BOARD OF ZONING APPEALS (BZA)

AGENDA

The regular monthly meeting of the BOARD OF ZONING APPEALS will be held at 5:30 p.m. on Tuesday, January 3, 2023. This meeting is open to the public and will be held in Common Council Chambers, Third Floor, City Hall, 108 E. Green Street, Ithaca, NY, and also conducted remotely using videoconferencing technology. In-person attendance at City Hall may be limited and will be permitted on a first-come, first-served basis. Members of the public are strongly encouraged to participate remotely. Virtual participation in public meetings is authorized by Part WW of Chapter 56 of the Laws of 2022 of New York State and Local Law 2022-05. More information, including the written procedures governing the use of videoconferencing technology, is available at http://www.cityofithaca.org/339/Boards-Committees.

For remote viewing/attendance: A live stream of the proceedings is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg; a recording will made available through the same link following the conclusion of the proceedings. If you are a member of the public wanting to observe the meeting, please simply watch the live stream. If you are an interested party and would like to sign up to speak at the meeting or submit written comments, please see the instructions at the end of the agenda.

I. TELECOMMUNICATIONS APPEALS

A. Appeal Number: 3245 5:35 PM
   Address: Right of Way Locations near 507 N. Albany Street; 309 Franklin Street; 312 Thurston Avenue; 120 Utica Street; 202 King Street; 635 W State Street; 333 W State Street
   Zone: R-2a; R-2b; B-2a; WEDZ-1a; CBD-50
   Applicant: Centerline Communications, LLC
   Property Owner: City of Ithaca (public right-of-way)
   Public Hearing: Yes (Continued from 12/6/2022)
   Description: Request for an area variance from Section 325-29.8B(1)(h), Siting Standards for Personal Wireless Service Facilities, and Section 325-29.8C(1), Design Standards for Personal Wireless Service Facilities, to allow the installation of seven small fireless facilities on the utility poles located within 250’ of residences and/or within 1,500’ of existing personal wireless service facilities.

II. NEW APPEALS

A. Appeal Number: 3242 6:15 PM
   Address: 108 & 110 College Avenue
   Zone: CR-4
   Applicant: Jason K. Demarest Architecture
   Property Owner: 110 C-Town LLC
   Public Hearing: Yes
   Description: Request for an area variance from Section 325-45.2F, Lot Coverage by Buildings and Rear Yard, to allow the construction of a new multiple dwelling rowhouse. The new building cover 57.5% of the lot in a zone where a
maximum lot coverage by buildings of 50% is allowed. The new building will also create a rear yard of 9.7’ on a property where a minimum 16’ is required.

B. Appeal Number: 3244 
   Address: 209 Elmwood Avenue 
   Zone: R-1b 
   Applicant: Sandra Greene, Property Owner 
   Public Hearing: Yes 
   Description: Request for an area variance from Section 325-8, Column 12, Side Yard, Column 13, Other Side Yard, and Column 14/15, Rear Yard, to allow the construction of a carport over the existing driveway. The carport will be located 5.5’ from the side property line, and a minimum 10’ side yard is required. The property has existing deficiencies in Other Side Yard and Rear Yard that will not be exacerbated by the proposal.

III. CONTINUED APPEALS
   A. Appeal Number: 3226 
      Address: 210 E. Green Street & 215 E. State Street 
      Zone: CBD-60 and CBD-140 
      Applicant: Green Street Redevelopment Partners, LLC, Property Owner 
      Public Hearing: Yes 
      Description: Request for a sign variance from Section 272-6B(2)(b), Maximum Size of Sign Advertising a Residential Development, to install two 22 SF signs advertising “The Ithacan” residential building. One sign will be installed on the north side of the development site at 215 E. State Street and the second sign will be installed on the south side of the building at 210 E. Green Street. The signs are part of a larger sign package that meets the overall square footage requirements for the entire building, and all other signs meet the requirements of the Sign Ordinance.

IV. PRELIMINARY PRESENTATIONS & BOARD COMMENTS
   None

V. APPROVAL OF MINUTES
   A. None

VI. ADMINISTRATIVE MATTERS
   A. February BZA Meeting
      a. Agenda Review

VII. ADJOURNMENT

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

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

COMMENTS & QUESTIONS
Interested parties are invited to speak or submit written comments on appeals that come before the Board of Zoning Appeals. The Board considers “interested parties” persons who live, work or own property within 750 feet of the property, who are authorized representatives of recognized adjacent neighborhood civic groups, or who are elected City officials. Interested parties wishing to be heard must register by 3:00 PM on the day of the meeting. To register, please send your name and address to mwilson@cityofithaca.org, subject line: “BZA Speaker Registration – December 2022”.

Interested parties may submit comments for public hearings by mail or email. All comments must be received by 3 p.m. on the day of the meeting, and they will be read into the record. Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing and please include your name and address. All comments and questions can be emailed to Megan Wilson at mwilson@cityofithaca.org or call (607) 274-6550.
APPEAL # 3245

RIGHT OF WAY LOCATIONS NEAR 507 N. ALBANY STREET; 307 FRANKLIN STREET; 312 THURSTON AVENUE; 120 UTICA STREET; 202 KING STREET; 635 W STATE STREET; 333 W STAATE STREET

Appeal of Centerline Communications LLC for an area variance from Section 325-29.8B(1)(h), Siting Standards for Personal Wireless Service Facilities, and Section 325-29.8C(1), Design Standards for Personal Wireless Service Facilities, of the City of Ithaca Zoning Ordinance. The applicant proposes to install seven new small wireless facilities on utility poles within the City’s right-of-way at locations nearest to the properties noted above. The City’s Telecommunications Ordinance, Article VA of the Zoning Ordinance, requires that all Personal Wireless Service Facilities be located (1) at least 1,500 feet from all other PWSF ($325-29.8B(1)(h)) and (2) at least 250 feet from all residences, schools, and daycare facilities. The applicant is seeking a variance from these setback requirements for the proposed locations.

The applicant presented this appeal at the December 6, 2022 BZA meeting and requested the continuation of the appeal at the January 3, 2023 meeting to allow time to submit additional information requested by the City’s Telecommunications Ordinance. The public hearing was opened at the December BZA meeting and remains open for testimony for new interested parties at the January 3rd meeting. The new submission is attached, and the original submission remains available for review at https://www.cityofithaca.org/DocumentCenter/Index/1518
December 29, 2022

VIA EMAIL
Lisa Nicholas, Director of Planning & Development
Megan Wilson, Zoning Administrator
City of Ithaca
108 E. Green Street, 3rd Floor
Ithaca, NY 14850

Re: New Cingular Wireless PCS, LLC (“AT&T”)
Supplemental Submission to the City
Batched Applications for Licenses and Permits - Seven Small Cell Wireless Facilities
Collocation at Existing NYSEG Utility Pole Locations in City of Ithaca Rights-of-Way

Dear Ms. Nicholas and Ms. Wilson:

On behalf of our client, New Cingular Wireless PCS, LLC (“AT&T”) we are formally submitting supplemental materials in support of the company’s batched application pending before the City and as requested by your offices. Please find enclosed the following:

1) AT&T supplemental RF engineering data/report pursuant to Section 325-29.10.B(7);
2) An alternative equipment mounting design for all NYSEG utility pole locations incorporating equipment on the pole with a 13” width (a signed sealed set of drawings with a photosimulation is included for location 8 as an example and for reference and if this alternative design is approved, all drawings will be updated as part of permitting);
3) A narrative addressing December public hearing comments and additional BZA requests for information.

