANICAL CODE COMPLIANCE SUMMARY

**BUILDING DRAIN SIZE:**

- 35.8" 96" 17.8" 0.3"
- 72" 39 GSF 100 GSF 0.2"
- 96" 15 NSF 200 GSF 0.3"
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

The Commons

215 East State Street, Ithaca, NY

JULY 10, 2020 | SH200014.00

TEXTURE OF CEMENTITIOUS VENEER 1&2
MASONERY 1
PERFORATED MESH
METAL PANEL 1 COLOR
METAL PANEL 1 INSTALLED PANEL EXAMPLE
EXISTING HOTEL OUTLINE
EXISTING OFFICE / RETAIL SPACES
THE COMMONS
EAST GREEN STREET
SOUTH AURORA STREET

BUILDING ELEVATION - EAST GREEN STREET

LEVEL 2
LEVEL 3
LEVEL 4
MEZZANINE
LEVEL 5
LEVEL 6
LEVEL 7
LEVEL 8
LEVEL 9
LEVEL 10
LEVEL 11
LEVEL 12
LEVEL 13
LEVEL 1
ROOF
LEVEL 7
LEVEL 8
LEVEL 9
LEVEL 10
LEVEL 11
LEVEL 12
LEVEL 13
LEVEL 1
ROOF

BUILDING SECTION - SOUTH AURORA STREET

LEVEL 2
LEVEL 3
LEVEL 4
MEZZANINE
LEVEL 5
LEVEL 6
LEVEL 1
ROOF
LEVEL 7
LEVEL 8
LEVEL 9
LEVEL 10
LEVEL 11
LEVEL 12
LEVEL 13
LEVEL 1
ROOF

EAST GREEN STREET
SOUTH AURORA STREET
THE COMMONS
EXISTING PARKING
CENTER ITHACA
HOTEL
NORTH
EXISTING OFFICE / RETAIL SPACES
EXISTING OFFICE / RETAIL SPACES
OFFICE - LEVEL 2
RETAIL - LEVEL 1
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

JULY 10, 2020 | SH200014.00

THE COMMONS
EAST GREEN ST
THE COMMONS
SOUTH AURORA STREET
EXISTING PARKING
CENTER ITHACA
HOTEL
NORTH
215 EAST STATE STREET, ITHACA, NY

JULY 28, 2020 | SH200014.00

BUILDING SECTION - HOME DAIRY ALLEY / WEST ELEVATION
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.).

© 2020 BSB Design, Inc.
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

CEMENTITIOUS VENEER 1
CEMENTITIOUS VENEER 2
TEXTURE OF CEMENTITIOUS VENEER 1 & 2
METAL PANEL 1
INSTALLED PANEL EXAMPLE
ACERO COLOR
METAL PANEL 1 COLOR
MASONRY 1
PERFORATED MESH

RENDERING VIGNETTE - AT EAST GREEN STREET - MAIN ENTRANCE
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

RENDERING VIGNETTE - ROOF TERRACE (COMMONS SIDE)
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.).

© 2020 BSB Design, Inc.

Ithaca Redevelopment Partners LLC
669 River Drive, Suite 402, Elmwood Park, NJ 07407

ROTHSCHILD MIXED USE DEVELOPMENT

SCENE 1 - AERIAL VIEW AT EAST GREEN STREET AND SOUTH AURORA STREET
SCENE 2 - AERIAL VIEW AT EAST GREEN STREET AND SOUTH CAYUGA STREET INTERSECTION
SCENE 3 - STREET VIEW AT EAST GREEN STREET AND SOUTH CAYUGA STREET INTERSECTION
<table>
<thead>
<tr>
<th>Month</th>
<th>Time</th>
<th>March</th>
<th>July</th>
<th>November</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARCH</td>
<td>12:30 PM</td>
<td>![March 12:30 PM]</td>
<td>![July 12:30 PM]</td>
<td>![November 12:30 PM]</td>
</tr>
<tr>
<td>MARCH</td>
<td>3:30 PM</td>
<td>![March 3:30 PM]</td>
<td>![July 3:30 PM]</td>
<td>![November 3:30 PM]</td>
</tr>
</tbody>
</table>
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.).

© 2020 BSB Design, Inc.
CITY OF ITHACA BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3164

Applicant: Ithaca Properties, LLC

Property Location: 215 E. State Street

Zoning District: CBD-60 and CBD-140

Applicable Section of City Zoning Code: §325-8, Columns 8, 9, and 14/15

Requirement for Which Variance is Requested: Maximum Number of Stories, Maximum Height in Feet, and Rear Yard requirements of the Zoning Ordinance


Summary: Appeal of property owner Ithaca Properties, LLC for an Area Variance from Section 325-8, Column 8, Number of Stories, Column 9, Height in Feet, and Column 14/15, Rear Yard, requirements of zoning ordinance. The applicant proposes to construct a new mixed-use building at 215 E. State Street. The property is a through-parcel with frontage on both the Commons (E. State Street) and E. Green Street and is currently occupied by a commercial building on the Commons side and the eastern third of the Green Street Parking Garage on the E. Green Street side. The applicant proposes to demolish the eastern third of the Green Street Parking Garage and construct a new building on the portion of the site currently occupied by the garage. The existing commercial building on the Commons will be retained. The new building will provide 200 residential units and three levels of structured parking. The new parking decks will connect to the center section of the Green Street Parking Garage, and the new building will connect to the existing commercial structure to provide an interior pedestrian corridor between E. Green Street and the Commons. The proposed building will be 14 stories and will exceed the 12 stories allowed by the zoning ordinance. The proposed building will also exceed the maximum height of 140’, with a height of 156’ 10’ at the top of the elevator tower. The applicant seeks the additional building height to accommodate the parking decks, connect to the existing commercial building for pedestrian access, and provide a rooftop terrace for residential tenants.

In additional, the applicant proposes to construct the building at the rear property line on E. Green Street, providing 0’ of the required 10’ rear yard. The elimination of the rear yard on this site is intended to create a consistent street line among existing and other proposed buildings on E. Green Street and to activate the streetscape.

The property is located in the CBD-60 and CBD-140 use district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.

Members present:
Steven Beer, Chair
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf

There were no comments in support of or in opposition to the requested variance.

Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law: The Tompkins County Department of Planning & Sustainability has reviewed the proposal and has determined that it has no negative inter-community or county-wide impacts.

Environmental Review: This variance is a component of an action that also includes site plan review. Considered together, this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act for which the Planning and Development Board, acting as Lead Agency, made a Negative Determination of Environmental Significance on August 25, 2020.

Planning & Development Board Recommendation:
Comments to be provided prior to the meeting.

Motion: A motion to grant the variance request was made by ________

Deliberations & Findings:

Factors Considered:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties: Yes □ No □

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: Yes □ No □

3. Whether the requested variance is substantial: Yes □ No □

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes □ No □

5. Whether the alleged difficulty was self-created: Yes □ No □

Second Motion to Grant Variance: Made by__________________.

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf
Appeal of the Vecino Group, in partnership with property owner the Ithaca Urban Renewal Agency, for area variances from Section 325-8, Column 9, Height in Feet, and Column 14/15, Rear Yard, requirements of the Zoning Ordinance. The applicant proposes to demolish the eastern third of the Green Street Parking Garage and construct a new mixed-use building on the same site at 120 E. Green Street. The first three floors of the building will house a 49,000 SF conference center while floors 4-12 will provide 218 affordable housing units. The project will build upon the existing center section of the Green Street Parking Garage to provide a total of 350 spaces of structured parking. The existing parcel will be subdivided, and the Vecino Group will take ownership of an approximately 55,000 SF parcel that includes the existing eastern and center sections of the parking garage; the proposed building will be constructed on this site. The City of Ithaca will retain ownership of the remainder of the site, including most of the land used for the City Hall Parking Lot and the alleyway between the existing parking garage and adjacent buildings on the Commons.

The first three floors and a portion of the fourth floor will be constructed on the rear property line of the subdivided parcel, providing 0’ of the required 10’ rear yard. The applicant is requesting a variance from the rear yard requirement in order to accommodate the rooms sizes needed to support the conference center and to allow for the provision of a community room on the fourth floor. The remainder of the fourth floor and floors 5-12 will be set back 10’ from the rear property line and will meet the requirement of the Zoning Ordinance.

The applicant also proposes to exceed the maximum 140’ building height allowed by the Zoning Ordinance. The southwest corner of the building will be 150’ in height to allow for taller floor-to-ceiling heights in the proposed Sky Terrace on the 12th floor.

The property is located in a CBD-140 use district in which the proposed uses are permitted. However, Section 325-32 requires that an area variance be granted before a building permit is issued.
<table>
<thead>
<tr>
<th>Column Number</th>
<th>Use</th>
<th>Accessory Use</th>
<th>Off-Street Parking</th>
<th>Off-Street Loading</th>
<th>Lot Area (Sq. Feet)</th>
<th>Lot Width (Feet)</th>
<th>Number of Stories</th>
<th>Height in Feet</th>
<th>% of Lot Coverage</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Other Side Yard</th>
<th>Rear Yard: % of depth or number of feet, whichever is less</th>
<th>Minimum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Condition and Use</td>
<td>Parking Garage</td>
<td>237</td>
<td>64,774</td>
<td>514.6</td>
<td>3</td>
<td>45' 3&quot;</td>
<td>100%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12' 4&quot;</td>
<td>12 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulations for Existing</td>
<td>Use Permitted</td>
<td>None</td>
<td>No Min.</td>
<td>10</td>
<td>12</td>
<td>140’</td>
<td>100% except as required for rear yard</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10 feet minimum</td>
<td>25' feet and a min. of 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Conference Center; Residential; Parking Garage</td>
<td>350</td>
<td>54,798</td>
<td>460.1</td>
<td>12</td>
<td>150’</td>
<td>100%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Regulation for Proposed</td>
<td>Use Permitted</td>
<td>None</td>
<td>No Min.</td>
<td>10</td>
<td>12</td>
<td>140’</td>
<td>100% except as required for rear yard</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>10 feet minimum</td>
<td>25' feet and a min. of 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note Non-Conforming Conditions for Proposal</td>
<td>OK</td>
<td>OK</td>
<td>OK*</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** *The applicant proposes to subdivide the existing lot and will take ownership of approximately 55,000 SF of the existing 65,000 SF parcel. The City will retain ownership of the remaining property including most of the City Hall parking lot and the alleyway between the proposed project and the adjacent buildings that front on the Commons. See "Lot Line Adjustment Map"*
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:

[ ] AREA VARIANCE
[ ] SPECIAL PERMIT
[ ] USE VARIANCE
[ ] SIGN VARIANCE
[ ] ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

APPEAL #: 3162 (FILLED IN BY STAFF)
HEARING DATE: September 1, 2020
BUILDING PERMIT #: 40065 (REQUIRED)
RECEIPT #: 62800 (FILLED IN BY STAFF)

2. Property Address: 120 E. Green Street
Use District: CBD-140

Owner’s Name: City of Ithaca
Owner’s Address:

City: Ithaca
State: NY
Zip: 14850

3. Appellant’s Name: Bruce Adib-Yazdi
Appellant’s Address: 305 W. Commercial Street

City: Springfield
State: MO
Zip: 65803

Telephone: 417-848-6001
E-Mail: bruce@vecinogroup.com

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

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

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

STATE OF NEW YORK
COUNTY OF TOMPKINS
Missouri
Greene

Sworn to this 5th day of August, 2020

[Signature]
Notary Public

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

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

If an application is submitted and subsequent changes are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
### CITY OF ITHACA BOARD OF ZONING APPEALS
APPLICATION WORKSHEET

 ini.Office Use Only

1. Ordinance Section(s) for the Appeal:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>• §325- 8, Columns 9 and 14/15</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
<tr>
<td>• §325-</td>
<td>• §272-</td>
</tr>
</tbody>
</table>

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

3. Environmental Assessment form used:

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

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

- Appeal No. __________, dated __________
- Appeal No. __________, dated __________
- Appeal No. __________, dated __________
- Appeal No. __________, dated __________

5. Notes or Special Conditions:
Narrative

The site is within the CBD-140 zoning district which allows for all the proposed uses, and a height of 140' and 12 stories. The project will comply with those elements of the zoning code.