Please do not hesitate to contact us in advance of the continued Board of Zoning Appeals hearing on January 3, 2023.

Sincerely,

Christopher Fisher
Enclosures
Ithaca Cluster  Drive data and Capacity forecast

December 29, 2022
The ATT drive data for this area of Ithaca shows various signal levels for streets that data is available; the Red, Magenta and Block dots represent -98dbm or worse coverage which is the design standard for in-building voice and data services.

The ATT drive data indicates that network coverage is spotty in all these neighborhoods and weak and the Red Dots, Magenta and Black dots on the map indicate large areas with a lack of in-building coverage.

All Small Cell locations are shown on the map and each was sited in areas where signal strengths are low, and where local land uses are relatively dense and include structures with higher occupancies. All small cells are spaced in a manner to work seamlessly together and the minimum number to address the need for -98dbm ubiquitous signal strength for in-building coverage.
Data on graph indicates that capacity inversion has occurred and ongoing growth in network traffic demand will continue to outpace ATT spectrum availability.

The lack of available bandwidth at surrounding sites results in increasing call denied, call drops, lower data rate and degraded services to ATT customers throughout the City, not just the areas where small cells are proposed.

In addition to coverage, the proposed Small Cells will add the capacity to ATT's network in Ithaca and offload nearby sectors which are increasingly at spectrum exhaust.

List of sectors evaluated to graph capacity:

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As Average User Scheduled Resources approaches 95%, user accessibility to the site decreases and AT&T subscribers are not able to access AT&T services. The site is already exceeding capacity thresholds today and traffic volume is forecasted to grow which will exacerbate the capacity constraints that exist today.
As Average User Scheduled Resources approaches 95%, user accessibility to the site decreases and AT&T subscribers are not able to access AT&T services. The site is already exceeding capacity thresholds today and traffic volume is forecasted to grow which will exacerbate the capacity constraints that exist today.
Exhibit 20  Coverage by Transmitters – Small Cell OFF
Exhibit 21 Coverage by Transmitters – Small Cell ON
THIS STUDY DOES NOT CLAIM IN ANY WAY TO SHOW THE ONLY AREAS OF VISIBILITY. IT IS MEANT TO SHOW A BROAD REPRESENTATION OF AREAS WHERE THE PROPOSED INSTALLATION MAY BE VISIBLE BASED UPON THE BEST INFORMATION FOR TOPOGRAPHY AND VEGETATION LOCATIONS AVAILABLE TO DATE.
THIS STUDY DOES NOT CLAIM IN ANY WAY TO SHOW THE ONLY AREAS OF VISIBILITY. IT IS MEANT TO SHOW A BROAD REPRESENTATION OF AREAS WHERE THE PROPOSED INSTALLATION MAY BE VISIBLE BASED UPON THE BEST INFORMATION FOR TOPOGRAPHY AND VEGETATION LOCATIONS AVAILABLE TO DATE.
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PROPOSED CONDITIONS

LOCATION # 1

DATE OF PHOTO: 02/16/2022

VIEW SOUTH FROM W STATE ST

PROPOSED COMMSCOPE ANTENNA
MODEL #NV455P-360S-F4

PROPOSED SIDE MOUNT
STANDOFF PART # SCSM3

PROPOSED RRH 4449
MOUNTED ON UTILITY POLE

PROPOSED RRH 8843
MOUNTED ON UTILITY POLE

PROPOSED (1) 60 AMP
2-POLE DISCONNECT SWITCH
FUSED AND (3) 20 AMP
2-POLE CIRCUIT BREAKERS

PROPOSED (1) METER MAIN WITH
BYPASS (METER SHALL NOT BE
MOUNTED ON STREET SIDE)

SITE TYPE: UTILITY POLE
DATE: 12/22/2022
REV: 1
DRAWN BY: AM
SCALE: N.T.S.

THIS STUDY DOES NOT CLAIM IN ANY WAY
TO SHOW THE ONLY AREAS OF VISIBILITY.
IT IS MEANT TO SHOW A BROAD
REPRESENTATION OF AREAS WHERE THE
PROPOSED INSTALLATION MAY BE VISIBLE
BASED UPON THE BEST INFORMATION FOR
TOPOGRAPHY AND VEGETATION
LOCATIONS AVAILABLE TO DATE.
EXISTING CONDITIONS

LOCATION # 2

DATE OF PHOTO: 02/16/2022

THIS STUDY DOES NOT CLAIM IN ANY WAY TO SHOW THE ONLY AREAS OF VISIBILITY. IT IS MEANT TO SHOW A BROAD REPRESENTATION OF AREAS WHERE THE PROPOSED INSTALLATION MAY BE VISIBLE BASED UPON THE BEST INFORMATION FOR TOPOGRAPHY AND VEGETATION LOCATIONS AVAILABLE TO DATE.

VIEW EAST FROM W STATE ST

SITE TYPE: UTILITY POLE

DATE: 12/22/2022

REV: 1

DRAWN BY: AM

SCALE: N.T.S.

SITE NO: CRAN_RUNY_IHC1_008

SITE NAME: CRAN_RUNY_IHC1_008

ADDRESS: 635 W STATE ST

ITHACA, NY 14850

TEP NORTHEAST

45 BEECHWOOD DRIVE, NORTH ANDOVER, MA 01845

TEL: (781) 587-0004

TEP OPCO, LLC.
THIS STUDY DOES NOT CLAIM IN ANY WAY TO SHOW THE ONLY AREAS OF VISIBILITY. IT IS MEANT TO SHOW A BROAD REPRESENTATION OF AREAS WHERE THE PROPOSED INSTALLATION MAY BE VISIBLE BASED UPON THE BEST INFORMATION FOR TOPOGRAPHY AND VEGETATION LOCATIONS AVAILABLE TO DATE.

SITE TYPE: UTILITY POLE
DATE: 12/22/2022
REV: 1
DRAWN BY: AM
SCALE: N.T.S.