Rear Yard Setback - The zoning district requires a 10' rear yard setback for access to rear of any new buildings. With the existing alley in place, and with the current garage encroaching fully into the required setback we will be asking for a variance to allow substantial encroachment into the 10' rear yard setback. Final engineering and foundations will need to be established. The current plans show the new building being set back approximately .2' to .6' from the proposed property line. See attached lot line adjustment sheet

The existing alley along the north side of the project allows for more than 12' of access through the city owned property. This space along with the connection to Green Street on the west side of the building are within a dedicated public ingress / egress easement.

BZA Request: Variance for encroachment in rear yard setback allowing first four floors of the building to come to .2' from the north property line.

Also to construct a new stair at the NW corner of the center section of the garage to extend to second level of garage for more convenient access.

Building Height - The zoning limits buildings to 140' maximum height. The proposed building is 139' in height except for a small portion in the SW corner on the top floor which projects up an additional 10' +/- feet and is approximately 950 sf in size, or less than 5% of the total footprint. Mechanical screenwalls / rooms will be sized to hide mechanical equipment and equipment rooms on the roof and are not subject to the height restriction. See attached sheet A202

BZA Request: Variance for height of roof surface of the Sky Terrace on 12th floor to be 10'-0" taller than 140' allowed. Balance of the roof surfaces (except for mechanical equipment, mechanical screening, parapets, elevator penthouses, and stair access to roof) shall be below 140' maximum allowed.
WHEREAS: the City of Ithaca Planning and Development Board ("Planning Board") has one pending application for site plan approval for a mixed use project by Whitham Planning & Design for Vecino Group LLC, Project Sponsor ("Applicant"), and

WHEREAS: the Applicant is proposing to demolish the western section of the existing Green Street public parking garage to build a 12 story, mixed use building with an approximately 22,120 SF footprint ("New Building"). The New Building will include a Community Conference Center on the first 3 levels, and 217 units of permanent affordable housing on levels 4 through 12 (collectively, the “Asteri Project” or “Project”). The Asteri Project also includes an expansion of the existing parking garage ("Parking Garage") to a total of seven levels and accommodation for approximately 350 vehicles. The parking decks will be connected to the New Building by a bridge on the second and fourth floors. The Applicant is also proposing the renovation and modification of two outdoor spaces. The Cinemapolis Plaza (an extension of Home Diary Alley) will retain the current public pedestrian passage between the Commons and Green Street. The Cinemapolis Plaza will be rebuilt and enhanced with lighting, signage, furnishings, and landscaping. The Applicant is also proposing to replace the existing City Hall Plaza in the area that currently contains a small parking lot between the Site and City Hall. This proposed design will maintain the current delivery access while retaining a limited number of parking spaces. The Asteri Project will be completed in two phases. During phase one, the western section of the existing garage will be demolished and used as a staging area. The center garage section will be retained and four parking levels will be added. Phase two will include the construction of the 12 story apartment building and conference center where the western portion of the garage currently sits. The Site is located in the City’s CBD-140 zoning district, located within the Street Level Active Use Overlay Zone. The Project will require a subdivision as well as area variances, including for the proposed rear yard setback and height, will be required from the City Zoning Board of Appeals, and

WHEREAS: pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("NYSDEC"), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (collectively “SEQRA”), and the City of Ithaca Environmental Quality Review Ordinance, being Chapter 176 of the City of Ithaca Code, the Planning Board must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS: The Asteri Project is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(b), (d), (k) and (m) and the SEQRA §617.4 b. (5)(iii) and (9) and is subject to environmental review, and

WHEREAS: the following entities were initially identified as potentially Involved Agencies pursuant to SEQRA: the City of Ithaca Board of Zoning Appeals, Common Council, NYS Department of Transportation, Tompkins County Department of Health, Tompkins County Department of Planning & Sustainability, Tompkins County Industrial Development Agency, and NYS Homes and Community Renewal, and all consented to the Planning Board acting as Lead Agency for this Project, and

WHEREAS: pursuant to SEQRA, the Agency distributed to the above potentially Involved Agencies a Notice of Intent to Act as Lead Agency, a copy of the Project Application, and a completed Full Environmental Assessment Form Part I; and

WHEREAS: the Planning Board, being the local agency which has primary responsibility for approving and funding or carrying out the Action, did, on 3-31-20 declare itself Lead Agency for environmental review of the Project, and
WHEREAS: the following entities were later identified as additional potentially Involved Agencies pursuant to SEQRA: City of Ithaca Urban Renewal Agency, City of Ithaca Board of Public Works, Downtown Ithaca Alliance, Tompkins County Legislature, NYS Division of Historic Preservation, NYS Department of Parks Recreation and Historic Preservation, Office of Mental Health, NYS Housing Finance Authority, NYS Mortgage Agency, NYS Energy Research and Development Authority, and Southern Tier Regional Economic Development Council/ Empire State Development, and

WHEREAS: pursuant to SEQRA, on 8-21-20 the Agency distributed to all potentially Involved Agencies an updated Notice of Intent to Act as Lead Agency, a copy of the Project Application, and a completed Full Environmental Assessment Form Part I; and

WHEREAS: no Involved or Interested Agencies have contested the Agency assuming the role of Lead Agency for the Project; and

WHEREAS: the Planning Board is the Lead Agency for the Project; and

WHEREAS: the Planning Board, acting as Lead Agency, has on 9-22-20, reviewed and accepted as complete a Full Environmental Assessment Form (“FEAF”), Part 1, submitted by the Applicant, and Parts 2 & 3, prepared by Planning staff and amended by the Planning Board, the following drawings all included in submission materials provided by the Applicant:

Construction and Staging Plan C107- Three Sheets Updated 9-2-20,
Subdivision Map prepared by BW Architects and Engineering with a latest revision date of 8-14-20.

The following drawings prepared by BW Architects and Engineering e.t al. and dated 8-14-20 unless otherwise noted:
Existing Conditions Plan C101 (6-15-20)
Demolition Plan C102 (6-15-20)
Erosion and Sediment Control Plan C103
Layout Plan C104
Grading and Drainage Plan C105 (8-13-20)
Utility Plan C106
Existing Autoturn C401 (6-15-20)
Proposed Autoturn C402 (6-15-20)
WZTC Plan Long Term C501
WZTC Plan Short Term C502
Pedestrian Re-Routing Plan C503
NYS DOR Standard Sheets C504-505

The following undated drawings prepared by BW Architects and Engineering e.t al. :
Life & Safety Plan G003-R G004-R (undated)
1st Floor Plan A101-C
1st Floor –Intermediate Levels A1-2-C
2nd Floor Plan A103-C
3rd Floor Plan A104-C
4th Floor Plan A101-R
5th Floor Plan A102-R
6th Floor Plan A103-R
7th Floor Plan A104-R
8th Floor Plan A1015-R
The following drawing prepared by Whitham Planning and Design and dated 8-14-20 unless otherwise noted:
Site Plan L101 & L201 L103
Materials & Planting Schedule – Cinemopolis Plaza L201 and L202
Materials Plan – Cinemopolis Plaza L301
Planting Plan Cinemopolis Plaza L401
Details L501 and 503
Illustrative Section – Cinemopolis Plaza L601
Illustrative Section Green Street – L602
Materials Plan L301
Planting Plan – Retail – L402
Materials Plan – Green St L303 and L403
Untitled Drawing showing Paving and planter details and locations 8-11-20
Materials and Planting Schedule 4th Floor Terrace L203
Materials Plan 4th Floor Terrace L304
Planting Plan 4th Floor Terrace L404
Details L505
Illustrative Section – 4th Floor Terrace L603
Site Plan (Garage) L104 and L100
Materials and Planting Schedule – Garage L204
Materials Plan – Garage L305
Planting Plan – Garage L405
Garage Elevations – L604
Materials and Planting Plan Cinemopolis Plaza L200.1
Materials and Planting Plan Garage L200.4

The following undated and unattributed drawings; Green St Garage – West Elevation, Green St Garage – South Elevation, Green St Garage – West Elevation.

The following drawing pertaining to lighting: 1st Floor Plan A101-C, 1st Floor – Intermediate Levels A102-C, 4th Floor Plan A101-R, 2nd Floor Plan A103-C, Overall Roof Plan A111-R, 12th Floor Plan A109-R and Building Elevations A201-C A202-C and A203-C all annotated to show proposed lighting locations, an untitled sheet showing lighting types, View 1, View 1 Dusk, View 2, View 2 Dusk, View 3 and View 3 Dusk all undated and prepared by Henderson Engineers and Sixth Floor Lighting and Power Plan E2.6 and Seventh Floor Lighting and Power Plan E2.7 Hunt Engineers 5/29/20.

And the following other materials, Conceptual Geotech Model prepared by Dente Group/A Terracon and dated 4-16-20, Design Review application dated 5-19-20, Ithaca Conference Center Market and Feasibility Study prepared by Hunden Associates and dated April 2017, updated in 2019, Creighton Manning traffic impact analysis dated 7-31-20, correspondence between TG Miller PC and the New York State Department of Transportation dated 5-8-20, correspondence between Dente Group and Stand Structural Engineering Inc. dated 5-7-20, Creighton Manning letter dated 9-8-20, the Ithaca Parking Study – Existing Conditions – Report Prepared by Stantec and dated 9-22-20, a letter from the City Stormwater Management Officer dated 6-10-20, a letter from the Tompkins County Convention and
Visitors Bureau dated 7-15-20, a Phase I Environmental Site Assessment prepared by Environmental Works, Inc. dated 1-31-20, and other application materials (collectively, the “Environmental Information”), and

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

WHEREAS: the Planning Board as Lead Agency for the Project undertook a coordinated review of the Project pursuant to SEQRA; and

WHEREAS: prior to making a recommendation about the potential environmental significance of the Project, the Planning Board has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS: the City Planning Board, acting as Lead Agency, after completing a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project, has determined, as more clearly elaborated in the FEAF, that the Applicant has mitigated any potentially significant impacts to the environment such that the Project will not have any potentially significant adverse environmental impacts, now, therefore, be it

RESOLVED: that the Planning Board determines the proposed Project will result in no significant adverse impact on the environment and this Resolution, which was adopted by a majority vote of the Planning Board, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Project, and is issued by the Planning Board, acting as Lead Agency pursuant to and in accordance with SEQRA in a coordinated environmental review, shall take effect immediately.