This study is based on the best information available at the time of creation. It is not intended to show the only areas of visibility for the proposed installation. The representation is broad and may be based on earlier data about topography and vegetation locations.
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I. Response to December Hearing Comments

a. 1500’ Setback Between Facilities - At the public hearing it was noted that the current 1,500’ City Code requirement, if not varied, could have as a consequence the exclusion of competing wireless services and the creation of a “first in monopoly” in parts of the City which would not be good for City consumers. The Applicant notes that under federal law, 47 U.S.C. §§ 253 and 332, states and municipalities must manage access to the public rights of way for installation of wireless facilities in a manner that is “competitively neutral and nondiscriminatory” and which does not “unreasonably discriminate” among wireless carriers. See City Code § 325-29.4.A(1) incorporating same. These laws support the variances requested by the Applicant to install the same types of small cell facilities on NYSEG utility poles in City rights of way as those already installed by Verizon in many of the same City neighborhoods.

b. 250’ Setback from Residences and Schools – At the public hearing it was noted that the current 250’ City Code requirement, if not varied, could have as a consequence an effective prohibition on wireless services in large parts of the City where residents live and go to school and depend on wireless communications for public safety among other things. The Applicant notes that under federal law, 47 U.S.C. §§ 253 and 332, states and municipalities may not regulate wireless facilities in a manner that “has the effect of prohibiting wireless services” from being provided. See City Code § 325-29.4.A(2) incorporating same. These laws support the variances requested by the Applicant to install small wireless facilities on NYSEG utility poles in the City’s rights of way to serve residents and schools in various City neighborhoods.

c. New York State Area Variance Standards – The five part test for area variances under NYS City Law § 81-b, as applied to the small cells proposed by AT&T on NYSEG utility poles, fully supports approval by the BZA. As does New York State law which recognizes AT&T’s wireless facilities as public utility facilities and subject to a lesser burden of proof in variance applications given the importance of wireless services to consumers. Chapter 325 expressly prefers utility pole installations as opportunity sites to serve the public as noted in § 325-29.4.C(2), yet the 250’ and 1500’ setback requirements were unfortunately not limited to tower sites thus requiring case by case variance review of even utility pole collocation. In this case, there are no alternatives to variances in providing wireless services to these parts of Ithaca and the magnitude of same are not significant in light of the installation of small cell utility equipment on utility poles. The installations have no environmental or community character impacts and the hardship is created by the need for and consumer use of wireless.
II. Coverage and Capacity

The Applicant previously provided the City with RF engineering maps, data and reports which depicted and explained the geographic extent of the AT&T in-building coverage gap. Additionally, data was provided to the BZA quantifying the nearly 9,000 residents in total that the proposed small cells would serve, in addition to the daily occupancies at schools, churches and other land uses in the coverage areas of each small cell. Enclosed is further RF information in a December 29, 2022 report prepared by Mr. Mehta who testified at the December hearing and has provided a certification as to the accuracy of all data he has submitted to the City on AT&T’s behalf.

As requested by the BZA, Mr. Mehta’s supplemental report includes available drive test data which verifies the deficiencies for AT&T’s in-building network coverage in the locations where small cells are proposed. The report also includes a capacity analysis based on surrounding wireless sites in the City (e.g. downtown and the Cornell campus sites) and shows that the capacity curve has recently inverted. AT&T’s supplemental RF report further evidences why the proposed small cells have been incorporated into AT&T’s plans for network improvements in these areas of Ithaca and how they will provide reliable wireless services to residents, first responders, and visitors.

III. Relocation or Reduction in Number of Small Cell Locations?

The capital costs of construction for each small cell are significant and include among other things AT&T equipment costs, NYSEG coordination and utility make ready pole replacement costs, fiber provisioning, costs of permitting, and ongoing maintenance and operation expenses. As such and as an economic matter, AT&T does not “overbuild” network facilities. The company proposes new wireless sites only where and when coverage and capacity issues warrant it.

To use existing utility pole locations for small cells, AT&T must comply with New York State Public Service Commission and NYSEG pole attachment requirements. On NYSEG poles, small cell antenna heights are limited to the communications zone which is uniformly at about 30’ AGL for utility poles which are otherwise available for collocation. Based on these requirements, AT&T field reviews and as noted in Mr. Mehta’s report, the number and location of small cells proposed are the minimum number required to provide in-building services in the areas of the City which are the subject of AT&T’s batched application.

Notably, of the seven small cell locations in City rights of way, the Cornell Heights site is largely independent of the others and intended for service in that part of the community near the Cornell campus and it can’t be relocated. The remaining number of small cell locations (6) are proposed for services in the neighborhoods
north and west of the City’s downtown area and work in conjunction with one another and existing AT&T wireless services to serve the community. All of the proposed small cells minimize any aesthetic change in the community through collocation at existing NYSEG utility pole locations.

To reduce the total number of such small cell locations below six in this part of the City (e.g. to five or four) would actually require AT&T to construct both new and taller special purpose standalone small cell poles in the public rights of way across the street from NYSEG poles. Any such new AT&T small cell poles would need to be at least 50’ (the tallest to still be classified as a small cell under federal rules 47 C.F.R. § 1.6002(l)) to increase antenna height and make any meaningful difference in the coverage area of each small cell. Additionally, any such hypothetical redesign would not relocate these new structures out of neighborhoods where service improvements are required, just redistribute them to other blocks in these same neighborhoods.

Any such hypothetical alternative with new standalone 50’ small cell poles would involve new sites that actually introduce new environmental and visual impacts in residential areas of the community that are not currently implicated by AT&T’s proposed NYSEG utility pole collocations. Yet, Chapter 325 and AT&T’s agreement with the City specifically discourage new small cell poles or towers in public rights of way. As such, any suggestion to reduce the number of the small cells proposed by AT&T would actually be a suggestion to increase the height of small cells and build several new poles adjacent to residences, new sites that would require the same or more variances than NYSEG collocations.

That outcome would be an illogical interpretation of Section 325-29.4(C)(7) which only seeks to minimize the number of wireless sites in the community if such “minimization” avoids “unnecessary” impacts on residential communities. Here a reduction in the total number of NYSEG collocated small cells by AT&T would just introduce new taller poles with greater impacts in residential areas of the City. That would be unnecessary particularly given the option to collocate on existing NYSEG pole locations which have no meaningful impacts at all on residences and the residential communities in which they are each located.

IV. Tower Alternatives?

AT&T did not identify any existing rooftops or towers in these areas of Ithaca which would be available for wireless siting. Nor does AT&T have contractual control over any private properties in this area of Ithaca. Similar to the above analysis, the City would have to support, for example, two 100’ tall new monopoles being installed in City public rights of way in these same neighborhoods. That would be wholly inconsistent with City policies and preferences expressed in Chapter 325, involve greater impacts on these neighborhoods, and require the same or more variances.
Appeal of Jason K. Demarest Architecture on behalf of property owner 110 C-Town LLC for an area variance from Section 325-45.2F, Collegetown Residential 4 (CR-4) District Standards for Lot Coverage by Buildings and Rear Yard. The applicant proposes to demolish the existing structures at 108 College Avenue and 110 College Avenue and consolidate the properties into a single lot. The applicant proposes to construct a four-story, 34-unit apartment building that meets all requirements for a rowhouse under the City’s Zoning Ordinance. The new building will meet the minimum greenspace requirement of the CR-4 district but will occupy 57.5% of the lot, which exceeds the maximum 50% lot coverage by buildings. Additionally, the new building will provide a 9.7’ rear yard instead of the 16’ required rear yard. The applicant seeks area variances for both of these requirements.

108 & 110 College Avenue are located in a CR-4 district in which the proposed use is permitted. However, Section 325-38 requires that an area variance be granted before a building permit is issued.
## City of Ithaca
### Board of Zoning Appeals Worksheet

**Appeal Number:** BZA-3242  
**Address:** 108 & 110 College Avenue  
**Date:** 12/14/2022  
**Applicant:** Jason Demarest  
**Owner:** 110 C-Town LLC  
**Application Type:** Area Variance

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<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>
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<tr>
<td>1-2 Family</td>
<td>None Required</td>
<td>3000</td>
<td>30</td>
<td>4</td>
<td>45</td>
<td>50% Bldg. 25% Green</td>
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<tr>
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<td>3500</td>
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<td><strong>Proposed Condition and/or Use</strong></td>
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<td>1-2 Family</td>
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**Note Non-Conforming Conditions:** OK  OK*  OK  OK  OK  Def.  OK  OK  OK  Def.  OK

### CR-4 FORM BASE REQUIREMENTS

<table>
<thead>
<tr>
<th>Column Title</th>
<th>Structure Type</th>
<th>Doors &amp; Entries</th>
<th>Floor Height</th>
<th>Parking Setback</th>
<th>Primary Structure Spacing</th>
<th>Street Façade Length</th>
<th>Roof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Condition and/or Use</td>
<td>Primary</td>
<td>1 per rowhouse module</td>
<td>9.25' 9.25'</td>
<td>Stoop for each rowhouse module</td>
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<td>96'</td>
<td>Flat Roof</td>
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<tr>
<td>District Regulation for Proposed</td>
<td>Primary</td>
<td>Functioning entry: on street-facing façade 1 min. Corner lots: 1 functioning entry on street facing façade.</td>
<td>9' min. 9'min.</td>
<td>Front Porch, Stoop or Recessed entry Required</td>
<td>5' Min. between primary structure on the same parcel</td>
<td>Row House: 100' All Other: 45' Blank Wall: 8' Max.</td>
<td>Pitched or Flat Roof is Allowed</td>
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</tbody>
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**Note Non-Conforming Conditions Proposal:** OK  OK  OK  OK  OK  OK  OK  OK

**Notes:**  * Pending Planning Board Approval
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:

☐ AREA VARIANCE  APPEAL #: 3242 (FILLED IN BY STAFF)
☐ SPECIAL PERMIT
☐ USE VARIANCE
☐ SIGN VARIANCE
☐ ACTIONS, DECISION, OR INTERPRETATION OF ZONING OFFICER

HEARING DATE: 1/3/2023
BUILDING PERMIT #: 43195 (REQUIRED)
RECEIPT #: 69040 (FILLED IN BY STAFF)

2. Property Address: 108 & 110 College Ave Use District: CR-4

Owner’s Name: 110 C-Town LLC Owner’s Address: 575 Nelson Rd.

City: Ithaca State: NY Zip: 14850

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

City: Ithaca State: NY Zip: 14850

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

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

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

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

Appellant Signature

STATE OF NEW YORK
COUNTY OF TOMPKINS

Sworn to this ______ day of
_______________, 20___

Notary Public

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

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

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

<table>
<thead>
<tr>
<th>Zoning Ordinance Section Being Appealed</th>
<th>Sign Ordinance Section Being Appealed</th>
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<tbody>
<tr>
<td>• §325- 45.2F __________________________</td>
<td>• §272- ____________________________</td>
</tr>
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<td>• §325- ________________________________</td>
<td>• §272- ____________________________</td>
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<td>• §272- ____________________________</td>
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<tr>
<td>• §325- ________________________________</td>
<td>• §272- ____________________________</td>
</tr>
</tbody>
</table>

2. Application of SEQR determination: ☒ Type 1  ☐ Type 2  ☐ Unlisted

3. Environmental Assessment form used:

☐ Short Environmental Assessment Form (SEAF)

☐ Full Environmental Assessment Form (FEAF)

☒ Completed by Planning Division at preliminary hearing for Site Plan Review

☐ Not Applicable (Type 2 Action)

4. A previous appeal ☐ has / ☒ has not been made for this proposal:

   Appeal No. ________, dated ____________
   Appeal No. ________, dated ____________
   Appeal No. ________, dated ____________

5. Notes or Special Conditions:
   • Appeal of area requirements for maximum lot coverage by buildings and minimum rear yard.
To: City of Ithaca Board of Zoning Appeals  
     Attn. Megan Wilson  
     3rd Floor, City Hall  
     108 E. Green St.  
     Ithaca, NY 14850

From: Jason K. Demarest, AIA  
Date: 10/21/2022  

Re: The William Apartments – 108 & 110 College Ave

Megan and members of the board,

This memo is intended to provide additional information regarding the variances needed by the project. The project is requesting two variances, one for the rear yard setback and one for the lot coverage. The property is located in the CR-4 zoning district.

The first variance request is because the rear setback has been reduced to approximately 10 feet from the required setback distance of approximately 16 feet. The building was designed to meet the row house provisions which allow for more building length along the street (100 feet vs 45 feet MAX for non-row house buildings). The lot is approximately 100 feet wide along the street. Although a ~40’ deep row house building could fill the whole lot width, this is impractical since it would block access to the back of the property, make construction of the side walls very difficult, limit or prevent windows on the side walls, add cost due to other fire-rated construction requirements, and make maintenance of the building nearly impossible (no access to 3 sides). This design was considered but would have to be a single-loaded corridor configuration, which would severely limit the number of bedrooms in the project (20 fewer beds than what is currently proposed). As such, a building design with a double loaded interior corridor to provide front and back apartments is the best use of the property. If the project was NOT designed to meet the row house form, the building footprint would be restricted to 45 feet wide by approximately 54 feet deep (with front and rear yard setbacks met), which is a building footprint of 2,430 SF. The lot is 7,971 SF and the allowable 50% lot coverage by buildings is 3,986 SF. Therefore, the as-of-right lot coverage would not be realized with a difference of almost 1,600 SF of allowable coverage not utilized compared to what could only be built with the 45-foot building length maximum. For the proposed project, the row house provisions allow the building length of 76 feet, which still provides critical open space on the side yards (16 feet on the south side and ~8 feet on the north). The zoning also limits row houses to three or more modules with a width of 25’ maximum. The building was designed with two 24’ modules and two 14’ modules on the street facing façade. The 24’ modules contain 2-bedroom apartments, which are preferred. The 14’ modules contain studio apartments, which are less desired but the most efficient use of the remaining building length. All apartments could be considered the bare minimum in size but are consistent with other projects in Collegetown. The design of the 2-bedroom apartments is the most efficient layout with a 24’ width because one half provides for common areas, with the bedrooms on the other half. The depth of the common areas is greater than one bedroom but works well with two bedrooms- see plans. This design efficiency for the depth of the front apartments combined with the need for 2 stair towers and an elevator that are required in a 4-story building leaves a very slender section of building area remaining to develop additional apartments to meet the financial requirements of a viable project. If the rear yard setback was met, the back apartments would have portions that fit in a depth of 12’ to 16’ along the stairs and central hall, respectively. A layout with these dimensions would reduce the number of bedrooms in the back apartments to 3 per floor instead of 5, for a loss of 10 bedrooms in the project. This would be an 18.5% reduction in the number of bedrooms, which is a significant portion of the economic driver that makes the
project possible. Due to the factors above, taking more of the required rear yard to increase bed count and make better back apartments was necessary. This request does not create a detriment to the west neighbor, especially when the project includes the removal of an existing garage that is located directly on the west property line and a landscaping buffer to replace it. It should also be noted that the zoning administrator has indicated a future change to the rear yard setback distance in the CR-4 will be proposed to Common Council in the future. This potential change is a reduction to a 10-foot rear yard, which would essentially eliminate the rear yard variance.