Moved by: Jones
Seconded by: Glass
In favor: Blalock, Glass, Godden, Jones, Lewis, Petrina, Randall
Against: None
Abstain: None
Absent: None
Vacancies: None
OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: 3162  DATE: August 5th, 2020

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

I (We) Svante Myrick, Mayor, City of Ithaca of 108 E. Green Street
(Name) (Street Address)
Ithaca, NY 14850 (City/Municipality) (State & Zip Code)

Owner of the property at 120 E. Green Street (Street & Number)

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

☐ This property is also owned by ______________________________

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

I do hereby authorize Vecino Group New York, LLC to appeal or request a
Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the
September 1, 2020 (Date)
meeting of the Board of Zoning Appeals.

(Signature)

(Notary Public available at City Hall)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 5th day of August, 2020

(Susan Stickel)
Notary Public

Note to those signing this form:

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

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

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

TO: Owners of Property within 200 feet of 120 East Green Street and others interested.

FROM: The Vecino Group applicable to property named above, in CBD-140 zone.

RE: (check appropriate box)

[X] Area Variance  [ ] Use Variance  [ ] Sign Variance

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

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

The PLANNING BOARD will consider this case on 9/22/2020 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVcTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 10/6/2020 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

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

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

Signature of Appellant
305 W. Commercial
Springfield MO 65803
09/15/2020

Address
Date
August 18, 2020
BZA Application Public Notification

To Our Neighbors,

We hope that this letter finds you and your colleagues well during these unprecedented times. While we all adjust to the challenges of the ongoing coronavirus pandemic, we are looking toward the future of downtown Ithaca and the role of the Asteri project as part of that future. The project is not slowing down – it remains our intention to see this project through with a completion date of 2023.

As our project undergoes the public Site Plan and SEQR review processes, we are writing to let you know we are pursuing a zoning variance for the building height as well as for the rear yard setback. The site is within the CBD-140 zoning district which allows for all the proposed uses, a height of 140’, and 12 stories. The project will comply with these elements of the zoning code. The variance requests are outlined as follows.

- **Rear Yard Setback** - The zoning district requires a 10’ rear yard setback for access to the rear of any new buildings. With the existing alley in place, and with the current garage encroaching fully into the required setback we will be asking for a variance to allow substantial encroachment into the 10’ rear yard setback. Final engineering and foundations will need to be established. The current plans show the new building being set back approximately .2’ to .6’ from the proposed property line. See attached lot line adjustment sheet. The existing alley along the north side of the project allows for more than 12’ of access through the city owned property. This lot line adjustment is one of the primary reasons why we’re pursuing a variance for the rear yard setback.
  - **BZA Request:** Variance for encroachment in rear yard setback allowing buildings to come to .2’ from the north property line.
  - Also to construct a new stair at the NW corner of the center section of the garage to extend to second level of garage for more convenience access.

- **Building Height** - The zoning limits buildings to 140’ maximum height. The proposed building is 139’ in height except for a small portion in the SW corner on the top floor, which projects up an additional 10’ +/- feet and is approximately 950 sf in size, or less than 5% of the total footprint. Mechanical screen walls / rooms will be sized to hide mechanical equipment and equipment rooms on the roof and are not subject to the height restriction. See attached sheet A202.
  - **BZA Request:** Variance for height of roof surface of the Sky Terrace on 12th floor to be 10’-0” taller than 140’ allowed. Balance of the roof surfaces (except for mechanical equipment, mechanical screening, parapets, elevator penthouses, and stair access to roof) shall be below 140’ maximum allowed.

Ithaca faces the best of challenges—a city with a high quality of living and steady growth. With growth comes demand. More parking, more housing, more amenities; they’re all needed. The Vecino Group is excited to have been selected as the preferred developer for the Green Street Garage Redevelopment RFP with a comprehensive mixed-use development that will help Ithaca address multiple needs and infuse the downtown area with an enhanced sense of place.

Meet Asteri Ithaca. The term Asteri comes from the Greek word “star.” And like those in the sky, this is a place designed to serve as a constant for the folks who will call it home, and for the entire Ithaca community. Asteri Ithaca will bring 218 units of affordable housing to the heart of downtown. 350 parking spaces will be created, occupying the center garage sections, and 149 existing spaces on the East section. A 49,000 square foot +/- Conference Center on the first through third floor will address a collective need for meeting space downtown, providing a new venue in a central location. The first-floor participation will activate the street-level and complete the Green Street Corridor of entertainment, shopping, civic life, and public transportation. The plans include inspiring design, green space, community partnerships, new tenants, long time downtown favorites, and more. The materials that are undergoing the Site Plan and SEQR Review process in the City of Ithaca include information that will bring to life the “what” behind Asteri Ithaca.
We want to be sure you understand our “why” as well. The Vecino Group is committed to our mission of creating a better world, one development, one community at a time. We believe in the transformative power of affordable housing. More specifically, we believe in quality housing that doesn’t look affordable. To be able to create that in Ithaca—and solve additional community needs in the process—is exactly the kind of work that energizes the Vecino Group.

This project is a true public private partnership. We look forward to this journey, working with the planning board, city staff, and community stakeholders on this amazing project that will not only be a huge community asset, but also inspire us all with a higher sense of purpose.

We are working with Whitham Planning & Design who is coordinating the local public review process and public outreach. Please do not hesitate to reach out to us with any questions you have about the project ahead of the hearing. We hope that we have your support and look forward to working with you in seeing this project through and strengthening our downtown.

Bruce Adib-Yazdi  
VP Development, The Vecino Group  
bruce@vecinogroup.com

Kate Chesebrough  
Associate, Whitham Planning & Design  
chesebrough@whithamdesign.com
Sciarabba, Karen
Purplefish Properties, LLC
513 W Buffalo St
Ithaca NY 14850

Sciarabba, James
119 E State St
Ithaca NY 14850

Renvyle Assoc., LLC
Ialthai, LLC
130-32 E State St
Ithaca NY 14850

Warner's Way Enterprises, LLC
KP Enterprises of Ithaca Inc
6 Stormy View Rd
Ithaca NY 14850

Paragh, Jonathan
Lynn Fam Limited Partnership
102 Iroquois Pl
Ithaca NY 14850

Ithaca Properties LLC
TTH Associates, LLC
PO Box 6531
Ithaca NY 14851

Commons West, LLC
Jedd, Jonathan
Masse, Robert
119 Third St
Ithaca NY 14850

City of Ithaca
Donovan, Cathleen McDermott
1564 Slaterville Rd
Ithaca NY 14850

Wetmore, Joseph
Sciarabba, Karen
Sciarabba, James
119 E State St
Ithaca NY 14850

106-112 South Cayuga St, LLC
Massicci, Peter
Massicci, Michael
114-18 S Cayuga St
Ithaca NY 14850

Boronkay, Richard J
Nitsios, Doris A
912 Giles St
Ithaca NY 14850

Boronkay, Carolyn
49 W Main St, PO Box 1109
Dryden NY 13053

County of Tompkins
125 E Court St
Ithaca NY 14850

Harold's Holding, LLC
455 Cayuga Rd, Suite 100
Buffalo NY 14225

Stiehl, Dawn R
Stiehl, Ronald L
120 S Cayuga St
Ithaca NY 14850
<table>
<thead>
<tr>
<th>Address</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>500700 70.-8-10.2</td>
<td>HH Cayuga Place Property LLC</td>
</tr>
<tr>
<td>1100 Wayne Ave, Ste 1010</td>
<td>1100 Wayne Ave, Ste 1010</td>
</tr>
<tr>
<td>Silver Spring MD 20910</td>
<td>Silver Spring MD 20910</td>
</tr>
<tr>
<td>500700 70.-8-11</td>
<td>125 E Court St</td>
</tr>
<tr>
<td>County of Tompkins</td>
<td>County of Tompkins</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
</tr>
</tbody>
</table>
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Bruce Adib-Yazdi

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

______________________________
(Appellant’s Signature)

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

Phone: (607) 274-6550
Fax: (607) 274-6558
September 24, 2020

Megan Wilson, Senior Planner
City of Ithaca
108 East Green St.
Ithaca, NY 14850

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Area Variance for proposed development located at 120 East Green Street, City of Ithaca Tax Parcel #70.-4-5.2, Ithaca Urban Renewal Agency, Owner; Vecino Group, Appellant.

Dear Ms. Wilson:

The Tompkins County Department of Planning & Sustainability has reviewed the proposal submitted by your municipality as required under the provisions of New York State General Municipal Law §239 -l, -m and -n. We have no recommendations or comments on this proposal.

We look forward to receiving notification on the final action taken by your municipality within 30 days of decision, as required by State law.

Should you have any questions about this review please contact us.

Sincerely,

Katherine Borgella, AICP
Commissioner of Planning and Sustainability
10’ Rear Yard Setback Variance
Shaded Area represents existing ingress / egress right of way.

10' rear yard setback (existing garage is completely in setback)

Footprint of residential tower 5th floor and above

Floors 1-3 of conference center and 4th floor community room to be constructed in 10' rear yard setback.

Shaded Area represents existing ingress / egress right of way.

New stair to be constructed within 10' rear yard setback to main stair in NE corner

EXISTING CINEMAPOLIS AND CENTER GARAGE FOOTPRINT TO REMAIN UNCHANGED

PROPOSED CONFERENCE CENTER / RESIDENTIAL MIXED USE BUILDING

CITY OWNED PROPERTY

PROPOSED VECINO PROPERTY

EXISTING BUILDING FOOTPRINT
Portion of First Floor of building to be constructed in 10' rear yard setback.
Portion of Second Floor of building to be constructed in 10' rear yard setback.
Portion of Third Floor of building to be constructed in 10' rear yard setback.
Portion of Fourth Floor of building to be constructed in 10' rear yard setback.
No building in rear yard setback from 5th floor on up through twelfth floor.
Overall sections
Overall sections

First three floors within the 10' rear yard setback

First four floors within the 10' rear yard setback
Perspective Sketch 1
Home Dairy & North Asteri Alley looking west

Perspective Sketch 2
North Asteri Alley looking east

Resident bike storage
Art niches with lighting
Height Variance
No building in rear yard setback from 5th floor on up through twelfth floor.

Sky Terrace area that needs height variance for additional ceiling height.
Sky Terrace Roof 8'-5" higher than 140' allowed in zoning code.

148'-5" height for 950 sf of area +/-.

Sky Terrace Roof 8'-5" higher than 140' allowed in zoning code.

140' Maximum to highest walking surface on the roof

Stair tower access to roof

Mechanical equipment screenwall maximum 18' tall.

Sky Terrace Roof

Mechanical equipment screenwall

Height variance necessary to gain additional ceiling height in this room.

248'-5" +/- Sky Terrace Roof

Stair tower access to roof

99'-3" Average Grade Plane

148'-5"
The Professional's seal affixed to this sheet applies only to the material and items shown on this sheet. All drawings, instruments, or other documents not exhibiting this seal shall not be considered prepared by this Professional, and any and all responsibility for such plans, drawings, or documents not exhibiting this seal is disclaimed.

This drawing and the details on it are the sole property of the Design Professional of Record and may be used for this specific project only. It shall not be loaned, copied, or reproduced in whole or in part, or for any other purpose or project without the written consent of the Architect.

ASTERTHACA
120 EAST GREEN STREET ITHACA, NEW YORK 14850

CONSULTANTS
DRAWN BY:
COPYRIGHT: © 2020 BW ARCH & ENG.
PROJECT NUMBER:

CONSULTANT NAME
ADDRESS
LOCATION
CONTACT

CONSULTANT NAME
ADDRESS
LOCATION
CONTACT

CONSULTANT NAME
ADDRESS
LOCATION
CONTACT

CONSULTANT NAME
ADDRESS
LOCATION
CONTACT

DATE:

6/5/2020 4:51:38 PM

BIM 360://18220 - Asteri Ithaca NY/200207 - Asteri Ithaca NY_R19.rvt

BUILDING ELEVATIONS

1 NORTH ELEVATION

1/16" = 1'-0"

2 EAST ELEVATION

REV. DESCRIPTION DATE

PRELIMINARY NOT FOR CONSTRUCTION
City of Ithaca, NY - 750 Foot Buffer for Parcel - Final Tax Roll

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
CITY OF ITHACA BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3162

Applicant: Vecino Group

Property Location: 120 E. Green Street

Zoning District: CBD-140

Applicable Section of City Zoning Code: §325-8, Columns 9 and 14/15.

Requirement for Which Variance is Requested: Height in Feet and Rear Yard.


Summary: Appeal of the Vecino Group, in partnership with property owner the Ithaca Urban Renewal Agency, for area variances from Section 325-8, Column 9, Height in Feet, and Column 14/15, Rear Yard, requirements of the Zoning Ordinance. The applicant proposes to demolish the eastern third of the Green Street Parking Garage and construct a new mixed-use building on the same site at 120 E. Green Street. The first three floors of the building will house a 49,000 SF conference center while floors 4-12 will provide 218 affordable housing units. The project will build upon the existing center section of the Green Street Parking Garage to provide a total of 350 spaces of structured parking. The existing parcel will be subdivided, and the Vecino Group will take ownership of an approximately 55,000 SF parcel that includes the existing eastern and center sections of the parking garage; the proposed building will be constructed on this site. The City of Ithaca will retain ownership of the remainder of the site, including most of the land used for the City Hall Parking Lot and the alleyway between the existing parking garage and adjacent buildings on the Commons.

The first three floors and a portion of the fourth floor will be constructed on the rear property line of the subdivided parcel, providing 0’ of the required 10’ rear yard. The applicant is requesting a variance from the rear yard requirement in order to accommodate the rooms sizes needed to support the conference center and to allow for the provision of a community room on the fourth floor. The remainder of the fourth floor and floors 5-12 will be set back 10’ from the rear property line and will meet the requirement of the Zoning Ordinance.

The applicant also proposes to exceed the maximum 140’ building height allowed by the Zoning Ordinance. The southwest corner of the building will be 150’ in height to allow for taller floor-to-ceiling heights in the proposed Sky Terrace on the 12th floor.

The property is located in a CBD-140 use district in which the proposed uses are permitted. However, Section 325-32 requires that an area variance be granted before a building permit is issued.

Members present:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf

Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law:
The Tompkins County Department of Planning & Sustainability reviewed the proposal and had no
recommendations or comments on the requested variance.

Environmental Review:  This variance is a component of an action that also includes site plan review.
Considered together, this is a Type 1 Action under the City of Ithaca Environmental Quality Review
Ordinance and the State Environmental Quality Review Act for which the Planning and Development
Board, acting as Lead Agency, made a Negative Determination of Environmental Significance on

Planning & Development Board Recommendation:
Comments to be provided at the meeting.

Motion:  A motion to grant the variance request was made by ________________.

Deliberations & Findings:

Factors Considered:

1. Whether an undesirable change would be produced in the character of the neighborhood or a
detriment to nearby properties: Yes ☐ No ☐

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the
variance: Yes ☐ No ☐

3. Whether the requested variance is substantial: Yes ☐ No ☐

4. Would the variance have an adverse impact on the physical or environmental conditions in the
neighborhood: Yes ☐ No ☐

5. Whether the alleged difficulty was self-created: Yes ☐ No ☐

Second Motion to Grant Variance: Made by ____________.

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf
Appeal of property owner Barken Family Realty for an Area Variance from Section 325-8, Column 7, Lot Width, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance. The applicant recently renovated a vacant 4-unit residential building located at 419 N. Cayuga Street. The building currently contains 1 one-bedroom unit, 1 two-bedroom unit, and 2 one-bedroom units with studies. The applicant would like to use the study rooms in each of the two ground-floor units as bedrooms. This change would convert the 2 one-bedroom units with studies to 2 two-bedroom units and would increase the overall building occupancy. The proposed change meets NYS Residential Code, and the property has sufficient off-street parking for the proposed occupancy. No further exterior or interior alterations are proposed. However, the proposed increase in occupancy is considered an enlargement of a nonconforming structure. The property is 49’ wide at the street and a minimum lot width of 50’ is required in the R-3aa zone. Section 325-32 of the Zoning Ordinance states that an area variance must be granted before increasing the unrelated occupancy of a property that does not meet the minimum lot size requirements. The property also has existing front yard and other side yard deficiencies that will not be exacerbated by the proposal.

The property is located in the R-3aa use district in which the proposed use is permitted. However, Section 325-32 requires that an area variance be granted before a building permit is issued.
## City of Ithaca Board of Zoning Appeals Worksheet

**Appeal Number:** BZA-3165  
**Address:** 419 N. Cayuga Street  
**Use District:** R-3a  
**Date:** 10/6/2020  
**Applicant:** Barken Family Realty  
**Owner:** Barken Family Realty  
**Application Type:** Area Variance

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Column Title</strong></td>
<td><strong>Use</strong></td>
<td><strong>Accessory Use</strong></td>
<td><strong>Off-Street Parking</strong></td>
<td><strong>Off-Street Loading</strong></td>
<td><strong>Lot Area (Sq. Feet)</strong></td>
<td><strong>Lot Width (Feet)</strong></td>
<td><strong>Number of Stories</strong></td>
<td><strong>Height in Feet</strong></td>
<td><strong>% of Lot Coverage</strong></td>
<td><strong>Front Yard</strong></td>
<td><strong>Side Yard</strong></td>
<td><strong>Other Side Yard</strong></td>
<td><strong>Rear yard: % of depth or number of feet, whichever is less</strong></td>
<td><strong>Minimum Building Height</strong></td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td>Multiple Dwelling</td>
<td>4</td>
<td></td>
<td></td>
<td>8,364</td>
<td>49</td>
<td>2</td>
<td>~25'</td>
<td>29.8%</td>
<td>2.5</td>
<td>10</td>
<td>0</td>
<td>91' or 53%</td>
<td>2</td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>Multiple Dwelling Zone</td>
<td>4</td>
<td>None Required</td>
<td></td>
<td>5000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>2 Stories</td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td>Multiple Dwelling</td>
<td>4</td>
<td></td>
<td></td>
<td>8,364</td>
<td>49</td>
<td>2</td>
<td>~25'</td>
<td>29.8%</td>
<td>2.5</td>
<td>10</td>
<td>0</td>
<td>91' or 53%</td>
<td>2</td>
</tr>
<tr>
<td><strong>District Regulation for Proposed</strong></td>
<td>Multiple Dwelling Zone</td>
<td>4</td>
<td>None Required</td>
<td></td>
<td>5000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>35%</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>25% or 50' but not less than 20'</td>
<td>2 Stories</td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions for Proposal</strong></td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

   APPEAL #: 3165 (FILLED IN BY STAFF)
   HEARING DATE: 8/14/2020 10:06:10 PM
   BUILDING PERMIT #: 39259 (REQUIRED)
   RECEIPT #: 62932 (FILLED IN BY STAFF)

2. Property Address: 419 N. Cayuga Street
   Use District: R-3aa

   Owner’s Name: Barken Family Realty LLC
   Owner’s Address: 125 Genung Circle

   City: Ithaca
   State: NY
   Zip: 14850

3. Appellant’s Name: David Barken, Barken Family Realty LLC
   Appellant’s Address: 206 E. Yates St., Apt #1

   City: Ithaca
   State: NY
   Zip: 14850

   Telephone: (607) 319-6380
   E-Mail: David.a.barken@gmail.com

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

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

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

Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 31st day of
August 2020

[Signature]
Notary Public
CHRISTINA M. DUBOUCHET
Notary Public-State of New York
No. 02DU6290541
Qualified in Tompkins County
Commission Expires 10/07/2021

[Stamp]
Notary Public available at City Hall.

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

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

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

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>§325- 8, Columns 7, 11, and 13</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
<tr>
<td>§325-</td>
<td>§272-</td>
</tr>
</tbody>
</table>

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

3. Environmental Assessment form used:

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

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

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

ZONING APPEAL #: 3165

DATE: 7/7/2020

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

I (We) Barken Family Realty LLC of 125 Genung Circle
(Name) (Street Address)

Ithaca
(City/Municipality) NY (State & Zip Code)

Owner of the property at 419 N. Cayuga Street
(Street & Number)

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

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

I do hereby authorize David Barken to appeal or request a
Variance or Special Permit on my (our) behalf. I (we) understand the appeal will be heard at the
8/4/2020 meeting of the Board of Zoning Appeals.

(Date)

(Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 31 st day of
August, 2020

Notary Public

Note to those signing this form:

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

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

Notary Public available at City Hall

CHRISTINA M. DuBOUCHET
Notary Public-State of New York
No. 02DU6290541
Qualified in Tompkins County
Commission Expires 10/07/2024
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3165

TO: Owners of Property within 200 feet of 419 N. Cayuga Street and others interested.

FROM: Barken Family Realty, LLC applicable to property named above, in a R-3aa zone.

REGARDING:

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

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

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

The PLANNING BOARD will consider this case on 9/22/2020 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW21VCnTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 10/6/2020 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

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

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

David Barken
Signature of Appellant

206 E. Yates St. Apt #1, Ithaca NY 14850
Address

9/17/20
Date
Dear Neighbors:

In June, 2019 my family and I purchased the abandoned building at 419 N. Cayuga Street. Having sat in disrepair and vacant for years, the house underwent a full overhaul. The renovation included new utilities, mechanicals, structural repairs, foundation work, roofing, full interior remodeling and much more. We have brought 4 units of downtown housing online and we will continue to improve the structure with residents and our neighbors in mind.

In anticipation of our renovation, we hired an architectural firm for a code review, submitting floor plans that were approved by a City building permit issued in full on August 13, 2019. Housing and code officers inspected the units/building without issue throughout the yearlong project, with each of the four units inspected sequentially as they were completed.

Unexpectedly, after the final housing inspection in late April, the Building Department noted that we have a road frontage of 49 ft., just 1ft. short of the 50ft. required for the configured layout under the approved permit drawings. An area variance of 1 ft is requested so as to remedy this deficiency.

Because of the 1 ft area deficiency, 2 of the units have rooms that are classified as studies. These two rooms are well sized and have closets. They each have hardwired smoke detectors. Currently, these 2 apartments can only house 2 individuals per unit, meaning no household greater than 2 individuals can rent these spaces or utilize these studies as nurseries and/or bedrooms. We ask that these 2 studies be considered bedrooms, each for 1 individual, by granting the variance for this 1 ft road frontage area deficiency.