The second variance is for an additional 7.8% of lot coverage (57.8% total vs 50% MAX), or 620 SF total additional area. This coverage, 4,606 SF, includes the area of seven 4’x6’ balconies on each apartment as required by code. These balconies are a preferred amenity for the tenants and a way to differentiate this property in the competitive student housing market in Collegetown. Without the balcony area the lot coverage is 55.7%. Since air, light, and rain can bypass balconies, this portion of the lot coverage has little to no impact on the environment and because the balconies have minimal visual mass, they are not detrimental to the neighborhood as compared to a 4-story wall closer to the property line. It is also worth noting that lot coverage is not able to be perceived easily in the real world. A person standing on one side of a building cannot recognize what portion of a building is causing additional lot coverage, i.e. the viewer does not know if a building has an indentation (to comply) or projection (to trigger a variance) on the opposite side. The remaining lot coverage by the building is 4,438 SF, which is just 452 SF over the allowable area of 3,986 SF (The balconies represent 168 SF of the total overage). The zoning also sets a minimum green space requirement of 25% of the lot area. Despite the larger building footprint than allowed, the project is providing a surplus of green space, ~42%. The green space is allowed a 75% to 25% ratio of permeable softscape vs hardscape amenities (sidewalks, patios, etc.). The project provides 2,190 SF of softscape, which is 695 SF more than the minimum softscape portion (75% or 1,495 SF) of total green space required by zoning (100% = 1,993 SF). This is viewed as a substantial mitigation of the 620 SF of additional lot coverage, especially considering the total green space surplus is an area of 1,353 SF. Additionally, softscape is predominantly in the rear yard area to buffer the CR-2 property to the west. Likewise, substantial green space (hard- and softscape) buffers the CR-2 property to the south with a 16 foot side yard, and the CR-4 property to the north with an ~8 foot side yard. The impact of the additional lot coverage is offset and buffered from the neighboring properties.

Please let me know if you need any further clarifications.

Sincerely,

Jason Demarest
NOTICE OF APPEAL

REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3242

TO: Owners of Property within 200 feet of 108 & 110 College Ave Ithaca, NY 14850 and others interested.

Jason K Demarest Architecture
(property address)

FROM: on behalf of 110 C-Town LLC applicable to property named above, in CR-4 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 12/20/22 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RlJN1P_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 1/3/23 at 6:00 P.M. via the online platform Zoom. There will be a public hearing on this appeal, and there are two options to participate in the public hearing:

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

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

Signature of Appellant 950 Danby Rd Suite 105 Address 12/13/22 Date
<table>
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<tr>
<th>Map #</th>
<th>Owner</th>
<th>Mailing Address</th>
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<tbody>
<tr>
<td>67.-2-10</td>
<td>Phoenix 110, LLC</td>
<td>10240 Lakewood Dr</td>
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<td>67.-2-11</td>
<td>Thomas W Tallman</td>
<td>195 Blue Heron Ln</td>
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<td>67.-2-12</td>
<td>BGA Family Realty, LLC</td>
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<td>67.-2-13</td>
<td>113 Avenue ITH LLC DemosJohnny, LLC</td>
<td>405 Eddy St</td>
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<td>67.-2-14</td>
<td>Costas Nestopoulos</td>
<td>120 Honness Ln</td>
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<td>119-125 CA Associates, LLC</td>
<td>15 Thornwood Drive</td>
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<td>67.-2-9</td>
<td>214 Eddy, LLC</td>
<td>155 Westview Lane</td>
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<td>109 S Quarry St/Ithaca LLC</td>
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<td>68.-6-11</td>
<td>110 C-Town LLC</td>
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<td>DemosJohnny, LLC</td>
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<td>Alexander Vollmer Rev Trust</td>
<td>26 Narragansett Cove</td>
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<td>Kay Kalliroy Lambrou</td>
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<td>101 Brandon Pl</td>
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<tr>
<td>67.-2-8</td>
<td>Greg Halkiopoulos Matoula Halkiopoulos</td>
<td>155 Westview Ln</td>
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</tbody>
</table>

TOTAL 30 Neighbors
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals  Zoning Appeal # 3242

Jason K Demarest Architecture
I, _____ on behalf of 110 C-Town LLC, 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 12/13/22. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Appellant’s Signature)

PLEASE SUBMIT THIS FORM TO:
City of Ithaca Zoning Division  Phone: (607) 274-6550
108 E. Green St., 3rd Fl.  Fax: (607) 274-6558
Ithaca, NY  14850
Concept Site Section 1

Scale: 3/16" = 1'-0"

Number Description Date

BALCONIES

PROPOSED HEIGHT

HEIGHT LIMIT

BALCONIES beyond

GRADE PLANE: +651.99'
+648.59'

+648.30'
+648.67'

+640.70'

B3 - Rock per geotech

COLLEGE AVE

TYP Patio Retaining Wall Detail

Concept Site Section

3/16" = 1'-0"
UNITS: 34 TOTAL
West 2 bedrooms qty - 10  East 2 bedrooms qty - 10  Total 2 bedroom units: 20
West Studio qty - 5  East Studio qty - 9  Total studio units: 14

Beds: 54

West 2 bedrooms qty - 10
East 2 bedrooms qty - 10
Total 2 bedroom units: 20
West Studio qty - 5
East Studio qty - 9
Total studio units: 14

Approx. 4.5' of rock B3

Building portion lost without lot coverage variance 20' - 4 3/4"

Required row house- single-loaded corridor 9' - 11 1/4"

Hypothetical row house footprint - 3,600 SF

Row house - single-loaded corridor

Access yard limits full 100' row house

Required rear setback

Ground floor and floors 2-4 match first floor, with entry/package room replaced with mirror of East studio unit
Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
City of Ithaca, NY 2021

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 # 3244

209 ELMWOOD AVENUE

Appeal of property owner Sandra Greene for an area variance from Section 325-8, Column 12, Side Yard, Column 13, Other Side Yard, and Column 14/15, Rear Yard, requirements of the Zoning Ordinance. The applicant proposes to construct a 19’ x 12.5’ carport over the existing driveway at 209 Elmwood Avenue. The proposed location of the new carport is 5.5’ from the side property line, and a side yard setback of 10’ is required. The proposed location aligns with the existing driveway and will be constructed to be immediately adjacent to the existing house.