No exterior changes to the building, parking, or the parcel will result from this area variance. All other components to this property, and its use, adhere to neighborhood zoning. Renovating this building has been a long, arduous, and expensive task. We look forward to moving past this unforeseen technicality so as to continue working on the improvement of the building.

Respectfully,

David Barken
Member, Barken Family Realty, LLC
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location</th>
<th>Owner(s)</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>46.-7-18</td>
<td>116 Cascadilla Ave</td>
<td>Kenigsun, Ronald &amp; Burns, Teresa M</td>
<td>116 Cascadilla Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>46.-7-19</td>
<td>114 Cascadilla Ave</td>
<td>Pullman, Joseph</td>
<td>6635 Morgan Hill Rd Truxton NY 131589733</td>
</tr>
<tr>
<td>46.-7-20</td>
<td>112 Cascadilla Ave</td>
<td>Ball, Clayton A &amp; Ball, Priscilla A</td>
<td>98 Yellow Barn Rd Freeville NY 13068</td>
</tr>
<tr>
<td>46.-7-21</td>
<td>110 Cascadilla Ave</td>
<td>Zayas, Vivian</td>
<td>110 Cascadilla Ave Ithaca NY 14850</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49.-1-1</td>
<td>427 Cayuga St N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49.-1-10</td>
<td>110 Sears St</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49.-1-15</td>
<td>110 Court St E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49.-1-19</td>
<td>409 Cayuga St N</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner(s)</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valentine, Barry G &amp; Varrichio, Shane C</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Warhaft, Zellman &amp; Warhaft, Gail</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>First Pres Church of Ithaca</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Mandala Group, LLC</td>
<td>Newfield NY 14867</td>
</tr>
</tbody>
</table>

This report shows selected parcels - Please verify list if using the "buffer tool" to select parcels within the 200 foot area, and mark main parcel being buffered.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location</th>
<th>Owner(s)</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>49.-1-2</td>
<td>111 Cascadilla Ave</td>
<td>Osborn, Nancy &amp; Mazza, James</td>
<td>111 Cascadilla Ave</td>
</tr>
<tr>
<td>49.-1-20</td>
<td>411 Cayuga St N</td>
<td>Dietz, Jeremy S &amp; Salk, Gail Schapiro</td>
<td>407 West Seneca</td>
</tr>
<tr>
<td>49.-1-21</td>
<td>413 Cayuga St N</td>
<td>Schmitt, Ronald &amp; Schmitt, Carol</td>
<td>302 E Upland Rd</td>
</tr>
<tr>
<td>49.-1-22</td>
<td>415 Cayuga St N</td>
<td>Godfrey, Linda M</td>
<td>415 Cayuga St N</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Location</td>
<td>Owner(s)</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>49.1-23</td>
<td>417 Cayuga St N</td>
<td>Allen, Joseph W &amp; Allen, Catherine</td>
<td>1072 Agard Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trumansburg NY 14886</td>
</tr>
<tr>
<td>49.1-24</td>
<td>419 Cayuga St N</td>
<td>Tangorra, Louis &amp; Tangorra, Maria</td>
<td>517 W Buffalo St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>49.1-25</td>
<td>421 Cayuga St N</td>
<td>Potter, Jeremy &amp; Potter, Christine</td>
<td>421 N Cayuga St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>49.1-26</td>
<td>423 Cayuga St N</td>
<td>Green, Douglas J</td>
<td>423 N Cayuga St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14850</td>
</tr>
</tbody>
</table>
Mailing Address | Parcel Number | Location
---|---|---
404 North Wilbur Ave | 49.-1-27 | 425 Cayuga St N

Owner(s) | Mailing Address
---|---
Terpening, Timothy T | Sayre PA 18840

---

Mailing Address | Parcel Number | Location
---|---|---
130 Sears St | 49.-1-3 | 130 Sears St

Owner(s) | Mailing Address
---|---
Kyle, Steven C & Kyle, Sheila M | Ithaca NY 14850

---

Mailing Address | Parcel Number | Location
---|---|---
126 Sears St, Apt 1 | 49.-1-4 | 126 Sears St

Owner(s) | Mailing Address
---|---
Miller, Ashley M | Ithaca NY 14850

---

Mailing Address | Parcel Number | Location
---|---|---
307 N Tioga St | 49.-1-5 | 124 Sears St

Owner(s) | Mailing Address
---|---
Mazza and Amici, LLC | Ithaca NY 14850

* This report shows selected parcels - Please verify list if using the "buffer tool" to select parcels within the 200 foot area, and mark main parcel being buffered.
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location</th>
<th>Owner(s)</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>49.-1-6</td>
<td>120 Sears St</td>
<td>Cederstrom, Michael D I</td>
<td>120 Sears St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NY 14850</td>
</tr>
<tr>
<td>49.-1-7</td>
<td>118 Sears St</td>
<td>Schmitt, Ronald D &amp; Schmitt, Carol</td>
<td>302 E Upland Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NY 14850</td>
</tr>
<tr>
<td>49.-1-8</td>
<td>114 Sears St</td>
<td>Schwartz, Suzanne</td>
<td>114 Sears St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NY 14850</td>
</tr>
<tr>
<td>49.-1-9</td>
<td>112 Sears St</td>
<td>Duplais, Christopher &amp; Moreau, Corrie</td>
<td>112 Sears St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>NY 14850</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Location</td>
<td>Owner(s)</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>----------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>49.-2-1</td>
<td>121 Cascadilla Ave</td>
<td>Karlsen, Mark &amp; Karlsen, Micaela</td>
<td>209 Blake Hill Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Van Etten NY 14889</td>
</tr>
<tr>
<td>49.-2-18</td>
<td>117 Sears St</td>
<td>Dental Properties Company, LLC</td>
<td>412-14 N Tioga St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-2-19</td>
<td>119 Sears St</td>
<td>Dental Properties Company, LLC</td>
<td>412 N Tioga St</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>49.-2-20</td>
<td>121 Sears St</td>
<td>KBM Properties LLC</td>
<td>PO Box 143</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ithaca NY 14851</td>
</tr>
<tr>
<td>Parcel Number</td>
<td>Location</td>
<td>Owner(s)</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------</td>
<td>---------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>49.-2-21</td>
<td>123 Sears St</td>
<td>Speiser, Aaron E &amp; Speiser, Sara M</td>
<td>123 Sears St</td>
</tr>
<tr>
<td>49.-2-22</td>
<td>125 Sears St</td>
<td>Kozlowski, Laura B</td>
<td>125 Sears St</td>
</tr>
<tr>
<td>49.-2-6</td>
<td>412-14 Tioga St N</td>
<td>Dental Properties Company, LLC</td>
<td>412 N Tioga St</td>
</tr>
<tr>
<td>50.-4-10</td>
<td>426 Cayuga St N</td>
<td>Senderovich, Savely &amp; Shvarts, Yelena</td>
<td>426 N Cayuga St</td>
</tr>
</tbody>
</table>

*This report shows selected parcels - Please verify list if using the "buffer tool" to select parcels within the 200 foot area, and mark main parcel being buffered.*
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location</th>
<th>Owner(s)</th>
<th>Mailing Address</th>
<th>City of Ithaca, NY 108 Green Street, Ithaca, New York, 14850</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.-4-11</td>
<td>424 Cayuga St N</td>
<td>Morton, Kenneth A</td>
<td>424 N Cayuga St</td>
<td>NY 14850</td>
</tr>
<tr>
<td>50.-4-12</td>
<td>422 Cayuga St N</td>
<td>Corvus Properties LLC</td>
<td>422 N Cayuga St</td>
<td>NY 14850</td>
</tr>
<tr>
<td>50.-4-13</td>
<td>420 Cayuga St N</td>
<td>Williams, June</td>
<td>420 N Cayuga St</td>
<td>NY 14850</td>
</tr>
<tr>
<td>50.-4-14</td>
<td>416-18 Cayuga St N</td>
<td>Simone Attwood Revoc Trust</td>
<td>418 N Cayuga St</td>
<td>NY 14850</td>
</tr>
</tbody>
</table>

Printed: 6/30/2020
* This report shows selected parcels - Please verify list if using the "buffer tool" to select parcels within the 200 foot area, and mark main parcel being buffered.

Parcel Number | Mailing Address | Location | Owner(s) | Parcel Number | Mailing Address | Location | Owner(s) | Parcel Number | Mailing Address | Location | Owner(s) | Parcel Number | Mailing Address | Location | Owner(s) | Parcel Number | Mailing Address | Location | Owner(s)

50.-4-16 | 418 N Cayuga St | Ithaca, NY 14850 | Simone Attwood Revoc Trust | 50.-4-17 | 410 N Cayuga St | Ithaca, NY 14850 | Markovits, Julia & Moses, Jeffrey | 50.-4-18 | 408 N Cayuga St | Ithaca, NY 14850 | Rosen, Peter M & Rosen, Charlotte J | 50.-4-19 | 406 N Cayuga St | Ithaca, NY 14850 | Kramer, David & Kramer, Susan
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

Zoning Appeal #3165

I, _______ David Barken __________________________, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before 9/17/2020. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

______________________________
(David Barken
(Appellant’s Signature)

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

Phone: (607) 274-6550
Fax: (607) 274-6558
To whom it may concern,

My wife & I are homeowners of the neighboring property at 421 N. Cayuga St.

David Barkin has invested so much in the property at 419 N. Cayuga St. The house sat vacant for many years and was in dire shape and disrepair. Only through an enormous amount of extensive investment and labor the house has been saved and restored to be both habitable and an asset to the neighborhood.

I am writing to urge the city to take the above into consideration and to work collectively and proactively with Mr Barkin given the accomplishments mentioned above.

Sincerely,

Jay Potter
421 N. Cayuga St
Ithaca, NY
14850
Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
Appeal No.: 3165

Applicant: Barken Family Realty

Property Location: 419 N. Cayuga Street

Zoning District: R-3aa

Applicable Section of City Zoning Code: §325-8, Columns 7, 11, and 13.

Requirement for Which Variance is Requested: Lot Width, Front Yard, and Other Side Yard.


Summary: Appeal of property owner Barken Family Realty for an Area Variance from Section 325-8, Column 7, Lot Width, Column 11, Front Yard, and Column 13, Other Side Yard, requirements of the Zoning Ordinance. The applicant recently renovated a vacant 4-unit residential building located at 419 N. Cayuga Street. The building currently contains 1 one-bedroom unit, 1 two-bedroom unit, and 2 one-bedroom units with studies. The applicant would like to use the study rooms in each of the two ground-floor units as bedrooms. This change would convert the 2 one-bedroom units with studies to 2 two-bedroom units and would increase the overall building occupancy. The proposed change meets NYS Residential Code, and the property has sufficient off-street parking for the proposed occupancy. No further exterior or interior alterations are proposed. However, the proposed increase in occupancy is considered an enlargement of a nonconforming structure. The property is 49’ wide at the street and a minimum lot width of 50’ is required in the R-3aa zone. Section 325-32 of the Zoning Ordinance states that an area variance must be granted before increasing the unrelated occupancy of a property that does not meet the minimum lot size requirements. The property also has existing front yard and other side yard deficiencies that will not be exacerbated by the proposal.

The property is located in the R-3aa use district in which the proposed use is permitted. However, Section 325-32 requires that an area variance be granted before a building permit is issued.


Members present:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf
Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law: 
Not applicable.

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

Planning & Development Board Recommendation: 
Comments to be provided at the meeting.

Motion: A motion to grant the variance request was made by ________________.

Deliberations & Findings:

Factors Considered:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties: Yes ☐ No ☐

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: Yes ☐ No ☐

3. Whether the requested variance is substantial: Yes ☐ No ☐

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ☐ No ☐

5. Whether the alleged difficulty was self-created: Yes ☐ No ☐

Second Motion to Grant Variance: Made by ____________.

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf
Appeal of Michael Barnoski of Trade Design Build Architecture for an Area Variance from Section 325-8, Column 4, Off-Street Parking, Column 11, Front Yard, and Column 12, Other Front Yard, requirements of the Zoning Ordinance. The applicant proposes to construct a third story dormer to provide additional space within an existing apartment as part of a larger renovation and reconfigurations of the building. There are four apartments in the building (2 one-bedroom units, 1 two-bedroom unit, and one four-bedroom unit), and the Zoning Ordinance requires five parking spaces for the dwelling. The property has established parking rights and provides 4 off-street parking spaces. The proposed alteration will not allow additional occupancy or require additional off-street parking; however, Section 325-32 of the Zoning Ordinances states that an area variance must be granted to enlarge a nonconforming structure if it does not comply with the parking requirements. The dwelling also has existing front yard and other front yard deficiencies that will not be exacerbated by the proposal.

The property is located in a R-1b residential use district in which the proposed use is permitted pursuant to a use variance granted by the Board of Zoning Appeals in 1948. However, Section 325-32 requires that an area variance be granted before a building permit is issued.
# City of Ithaca Board of Zoning Appeals Worksheet

- **Appeal Number:** BZA-3168
- **Use District:** R-1b
- **Address:** 230 Bryant Avenue
- **Date:** 10/6/2020
- **Applicant:** Trade Design Build Architecture
- **Owner:** John W Rudan Jr.
- **Application Type:** Area Variance

<table>
<thead>
<tr>
<th>Column Number</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14/15</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column Title</td>
<td>Use</td>
<td>Accessory Use</td>
<td>Off-Street Parking</td>
<td>Off-Street Loading</td>
<td>Lot Area (Sq. Feet)</td>
<td>Lot Width (Feet)</td>
<td>Number of Stories</td>
<td>Height in Feet</td>
<td>% of Lot Coverage</td>
<td>Front Yard</td>
<td>Other Front Yard</td>
<td>Side Yard</td>
<td>Rear Yard: % of depth or number of feet, whichever is less</td>
<td>Minimum Building Height</td>
</tr>
<tr>
<td><strong>Existing Condition and Use</strong></td>
<td>Multiple Dwelling</td>
<td>4</td>
<td>8,276</td>
<td>126'</td>
<td>3</td>
<td>~28</td>
<td>20.0%</td>
<td>13'</td>
<td>12.5'</td>
<td>34.5'</td>
<td>36' or 28.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulations for Existing</strong></td>
<td>One Family Zone</td>
<td>5</td>
<td>None Required</td>
<td>6000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>25%</td>
<td>25</td>
<td>25</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions</strong></td>
<td>Def.*</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Condition and/or Use</strong></td>
<td>Multiple Dwelling</td>
<td>4</td>
<td>8,276</td>
<td>126'</td>
<td>3</td>
<td>~28</td>
<td>20.0%</td>
<td>13'</td>
<td>12.5'</td>
<td>34.5'</td>
<td>36' or 28.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District Regulation for Proposed</strong></td>
<td>One Family Zone</td>
<td>5</td>
<td>None Required</td>
<td>6000</td>
<td>50</td>
<td>3</td>
<td>35</td>
<td>25%</td>
<td>25</td>
<td>25</td>
<td>10</td>
<td>25% or 50' but not less than 20'</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>Note Non-Conforming Conditions for Proposal</strong></td>
<td>Def.*</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>OK</td>
<td>Def.</td>
<td>Def.</td>
<td>OK</td>
<td>OK</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

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

* The property was granted a use variance (BZA-246) in 1947 to construct a two-family dwelling in a single-family zone. In 1948, the BZA granted a second use variance (BZA-282) to convert the two-family dwelling to a multiple residence with 4 dwelling units.
1. TYPE OF APPEAL:
   □ AREA VARIANCE
   □ SPECIAL PERMIT
   □ USE VARIANCE
   □ SIGN VARIANCE
   □ ACTION, DECISION, OR INTERPRETATION OF ZONING OFFICER

2. Property Address: 230 Bryant Ave, Ithaca, New York, 14850  Use District: R1B

   Owner’s Name: John W Rudan, Jr  Owner’s Address: 20 Lewis Street


   Michael Barnoski

3. Appellant’s Name: Trade Design Build Architecture  Appellant’s Address: PO Box 843


   Telephone: 585-330-0658  E-Mail: mike@tradedesignbuild.com

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

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

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

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this 2-1-20 day of August, 2020

MCKENNA L. BOVARD
Notary Public, State of New York
Reg. No. 01803949720
Qualified in Tompkins County
Commission Expires 07/06/2023

Notary Public available at City Hall.

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

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

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

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>§325- 8, Columns 4, 11, and 12</td>
<td>§272- ________________________________</td>
</tr>
<tr>
<td>§325- _________________________________</td>
<td>§272- ________________________________</td>
</tr>
<tr>
<td>§325- _________________________________</td>
<td>§272- ________________________________</td>
</tr>
<tr>
<td>§325- _________________________________</td>
<td>§272- ________________________________</td>
</tr>
<tr>
<td>§325- _________________________________</td>
<td>§272- ________________________________</td>
</tr>
<tr>
<td>§325- _________________________________</td>
<td>§272- ________________________________</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination:

- Type 1
- Type 2
- Unlisted

3. Environmental Assessment form used:

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

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

   Appeal No. _________, dated _____________
   Appeal No. _________, dated _____________
   Appeal No. _________, dated _____________
   Appeal No. _________, dated _____________

5. Notes or Special Conditions:
August 21, 2020

Re: Zoning Appeal for 230 Bryant Ave
Reason for Appeal
230 Bryant Ave
Ithaca, New York 14850

The applicant would like to construct a dormer on the existing roof to provide code compliant headroom for the existing third floor habitable spaces. The existing spaces currently have only 6'-6" headroom and the owner hopes to improve compliance and safety by raising the headroom to 7'-0". We believe this change will also create architectural interest. We are requesting an area variance to enlarge the bulk/mass of an existing non-conforming use per 325-32-C(2). However the proposed modification will not increase the existing roof peak height, enlarge the existing building footprint, or increase the building occupant load.

The property currently has a front yard deficiency, allowed as a legal existing non-conformity. The applicant is requesting an area variance to formalize the existing legal non-conformity. The change above will not extend or increase this existing legal non-conformity.

The property currently has parking deficiency, allowed as a legal existing non-conformity. The applicant is requesting a parking variance to formalize the existing legal non-conformity. The changes above will not extend or increase this existing legal non-conformity.

Sincerely,

Michael Barnoski, AIA
OWNER
MIKE@TRADEDESIGNBUILD.COM
OWNER'S AUTHORIZATION FORM

ZONING APPEAL #: ______________________  DATE: ____________

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

I (We) ___________________________ of ___________________________

_________________________ (Name)  ___________________________

_________________________ (Street Address)

_________________________ (City/Municipality)

_________________________ NY 13053 (State & Zip Code)

Owner of the property at ___________________________

_________________________ (Street & Number)

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

☒ This property is also owned by The Estate of Dorcen J. Ruden

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

I do hereby authorize ___________________________ to appeal or request a

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

10/06/2020 ___________________________ meeting of the Board of Zoning Appeals.

_________________________ (Signature)

STATE OF NEW YORK)
COUNTY OF TOMPKINS)

Sworn to this 14 day of

August 2020

Notary Public

Note to those signing this form:

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

(2) Especially where a Variance is being sought, the owner may be the only person with detailed information about
the property that is essential to the appeal. In such a case, authorizing another person to appeal may be detrimental
to the appeal, unless the owner is either present at the hearing or sends another person fully prepared to answer
questions about the property and the feasibility of using it consistent with the Zoning Ordinance.
IT IS HEREBY CERTIFIED that Letters in the estate of the Decedent named below have been granted by this court, as follows:

Name of Decedent: Doreen J Rudan aka Doreen Josephine Rudan
Domicile: Tompkins County
Fiduciary Appointed: John William Rudan
Mailing Address: 20 Lewis Street
Dryden NY 13053

Type of Letters Issued: LETTERS TESTAMENTARY
Letters Issued On: July 15, 2019
Limitations: NONE
and such Letters are unrevoked and in full force as of this date.

Dated: July 15, 2019

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Tompkins County Surrogate's Court at Ithaca, New York.

WITNESS, Hon. Joseph R. Cassidy, Judge of the Tompkins County Surrogate's Court.

Lori S Decker, Chief Clerk
Tompkins County Surrogate's Court

This Certificate is Not Valid Without the Raised Seal of the Tompkins County Surrogate's Court
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE

CITY OF ITHACA, NEW YORK

APPEAL NO. ______

TO: Owners of Property within 200 feet of 230 Bryant Ave, Ithaca, New York 14850 and others interested.

(proparty address)

FROM: Michael Barnoski, Trade Design Build Architecture, DPC applicable to property named above, in a(n) R1B zone.

(name of person or organization making appeal)

REGARDING: (check appropriate box)

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

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

The Board of Zoning Appeals bases its decision primarily on the written evidence submitted and presented to it, the testimony of interested parties, and zoning and legal considerations. The written case record will be available for review at the Zoning Division, City Hall, 108 E. Green St., Third Floor, beginning one week before the scheduled BZA meeting. This case has also been referred to the City’s Planning and Development Board that will advise the BZA, if granting the relief sought by the appellant will affect long-term planning objectives. The date of the Planning Board’s meeting regarding this appeal is also listed below.

The Planning Board will consider this case on 9/22/2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

The Board of Zoning Appeals will consider this case on 10/06/2020 at 6:00 P.M. in Common Council Chambers, City Hall, 108 E. Green St. Ithaca.

Signature of Appellant

PO Box 843, Ithaca New York, 14850

Address

8/21/2020

Date
August 21, 2020

Re: Zoning Appeal for 230 Bryant Ave
Notice of Appeal
230 Bryant Ave
Ithaca, New York 14850

Dear Neighbors,

The applicant would like to construct a dormer on the existing roof to provide code compliant headroom for the existing third floor habitable spaces. The existing spaces currently have only 6’-6” headroom and the owner hopes to improve compliance and safety by raising the headroom to 7’-0”. We believe this change will also create architectural interest. We are requesting an area variance to enlarge the bulk/mass of an existing non-conforming use per 325-32-C(2). However the proposed modification will not increase the existing roof peak height, enlarge the existing building footprint, or increase the building occupant load.

The property currently has a front yard deficiency, allowed as a legal existing non-conformity. The applicant is requesting an area variance to formalize the existing legal non-conformity. The change above will not extend or increase this existing legal non-conformity.