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

209 Elmwood Avenue is located in a R-1b 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

### General Information
- **Appeal Number:** BZA 3244
- **Address:** 209 Elmwood Avenue
- **Use District:** R-1b
- **Date:** 1/3/2023
- **Applicant:** Sandra Greene
- **Owner:** Sandra Greene
- **Application Type:** Area Variance

### Table

<table>
<thead>
<tr>
<th>Existing Condition and Use</th>
<th>Single-Family Home</th>
<th>Existing District Regulations for Existing One Family Zone</th>
<th>Note Non-Conforming Conditions</th>
<th>Proposed Condition and/or Use</th>
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<th>Note Non-Conforming Conditions for Proposal</th>
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<td>Column Title</td>
<td>Use Accessory Use Off-Street Parking Off-Street Loading Lot Area (Sq. Feet) Lot Width (Feet) Number of Stories Height in Feet % of Lot Coverage Front Yard Side Yard Other Side Yard Rear yard: % of depth or number of feet, whichever is less Minimum Building Height</td>
<td></td>
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<td>One Family Zone</td>
<td>2</td>
<td>None Required</td>
<td>6000</td>
<td>50</td>
<td>3</td>
<td>35</td>
</tr>
</tbody>
</table>

### Notes:
Existing deficiencies are noted blue; new or exacerbated deficiencies are 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 (OR OTHER CITY OFFICIAL)

   APPEAL #: 3244 (FILLED IN BY STAFF)
   HEARING DATE: 12/2/2023
   BUILDING PERMIT #: (REQUIRED)
   RECEIPT #: 19121 (FILLED IN BY STAFF)

2. Property Address: 209 ELMWOOD AVENUE
   Use District: R-1b

   Owner’s Name: SANDRA E. GREENE
   Owner’s Address: 209 ELMWOOD AVENUE

   City: ITHACA
   State: NY
   Zip: 14850

3. Appellant’s Name: SANDRA E. GREENE
   Appellant’s Address: 209 ELMWOOD AVE.

   City: ITHACA
   State: NY
   Zip: 14850

   Telephone: (607) 280-9447
   E-Mail: SEG6@cornell.edu

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 ______ day of_________________, 20____

____________________________
Notary Public

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

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

If an application is submitted and subsequent CHANGES are made to the proposal/project, a revised application will be required. The original application will not be considered a placeholder for the original BZA hearing date. Zoning Division staff will also not remove contents from earlier applications to complete a revised application. Applicants are responsible for ensuring all information necessary for processing a Zoning Appeal is submitted by the application deadline for a given BZA hearing date.
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<td>§272- ______________________________</td>
</tr>
<tr>
<td>§325- __________________________________</td>
<td>§272- ______________________________</td>
</tr>
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<td>§325- __________________________________</td>
<td>§272- ______________________________</td>
</tr>
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<td>§325- __________________________________</td>
<td>§272- ______________________________</td>
</tr>
<tr>
<td>§325- __________________________________</td>
<td>§272- ______________________________</td>
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2. Application of SEQR determination: ☐ Type 1  ☒ Type 2  ☐ Unlisted

3. Environmental Assessment form used:

☐ Short Environmental Assessment Form (SEAF)

☐ Full Environmental Assessment Form (FEAF)

☐ Completed by Planning Division at preliminary hearing for Site Plan Review

☒ Not Applicable (Type 2 Action)

4. A previous appeal ☐ has / ☒ has not been made for this proposal:

   Appeal No. ________, dated __________
   Appeal No. ________, dated __________
   Appeal No. ________, dated __________

5. Notes or Special Conditions:
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3244

TO: Owners of Property within 200 feet of 209 Elmwood Avenue and others interested.

PROPERTY ADDRESS

FROM: Sandra E. Greene applicable to property named above, in R-1b zone.

NAME OF PERSON OR ORGANIZATION MAKING APPEAL

REGARDING:

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

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

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

The PLANNING BOARD will consider this case on 12/20/2022 at 6:00 P.M. in Common Council Chambers of City Hall. 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.

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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

209 Elmwood Avenue
Address

11/14/2022
Date
1 December 2022

Ithaca, NY 14850

Dear Neighbor:

In compliance with the City of Ithaca Board of Zoning, I want to confirm that I will be seeking permission from the City to construct a single car carport over my driveway at 209 Elmwood Avenue, with the dimensions of approximately 12 X 16 feet. As you may be aware, there is currently no structure in place at this location.

The application for a variance is needed because the structure will be less than the 10’ side yard setback in the current Zoning Ordinance.

This notification is being sent to you as an owner of property with 200’ of my house, 209 Elmwood Ave. Avenue.

Thank you again for supporting this effort to provide greater protection from the weather for my car.

All the best,

Sandra Greene
209 Elmwood Avenue
Ithaca, NY 14850
ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals

I, Sandra Greene, 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 Nov. 15, 2022. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

(Appellant's Signature)

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

Phone: (607) 274-6550
Fax: (607) 274-6558
14 September 2022

Sandra Elaine Greene
209 Elmwood Avenue
Ithaca, NY 14950

Dear Sandra:

As we discussed, I am supportive of you building a carport on your driveway to protect your vehicle and understand that the structure will by necessity be built along our joint property line. This letter can serve as my approval of the project. Please let me know if you need anything else from me.