The property currently has parking deficiency, allowed as a legal existing non-conformity. The applicant is requesting an area variance to formalize the existing legal non-conformity. The changes above will not extend or increase this existing legal non-conformity.

Sincerely,

[Signature]

Michael Barnoski, AIA
OWNER
MIKE@TRADEDESIGNBUILD.COM
<table>
<thead>
<tr>
<th>Address</th>
<th>Name</th>
<th>Address</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>307 Bryant Ave</td>
<td>Lower, William L</td>
<td>200 E. Buffalo St., Suite 201</td>
<td>Lower, Patricia M</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td></td>
<td>Ithaca NY 14850</td>
<td></td>
</tr>
<tr>
<td>433 Floral Ave</td>
<td>Lower, Patricia M</td>
<td>408 College Ave</td>
<td>Lower, Patricia M</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td></td>
<td>Ithaca NY 14850</td>
<td></td>
</tr>
<tr>
<td>400 College Ave, Suite 100</td>
<td>Lower, Laura A</td>
<td>441 Floral Ave</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>307 N Tioga St</td>
<td>Mazza and Amici, LLC</td>
<td>211-217 Linden Avenue LLC</td>
<td>400 College Ave, Suite 100</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td></td>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>307 Bostwick Rd</td>
<td>4 L Properties of Ithaca LLC</td>
<td>211-217 Linden Avenue LLC</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td></td>
<td>400 College Ave, Suite 100</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>1407 Greywall Lane</td>
<td>214 Delaware Avenue</td>
<td>Alexander Vollmer Rev Trust</td>
<td>Mazza and Amici, LLC</td>
</tr>
<tr>
<td>Wynnewood PA 19096</td>
<td>427 N Cayuga St</td>
<td>26 Narragansett Cove</td>
<td>307 N Tioga St</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
<td>San Rafael CA 94901</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>408 College Ave</td>
<td>208 Delaware Avenue, LLC</td>
<td>White, Benjamin J</td>
<td>Rudan, Doreen J</td>
</tr>
<tr>
<td>400 College Ave, Suite 100</td>
<td>427 N Cayuga St</td>
<td>Mcgrath, Austin</td>
<td>100 Wildflower Dr</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
<td>257 Burdge Hill Road</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>222 Bryant Ave</td>
<td>210 Bryant Ave</td>
<td>210 Bryant Ave</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>222 Bryant Avenue</td>
<td>Shapiro, Elliot H</td>
<td>222 Bryant Avenue</td>
<td>Ithaca NY 14850</td>
</tr>
<tr>
<td>Ithaca NY 14850</td>
<td></td>
<td>Ithaca NY 14850</td>
<td>Ithaca NY 14850</td>
</tr>
</tbody>
</table>

**Note:** The above table lists addresses and names associated with various locations in Ithaca, NY.
<table>
<thead>
<tr>
<th>Code</th>
<th>First Name</th>
<th>Last Name</th>
<th>Address</th>
<th>City</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>67.-4-9</td>
<td>Hsu, Jean</td>
<td>Shu-Tsu</td>
<td>211 Delaware Ave</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-1</td>
<td>Huang, Peter C</td>
<td></td>
<td>103 Harvard Place</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-2</td>
<td>VanCort, Elizabeth</td>
<td></td>
<td>105 Harvard Place</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-24</td>
<td>Frank, Robert H</td>
<td>Neirynck, Anne</td>
<td>221 Bryant Ave</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-25</td>
<td>McCollister, Ellen</td>
<td>Birman, Kenneth</td>
<td>225 Bryant Ave</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-26</td>
<td>Friedman, Elias D</td>
<td>Chang, Julia H</td>
<td>107 Harvard Pl</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
<tr>
<td>67.-5-3</td>
<td>Chang, Julia H</td>
<td></td>
<td>107 Harvard Pl</td>
<td>Ithaca NY</td>
<td>14850</td>
</tr>
</tbody>
</table>
RE: City of Ithaca Board of Zoning Appeals  

I, AARON JOHNSON, affirm all property owners within two hundred (200) feet of the boundaries of the lot(s) under consideration have been mailed a copy of the enclosed notice on or before 9/12/2020. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Appellant’s Signature)

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

Phone: (607) 274-6550  
Fax: (607) 274-6558
**PROJECT SUMMARY:**

**PHASE I:**

CONVERSION OF BASEMENT FLOOR, APARTMENT 4 FROM TWO OCCUPANT, ONE BEDROOM APARTMENT TO A ONE OCCUPANT, ONE BEDROOM APARTMENT THROUGH REDUCTION IN BEDROOM AREA.

CONVERSION OF FIRST FLOOR, APARTMENT 3 FROM ONE OCCUPANT, ONE BEDROOM APARTMENT TO A TWO BEDROOM, TWO OCCUPANT APARTMENT THROUGH MINOR REORGANIZATION OF APARTMENT LAYOUT.

RENOVATION OF FIRST FLOOR, APARTMENT 2 TO IMPROVE LAYOUT OF KITCHEN AND BATHROOM.

RENOVATIONS OF SECOND FLOOR, APARTMENT 1 TO ADD HALF BATH, REORGANIZE ENTRY AND KITCHEN, AND SQUARE OFF EXISTING BEDROOMS. SCOPE ALSO INCLUDES RECONSTRUCTING STAIR TO THIRD FLOOR TO IMPROVE RISE/RUN AND HEADROOM CLEARANCES.

PHASE I ALSO INCLUDES REMOVAL OF CENTRAL STAIR, ALL UNITS HAVE EGRESS DIRECTLY TO GRADE.

PHASE I WORK ALLOWED BY RIGHT UNDER CURRENT ZONING.

**PHASE II:**

REORGANIZATION OF THIRD FLOOR AND ADDITION OF DORMER TO IMPROVE LAYOUT AND CEILING HEIGHT IN THE THIRD FLOOR BEDROOM.

WORK CONTINGENT UPON VARIANCE APPROVAL.

---

**ZONING INFORMATION**

- **ZONE:** RESIDENTIAL R1-8
- **HISTORIC DISTRICT:** NA
- **USES:** NON-CONFORMING
  - **MULTI-FAMILY NOT ALLOWED, R-3 AND ABOVE**
  - **USE ALLOWED BY EXISTING VARIANCE**
- **LOT SIZE:** 0.19 ACRES ~ 8,276 SF (7,500 SF MIN)
- **LOT WIDTH:** 125.6’ (60’ MIN)
- **HEIGHT:** 3 STORIES / 29’ (3 STORIES/35’ MAX)
- **LOT COVERAGE:** 1,617 SF / 20% (25% MAX)
- **FRONT YARD:** NON-CONFORMING
  - **12.5’ PROVIDED / 25.0’ REQUIRED**
- **REAR YARD:** 34.5’ (31.6’ REQ - 25%*126.4’)
- **PARKING:** NON-CONFORMING
  - **ALLOWED EXISTING LEGAL NON-CONFORMANCE**
- **APPROVED OCCUPANCY:** 4 UNITS / 8 OCCUPANTS
- **PROPOSED OCCUPANCY:** 4 UNITS / 8 OCCUPANTS

---

**EXISTING UNIT SUMMARY**

- **UNIT 4:** BASEMENT 1 BEDROOM 2 OCCUPANTS
- **UNIT 3:** 1ST FLOOR 1 BEDROOM 1 OCCUPANT
- **UNIT 2:** 2ND/3RD FLOOR 4 BEDROOM 4 OCCUPANTS
- **TOTAL:** 8 OCCUPANTS
  - **5 PARKING SPACES REQUIRED**

**PROPOSED UNIT SUMMARY**

- **UNIT 4:** BASEMENT 1 BEDROOM 1 OCCUPANT
- **UNIT 3:** 1ST FLOOR 1 BEDROOM 1 OCCUPANT
- **UNIT 2:** 1ST FLOOR 2 BEDROOM 2 OCCUPANTS
- **UNIT 1:** 2ND/3RD FLOOR 4 BEDROOM 4 OCCUPANTS
- **TOTAL:** 8 OCCUPANTS
  - **5 PARKING SPACES REQUIRED**

---

**VARIANCE SUMMARY:**

- **AREA VARIANCE TO MODIFY BUILDING BULK TO ACCOMMODATE THIRD FLOOR DORMER.**
- **AREA VARIANCE FOR FRONT YARD SET BACK, CURRENTLY AN EXISTING LEGAL NON-CONFORMANCE.**
- **PARKING VARIANCE FOR DEFICIENCY, CURRENTLY AN EXISTING LEGAL NON-CONFORMANCE.**
APPLICABLE CODES:
REVIEW DONE IN COMPLIANCE WITH 2020 EXISTING BUILDING CODE OF NEW YORK STATE, AND ALL OTHER APPLICABLE REFERENCED CODES.

OCCUPANCY CLASSIFICATION:
2020 BCNY 310.3 residential group R-2 apartment houses

CONSTRUCTION TYPE:
2020 BCNYS 602.5 - TYPE IIIIB: 2 HR RATED BEARING WALLS (MASONRY). ALL OTHER CONSTRUCTION ANY TYPE

SPRINKLER CLASSIFICATION:
EXISTING NOT SPRINKLERED

CLASSIFICATION OF WORK:
2020 BCNYS 603.1 Level II Alterations - Reconfiguration of Spaces Under 50% of Building Area. Comply w/ BCNYS Chapters 7 & 8.

CHAPTER 8 LEVEL II ALTERATIONS

VERITCAL ENCLOSEMENT:
2020 BCNYS 802.2.1 Exception 11.1 No Upgrades to stair enclosure required for vertical openings connecting two stories with not more than 4 dwelling units per floor. (Project eliminates three story connection)

FIRE PROTECTION:
2020 BCNYS 803.2.2 Fire protection not required, work areas under 50% of floor area and do not contain exits shared by more than one tenant.

FIRE ALARM:
2020 FCNYS 1103.7.6 Manual fire alarm system required, building contains more than three stories.
2020 BCNYS 803.4.3 Smoke Alarms required in all work areas per 2020 FCNYS, interconnection not required outside work area.

CARBON MONOXIDE:
2020 BCNYS 804.1 CO Detection required per 2020 FCNYS fuel burning appliances present.

MINIMUM EXITS
2020 BCNYS 805.3.1 All units only require single means of egress per 2020 BCNYS 1006.3.3 Items 1 & 2.

GUARD & HANDRAILS
2020 BCNYS 805.9 Provide Code compliant Handrails & Guardrails for all egress stairs.

ELECTRICAL
2020 BCNYS 807.1 New electrical work to comply with NFPA 70, except for exceptions provided in 807.3

MECHANICAL
2020 BCNYS 808.1 Reconfigured or converted spaces to be provided with natural or mechanical ventilation in compliance w/ 2020 MCNYS.
2020 BCNYS 808.3 Reconfigured Kitchens or baths to be provided with local exhaust.

CHAPTER 3 ACCESSIBILITY
2020 BCNYS 305.6 Exception 4 - Type B units required by 2020 NYBSC not required in alterations affecting less than 50% of aggregate building area.
2020 BCNYS 1107.6.2 Accessible & Type A units not required in group R-2 apartment houses.
2020 BCNYS 1107.5.1 Accessible entrances not required for areas not required to be accessible.