Best,

Jeffrey M. Chusid
### MATERIAL LIST

<table>
<thead>
<tr>
<th>Line #</th>
<th>Item</th>
<th>Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sonotubes</td>
<td>10'</td>
</tr>
<tr>
<td>2</td>
<td>Concrete</td>
<td>3500 PSI w/ air entrained admixture</td>
</tr>
<tr>
<td>3</td>
<td>POSTS 6 X 6</td>
<td>6 x 6 x 12 ft. Pressure-treated ground contact southern pine timber</td>
</tr>
<tr>
<td>4</td>
<td>6 x 6 Post Base</td>
<td>ABA602 or ABA602 galvanized post base by Simpson</td>
</tr>
<tr>
<td>5</td>
<td>Multi-Ply beams</td>
<td>2 x 12 Pressure-treated ground contact southern pine timber</td>
</tr>
<tr>
<td>6</td>
<td>Fasteners for (3) 2x12 beams</td>
<td>3.625&quot; EdgeLoks &amp; 100 x 3&quot; nails</td>
</tr>
<tr>
<td>7</td>
<td>2 x 12 Joint Hanger</td>
<td>H0212-2 double joint hanger galvanized by Simpson</td>
</tr>
<tr>
<td>8</td>
<td>Fasteners for (2) 2x12 beams</td>
<td>(4) rows of 16 x 3&quot; @ 16&quot; O.C.</td>
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<tr>
<td>9</td>
<td>Diagonal Bracing</td>
<td>4 x 4 Pressure treated</td>
</tr>
<tr>
<td>10</td>
<td>Diagonal bracing fasteners</td>
<td>TimberLoks screws</td>
</tr>
<tr>
<td>11</td>
<td>Rafter</td>
<td>7 X 6, SPF #3</td>
</tr>
<tr>
<td>12</td>
<td>2 x 6 Rafter Hanger</td>
<td>Name required, toe-nail to ridge board (non-structural)</td>
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<tr>
<td>13</td>
<td>Hurricane Straps</td>
<td>H2.5A, 18 Gauge ZMAX galvanized hurricane tie</td>
</tr>
<tr>
<td>14</td>
<td>Roof Sheathing</td>
<td>5/8&quot; ZIP System</td>
</tr>
<tr>
<td>15</td>
<td>Roof Sheathing Fasteners</td>
<td>6d x 3.5&quot; full round head nails</td>
</tr>
<tr>
<td>16</td>
<td>Felt Roof Underlayment</td>
<td>30lb. Roofing felt.</td>
</tr>
<tr>
<td>17</td>
<td>Roof Shingles</td>
<td>Match eng. architectural shingles on house. Const owner for manufacturer &amp; color.</td>
</tr>
<tr>
<td>18</td>
<td>Hanger &amp; Strap Nails</td>
<td>Per Simpson's requirements</td>
</tr>
<tr>
<td>19</td>
<td>Gable end farming</td>
<td>2 x 4</td>
</tr>
<tr>
<td>20</td>
<td>Gable end sheathing</td>
<td>1/2&quot; Sheathing plywood or ZIP System</td>
</tr>
<tr>
<td>21</td>
<td>Siding</td>
<td>Contractor - select with home owner</td>
</tr>
<tr>
<td>22</td>
<td>Siding</td>
<td>Contractor - select siding and finish with home owner</td>
</tr>
</tbody>
</table>

**Note:** All lumber to be #2 or Better. Consult Structural Engineer regarding material substitutions or items found missing from above list prior to installation.
NOTES
1) EXISTING VIEWS TO NORTH, EAST & SOUTH NOT SHOWN
2) EXISTING VIEWS TO NORTH & EAST FACADE WOODLINE
3) EXISTING SOUTH FACADE DOWN DRIVeway TO CUMMINGS AVENUE

EAST ELEVATION LOOKING WEST
SCALE: 3'-0" / 12" = 1'-0"

Bob Steurer Builder, LLC
827 Adjust Ave. Alterman
01 Nov, 2022
Sheet #: A200

Greene Residence
209 Elmwood Avenue
Ithaca, NY 14850

110 South Albany Street
Ithaca, NY 14850
607.277.1118
www.taiten.com
Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.
Appeal of property owner Green Street Redevelopment Partners LLC for a sign variance from §272-6 B(2)(b), Number and Size of Signs Permitted in a Commercial Zone. The applicant is proposing a sign package for the new mixed-use building The Ithaca, located at 210 E. Green Street and 215 E. State Street. The applicant is proposing to install 2 building signs on the south elevation of the building located at 210 E. Green Street and 2 building signs on the north side of the project at 215 E. State Street. Each parcel will have one logo sign that is 9 SF and one “The Ithaca” sign that will be 22 SF. While commercial signs are permitted to be up to 50 SF in size, the Sign Ordinance limits any sign advertising a residential building is limited to 12 SF in sign area. Two of the proposed building signs (identified as Type 3 and Type 4) will exceed the 12 SF maximum by 10 SF or 45% of the allowed square footage.
### City of Ithaca Board of Zoning Appeals Worksheet

<table>
<thead>
<tr>
<th>Appeal Number</th>
<th>Use District</th>
<th>Address: 210 E. Green Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA 3226</td>
<td>CBD-140</td>
<td>Date: January 3, 2023</td>
</tr>
<tr>
<td>Applicant</td>
<td>Owner:</td>
<td>Green Street Redevelopment Partners LLC</td>
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<tr>
<td>Green Street Redevelopment Partners LLC</td>
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<td></td>
</tr>
<tr>
<td>Application Type: Sign Variance</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign</th>
<th>Type</th>
<th>Area</th>
<th>Setback</th>
<th>Projection</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ithacan Logo (Type 1.1)</td>
<td>Building Sign</td>
<td>9 SF</td>
<td></td>
<td>2.5&quot;</td>
<td></td>
</tr>
<tr>
<td>The Ithacan (Type 4)</td>
<td>Building Sign</td>
<td>22 SF</td>
<td></td>
<td>3&quot;</td>
<td></td>
</tr>
</tbody>
</table>

#### Regulations
- Maximum of 2 Building Signs per Commercial Entity
  - (1) Signs in a commercial district cannot exceed 50 SF;
  - (2) Signs advertising the name of a residential building may not exceed 12 SF

#### Note Non-conforming Conditions
- 3 Building Signs Proposed
  - The Ithacan (Type 4) exceeds the maximum by 10 SF or 45%

#### Notes:
City of Ithaca Board of Zoning Appeals Worksheet

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<td>CBD-60</td>
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Application Type: Sign Variance

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<td>The Ithacan (Type 3)</td>
<td>Building Sign</td>
<td>22 SF</td>
<td></td>
<td>3&quot;</td>
<td></td>
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| Note Non-conforming Conditions | The Ithacan (Type 3) exceeds the maximum by 10 SF or 45% |

Notes:
BOARD OF ZONING APPEALS (BZA) APPLICATION

1. TYPE OF APPEAL:
   □ Area Variance
   □ Special Permit
   □ Use Variance
   □ Sign Variance
   □ Action, Decision, or Interpretation of Zoning Officer (or other City Official)

   APPEAL #: 3226 (FILLED IN BY STAFF)
   HEARING DATE: 8/2/2022 & 10/4/2022
   BUILDING PERMIT #: 40474 (REQUIRED)
   RECEIPT #: 68253 (FILLED IN BY STAFF)

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

   Green Street Redevelopment
   Owner’s Name: Partners, LLC
   Owner’s Address: 669 River Drive Suite 402

   City: Elmwood Park
   State: NJ
   Zip: 07407

3. Appellant’s Name: Partners, LLC
   Appellant’s Address: 669 River Drive Suite 402

   City: Elmwood Park
   State: NJ
   Zip: 07407

   Telephone: 201-297-9150
   E-Mail: br@aptitudere.com & JTrasher@chacompanies.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 13th day of June, 2022

   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.

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

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- Appeal No. ________, dated ____________
- Appeal No. ________, dated ____________
- Appeal No. ________, dated ____________
- Appeal No. ________, dated ____________

5. Notes or Special Conditions:
- The Ithacan (210 E. Green Street and 215 E. State Street) received area variances (BZA #3164 and #3179) for maximum building height in feet, maximum building height in stories, and rear yard.
November 9, 2022

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

RE:     Board of Zoning Appeals – Area Variance
        210 E. Green Street & 215 E. State Street – The Ithacan

Dear Ms. Wilson:

CHA, on behalf of the applicant, is pleased to submit the revised signage package related to the Ithaca Area Variance application that is currently under review.