GENERAL NOTES:
• PROVIDE 2020 FCNYS compliant fire alarm system throughout building.
1. VERIFY EXISTING OR PROVIDE SMOKE ALARM IN BEDROOM PER 2020 FCNYS 907.2.10.2 (2)
2. VERIFY EXISTING OR PROVIDE COMBINATION CO ALARM & SMOKE ALARM OUTSIDE BATHROOM OR BEDROOMS PER 2020 FCNYS 907.2.10.2 (1) OR 907.2.10.4
3. VERIFY EXISTING OR PROVIDE COMBINATION CO ALARM & SMOKE ALARM OUTSIDE BATHROOM OR BEDROOMS PER 2020 FCNYS 907.2.10.2 (1) OR 907.2.10.4, PROVIDE PHOTOELECTRIC SENSOR DUE TO PROXIMITY TO STOVE
4. PROVIDE SELF CLOSING, 60 MIN RATED DOOR PER 2020 BCNYS 804.5.3, DOOR TO BE “SMOKE TIGHT” PER 802.2.3.
5. VERIFY EXISTING OR PROVIDE EMERGENCY LIGHTING & EXIT SIGNS.
6. NOT USED
7. INFILL FLOOR W/ 1 HR OUR RATED FLOOR SYSTEM, COORDINATE FLOOR SYSTEM REQUIREMENTS WITH ARCHITECT AND ENGINEER FOLLOWING EXHORATORY DEMOLITION.
8. INFILL FLOOR WITH 2X10 joists @ 16” OC, sheath w/ 3/4” ADVANTECH SHEATHING. ALIGN W/ EXISTING FIRST FLOOR.
9. EGRESS STAIR WITHIN DWELLING UNIT, 14 RISERS @ 7 3/8” & 13 3/4” (7 3/4” MAX & 10 1/2” MAX PER 2020 BCNYS 1011.5.2(3)). PROVIDE CONTINUOUS 36” HANDRAIL ONE SIDE OF STAIR. PROVIDE 36” HIGH GUARDRAILS AROUND STAIR OPENING ON THIRD FLOOR.
10. INFILL RATED WALL W/ UL ASSEMBLY U305 (5/8” TYPE X GYPSUM BOARD, 2X4 STUD)
11. CONCRE EGRESS STAIR, 4’ WIDE, 7 RISERS @ 7”, 6 TREADS @ 11” PROVIDE 42” GUARDRAIL & 36” HANDRAIL BOTH SIDES.

WINDOWS & DOORS
• W1 ANDERSEN 400 SERIES WHITE 3’ 0” x 4’ 6” DOUBLE HUNG WINDOW (EGRESS COMPLIANT) U0.40 MAX
• W2 ANDERSEN 400 SERIES WHITE 2’ 0” x 4’ 6” DOUBLE HUNG WINDOW U0.40 MAX
• D1 3’ 0” X 6’ 8” INSULATED HALF LITE EXIT DOOR U0.77 MAX

PROJECT NAME: 230 BRYANT RENOVATIONS
PROJECT NO: 20200031
CLIENT NAME: MODERN LIVING RENTALS
PROJECT ADDRESS: 230 BRYANT AVE, ITHACA, NEW YORK, 14850

DRAWING NAME: CODE REVIEW & NOTES
DRAWING NO: G0.03
ISSUE DATE: 08/19/2020
DRAWN BY: MSB
PHASE II

COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS

REMOVE ROOF COVERING & ROOF FRAMING

BRACE RIDGE BOARD THROUGH CONSTRUCTION TO MAINTAIN INTEGRITY OF ROOF DIAPHRAGM

PROJECT NAME:
230 BRYANT RENOVATIONS

PROJECT NO:
20200031

CLIENT NAME:
MODERN LIVING RENTALS

PROJECT ADDRESS:
230 BRYANT AVE, ITHACA, NEW YORK, 14850

TRADEDISEIGNBUILD.com

DRAWN BY:
ERIC DIXON

ISSUE DATE:
08/19/2020

DRAWING NAME:
ROOF DEMO PLAN

DRAWING NO:
D1.05

ROOF DEMOLITION PLAN

3/16" = 1'-0"

PHASE II
PHASE I

COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS

PROVIDE 2020 FCNYC COMPLIANT FIRE ALARM SYSTEM THROUGHOUT BUILDING.

BASEMENT PLAN

3/16" = 1'-0"
PHASE I

COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS.

PROVIDE 2020 FCNY'S COMPLIANT FIRE ALARM SYSTEM THROUGHOUT BUILDING.

1 FIRST FLOOR PLAN
3/16" = 1'-0"
PHASE I

COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS

PROVIDE 2020 FCNY'S COMPLIANT FIRE ALARM SYSTEM THROUGHOUT BUILDING.

SECOND FLOOR PLAN

120 SF

104

APT1 - BED1

118 SF

107

APT1 - BED3

117 SF

APT1 - LIVE/DINE

309 SF

A2.01

A2.02

A2.03

A2.04

A3.01

A3.05

3/16" = 1'-0"
COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS.

PROVIDE 2020 FCNYS COMPLIANT FIRE ALARM SYSTEM THROUGHOUT BUILDING.
PHASE II

COORDINATE WITH STRUCTURAL ENGINEER FOLLOWING EXPLORATORY DEMOLITION AND PRIOR TO REMOVAL OF ANY LOAD BEARING WALLS TO FINALIZE STRUCTURAL REQUIREMENTS.

PROVIDE 2020 FCNY'S COMPLIANT FIRE ALARM SYSTEM THROUGHOUT BUILDING.

2 COURSES ICE & WATER SHIELD
ALL EAVES & VALLEYS CO

ASPHALT SHINGLE OVER EXISTING ROOF

ASPHALT SHINGLE OVER EXISTING ROOF

2X8 JOIST @ 24" OC, 5/8" ZIP ROOF SHEATHING, EPDM ROOF MEMBRANE, PROVIDE R49 SPRAY FOAM INSULATION, 5/8" GYPSUM BOARD CEILING.

1/4" = 1'-0"

9'-3 1/2"
17'-0"
13'-7 1/2"

2 COURSES ICE & WATER SHIELD
ALL EAVES & VALLEYS CO

RIDGE VENT

A2.01
A2.04
A2.02
A2.03

1
1

PHASE II

SOUTH ELEVATION
3/16" = 1'-0"

EPDM ROOFING

COMPOSITE SIDING

TOR
125'-1"

COMPOSITE SIDING

1/4" / 12"

client name:
1672 Slaterville Road
Ithaca, New York 14850
tradedesignbuild.com

Project Name:
230 Bryant Renovations

Project No:
20200031

Client Name:
Modern Living Rentals

Project Address:
230 Bryant Ave, Ithaca, New York, 14850

Issue Date:
08/19/2020

Drawn By:
Eric Dixon

Drawing No:
A2.01

Drawing Name:
SOUTH ELEVATION
FF – F3

11'-11"

1/4" / 12"

1/4" / 12"

11'-13"

1/2"

RIDGE VENT

2X8 JOIST @ 24" OC, 5/8" ZIP ROOF SHEATHING, EPDM ROOF MEMBRANE, PROVIDE R49 SPRAY FOAM INSULATION, 5/8" GYPSUM BOARD CEILING.

(2) 3'-0" X 4'-6" DOUBLE HUNG WINDOW (EGRESS COMPLIANT)

(2) LAYERS 5/8" TYPE X GYPSUM BOARD, 2X6 FRF STUD @ 24", R23 MINERAL WOOL BATT INSULATION, LP FLAMEBLOCK 2 SIDED, DRAINAGE MAT, COMPOSITE LAP SIDING, 2 HR RATED PER UL W408 ASSEMBLY U VALUE: 0.050 (0.051 MIN)

TOW-N3
124'-4"

TOR
125'-1"

(2) 2X8 HEADER

2X8 JOIST @ 24" OC, 5/8" ZIP ROOF SHEATHING, EPDM ROOF MEMBRANE, PROVIDE R49 SPRAY FOAM INSULATION, 5/8" GYPSUM BOARD CEILING.

2X8 JOIST @ 24" OC, 5/8" ZIP ROOF SHEATHING, EPDM ROOF MEMBRANE, PROVIDE R49 SPRAY FOAM INSULATION, 5/8" GYPSUM BOARD CEILING.

PROJECT NAME:
230 BRYANT RENOVATIONS

PROJECT NO:
20200031

CLIENT NAME:
MODERN LIVING RENTALS

PROJECT ADDRESS:
230 BRYANT AVE, ITHACA, NEW YORK, 14850

DRAWN BY:
ERIC DIXON

DRAWING NO:
A3.01

DRAWING NAME:
DORMER SECTION

PHASE II

SECTION THROUGH DORMER
3/8" = 1'-0"

TRADEDESIGNBUILD
1672 Slaterville Road
Ithaca, New York 14850
tradedesignbuild.com

08/19/2020

ERIC DIXON

1064

3/8" = 1'-0"
Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
CITY OF ITHACA BOARD of ZONING APPEALS
Area Variance Findings & Decision

Appeal No.: 3168

Applicant: Trade Design Build for owner John Rudan Jr.

Property Location: 230 Bryant Avenue

Zoning District: R-1b

Applicable Section of City Zoning Code: §325-8, Columns 4, 11, and 12.

Requirement for Which Variance is Requested: Off-Street Parking, Front Yard, and Other Front Yard.


Summary: Appeal of Michael Barnoski of Trade Design Build Architecture for an Area Variance from Section 325-8, Column 4, Off-Street Parking, Column 11, Front Yard, and Column 12, Other Front Yard, requirements of the Zoning Ordinance. The applicant proposes to construct a third story dormer to provide additional space within an existing apartment as part of a larger renovation and reconfigurations of the building. There are four apartments in the building (2 one-bedroom units, 1 two-bedroom unit, and one four-bedroom unit), and the Zoning Ordinance requires five parking spaces for the dwelling. The property has established parking rights and provides 4 off-street parking spaces. The proposed alteration will not allow additional occupancy or require additional off-street parking; however, Section 325-32 of the Zoning Ordinances states that an area variance must be granted to enlarge a nonconforming structure if it does not comply with the parking requirements. The dwelling also has existing front yard and other front yard deficiencies that will not be exacerbated by the proposal.

The property is located in a R-1b residential use district in which the proposed use is permitted pursuant to a use variance granted by the Board of Zoning Appeals in 1948. However, Section 325-32 requires that an area variance be granted before a building permit is issued.


Members present:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf

Tompkins County Review per Section 239 -l & -m of New York State General Municipal Law:
Not applicable.
Environmental Review: This is a Type 2 Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act and is not subject to Environmental Review.

Planning & Development Board Recommendation:
Comments to be provided at the meeting.

Motion: A motion to grant the variance request was made by _________________.

Deliberations & Findings:

Factors Considered:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties: Yes ☐ No ☐

2. Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance: Yes ☐ No ☐

3. Whether the requested variance is substantial: Yes ☐ No ☐

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ☐ No ☐

5. Whether the alleged difficulty was self-created: Yes ☐ No ☐

Second Motion to Grant Variance: Made by ____________.

Vote:
Steven Beer, Chair
Suzanne Charles
Teresa Deschanes
Stephanie Egan-Engels
Steven Wolf