Based on comments received during the Planning & Development Board review of the proposed signage, the following revisions have been made to the signage package as recommended by the Board.

The updated variances requested are as follows:

- Both Ithacan “I” Logos have been removed from the top of the building.
- 210 E. Green Street
  - Two (2) building signs will be provided at the residential lobby entrance on E. Green Street.
  - To allow the following sign sizes where a maximum of 12 SF is allowed for a residential use:
    - “The Ithacan” channel lettering to be internally illuminated = 22 SF
    - Ithacan Logo “I” non-illuminated (south façade above ground floor entrance) = 9 SF
- 215 E. State Street
  - The Rothschild Building contains both the leasing office as well as shared amenity space for use by the Ithacan residents.
  - To allow two (2) building signs associated with the Ithacan leasing office and amenity space, while designating the alternate building entrance from The Commons to access the Ithacan building.
  - To allow the following sign sizes where a maximum of 12 SF is allowed for a residential use:
    - “The Ithacan” channel lettering to be halo backlit = 22 SF
    - Ithaca Logo “I” non-illuminated (north façade at Commons adjacent to lettering) = 9 SF

Area Variance Request Summary

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance.

   - The number of signs and size of signs have been reduced according to the Planning Board’s recommendations related to the character of the area. Specifically, the logos will only be placed at the ground floor and have been removed entirely from the top of the building. The size of the logos has been reduced. The channel lettering on the E. Green Street entrance will be internally illuminated since this frontage is more commercial in nature. The channel lettering on the Commons façade at the Rothschild building entrance has been revised to be illuminated with a halo backlit LED as instructed by the Planning Board to remain more consistent with the character of the Commons frontage.
2. **Whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance.**

- The benefit that will result from the granting of these requested area variances, is NOT feasible to pursue without the variance request.
- It is not possible to further reduce the required number of signs since these signs are needed to provide way finding and building identification for the main entrances. Due to the project’s unique location between the Commons and Green Street, signage is needed on each side to provide identification from both the south on Green Street and the north along the Commons.

3. **Whether the requested area variance is substantial**

- The increase in maximum sign area is not substantial due to the unique size and scale of the building within the Central Business District. When completed, The Ithacan will be one of the taller buildings in the City of Ithaca which creates the unique need for a larger and more visible signs proportionate to its size and scale.

4. **Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

- The requested signage variance will NOT have an adverse effect or impact on the surrounding physical or environmental conditions.
- Approval of the variance will provide clear and concise signage to identify to the new building.

5. **Whether the alleged difficulty is self-created.**

- The alleged difficult is Not self-created. While the request has been minimized to the most practical extent, the project’s location within the Central Business District is unique when compared to the City’s residential signage ordinance that applies across all districts.

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,

[Signature]

James F. Trasher, P.E.
Vice President

Enclosures
Cc:
V:\Projects\ANY\K5\059216.000\Corres\Applications\34 - BZA Signage Revised-11-9-22\0 - BZA Cover Letter - 11-9-22.doc
NOTICE OF APPEAL
REGARDING ZONING OR SIGN ORDINANCE
CITY OF ITHACA, NEW YORK

APPEAL NO. 3226

TO: Owners of Property within 200 feet of 210 East Green Street and others interested.

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

REGARDING: 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 11/22/22 at 6:00 P.M. via the online platform Zoom. A live stream is available at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVcTrDg. To provide comments to the Planning Board on this appeal, please submit written comments to Anya Harris at aharris@cityofithaca.org, and your comments will be forwarded to the Board members for their review.

The BOARD OF ZONING APPEALS will consider this case on 1/3/23 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

CITY OF ITHACA
108 East Green Street — 3rd Floor  Ithaca, New York  14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Gino Leonardi, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550     Fax: 607-274-6558     Email: gleonardi@cityofithaca.org

669 River Drive Suite 402
Elmwood Park, NJ 07407
11/9/22
November 9, 2022

RE: Board of Zoning Appeals Application
210 E. Green Street & 215 E. State Street – The Ithacan 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.

Green Street Redevelopment Partners, LLC is proposing to four (4) signs at 210 E. Green Street & 215 E. State Street, Ithaca NY, for the currently under construction Ithacan building and adjacent Rothschild Building. The existing site is under construction and was previously a parking garage.

The previous parking garage has been demolished and is being rebuilt with residential units above. The requested signage will provide building identification and wayfinding.

New signage is proposed at the main lobby entrance along E. Green Street as well as the building entrance located on the Commons (E. State Street). The signs are larger than 12 square feet which requires a variance. Due to the size of the building, a smaller sign would look disproportionate and be difficult to see. There is also a request for a variance in the number of signs to allow for both entrances to be identified for the apartment building.

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

Very truly yours,

James F. Trasher, P.E.
Vice President
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ZONING APPEAL CERTIFICATION OF MAILING

RE: City of Ithaca Board of Zoning Appeals                              Zoning Appeal #3226

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 December 13, 2022. I affirm the notice was mailed to the property owners at the addresses shown on the attached list of owners, by depositing the copy in a post-paid properly addressed envelope, in a post office or an official depository under the exclusive care and custody of the United States Post Office. I further affirm the names and addresses of the property owners are the same as the most recent assessment roll.

____________________________________
(Appellant’s Signature)

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

CITY OF ITHACA
108 East Green Street — 3rd Floor  Ithaca, New York  14850-5690
DEPARTMENT OF PLANNING, BUILDING, ZONING & ECONOMIC DEVELOPMENT
Gino Leonardi, Secretary to the Board of Zoning Appeals
Telephone: 607-274-6550  Fax: 607-274-6558  Email: gleonardi@cityofithaca.org
Type 5
Halo Illuminated Channel Letters
LED Illumination
Stud Mounted to Building Fascia w/
Stand Off - 1 1/2"
Locitite PL Premium Construction Adhesive
QTY: 1 set

EXIT

Mounting Surface
1.50"

Low Voltage Power Supply

Mounting Surface
1.50"

Profile

Side A

Type 6
Halo Illuminated Channel Letters
LED Illumination
Stud Mounted to Building Fascia w/
Stand Off - 1 1/2"
Locitite PL Premium Construction Adhesive
QTY: 1 set

ENTRY

Mounting Surface
1.50"

Low Voltage Power Supply

Mounting Surface
1.50"

Profile

Side A

Fabrication Detail
Does Not Show Actual Mounting Conditions
Site Survey Required
NTS

Notes:
- 120V Electrical Service Required
- Wall Construction Details Required
- Verify mounting method
- Site Survey Required

Product Approval
- As Is
- As Noted

Approved By: _____________________
Date: _____________________
Sign Placement Reference