The regular meeting of the PLANNING & DEVELOPMENT BOARD will be held at 6:00 p.m. on TUESDAY, APRIL 25, 2023. In Common Council Chambers on the third floor of City Hall, 108 E Green Street. The meeting will also be streamed on the City of Ithaca YouTube Channel at https://www.youtube.com/channel/UC7RtJN1P_RFaFW2lVcTrDg.

PLEASE NOTE: The elevator in City Hall is out of service and the meeting room is accessible by stairs only. Remote participation is available and encouraged, however, if you require additional accommodations, please contact the City Clerk at 607-274-6570.

Instructions for commenting to the Planning Board

Scheduled Public Hearings (Refer to the agenda for projects that have scheduled public hearings.)
There are two options to participate in a Public Hearing:

1. Submit comments by email no later than 12 p.m. on the day of the meeting (contacts below). Each comment is limited to three minutes. Indicate in your email that the comment is for a public hearing.

2. Attend the meeting via Zoom and speak directly to the Board. Comments are limited to three minutes.

General Public Comments
Public comments are heard at the beginning of the meeting via Zoom. Written comments should be sent to the contact(s) listed below. All comments received will be forwarded to the Planning Board for their consideration. Written comments received in advance of the meeting give the Board/Committee time to consider them fully. If you want your comment read aloud, please state so in your email and limit the comment to three minutes.

Please use the following contacts to submit comments or request access to the Zoom meeting: Nikki Cerra at ncerra@cityofithaca.org or Lisa Nicholas at lnicholas@cityofithaca.org or call 607-274-6550.

Start Times: Start times are approximate only — APPLICANTS are responsible for being available at whatever time(s) their agenda item(s) is actually discussed.

<table>
<thead>
<tr>
<th>AGENDA ITEM</th>
<th>Approx. Start Time</th>
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<tr>
<td>1</td>
<td>Agenda Review</td>
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<tr>
<td>2</td>
<td>Approval of Minutes- February 2023 and March 2023</td>
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<td>3</td>
<td>Public Comments (See instructions above.)</td>
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<td>4</td>
<td>Board Response to Public Comment</td>
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<td>5</td>
<td>Subdivision Review</td>
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<tr>
<td>A</td>
<td>Project: 123 Campbell Rd</td>
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<td></td>
<td>Location: 123 Campbell Rd</td>
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<td>Applicant: Joseph Bowes and Erynn Blume</td>
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<td>Actions: Public Hearing</td>
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<td></td>
<td>Lead Agency</td>
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<td></td>
<td>CEQR Determination</td>
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<td></td>
<td>Preliminary and Final Approval</td>
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<tr>
<td>Project Description:</td>
<td>The applicants are requesting a subdivision of the 1.266-acre site, resulting in two parcels of approximately 0.731 acres (31,842 SF) and .535 acres (23,305 SF). The proposed subdivision will maintain the 123 Campbell Ave residence on the larger proposed parcel and will create a buildable smaller parcel. The property slopes downhill towards the West and a wooded area is located on the Western portion of the parcel.</td>
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</tbody>
</table>
The parcel is in the R-1a zoning district, and no variances will be required. This is an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 and the State Environmental Quality Review Act (“SEQRA”) §617.4 and is subject to environmental review.

Project materials are available for download from the City website and are updated regularly: https://www.cityofithaca.org/DocumentCenter/Index/1561

6 Site Plan Review

A Project: Cliff Street Retreat
Location: 407 Cliff Street
Applicant: Linc Morse
Actions: ☐ Amended CEQR ☐ Considerations of SPA Modification

Project Description: The Planning Board granted preliminary and final approval of this project on October 26, 2021. The applicant now seeks approval for a redesign on the north end of the parcel where instead of two conceptual cottages previously proposed, the applicants now propose a 3-story multi-family building, approximately 4966 SF. The building has a total of 6 units including two hotel units and four apartments. The proposed building complies with all of the zoning requirements created in the PUD process. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B(1)(h)(3) for which the Lead Agency made a Negative Determination of Environmental Significance on September 28, 2021.

Project materials are available for download from the City website and are updated regularly: https://www.cityofithaca.org/DocumentCenter/Index/1359

B Project: Expansion of Religious Facility
Location: 102 Willard Way/107 Lake St
Applicant: Jason K Demarest for Chabad Center at Cornell
Actions: ☐ Design Update

Project Description: The Planning Board granted preliminary and final approval of this project on March 22, 2022. The applicant is now proposing changes to the approved plans including removing a parking garage, adding on-site parking spaces, removing an approved driveway and adding a circular drive, and small additions to the approved building which will occur in phases. Exterior site improvements and structures still include a patio, an elevated courtyard, an access drive on Lake Street, landscaping, and walkways. The project is in the R-2a Zoning District and was granted variances for lot coverage, front-, rear- and side-yards, and parking on March 1, 2022. This was determined to be a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(n) and the State Environmental Quality Review Act (“SEQRA”) §617.4 b.(11) for which the Planning Board, acting as Lead Agency, issued a Negative Declaration of Environmental Significance on February 22, 2022.

Project materials are available for download from the City website and are updated regularly: https://www.cityofithaca.org/DocumentCenter/Index/1411

C Project: Breeze Apartments
Location: 121-125 Lake Street
Applicant: Todd Fox, 121-125 Lake Street LLC
Actions: ☐ Deem Recreational River Permit Application Complete ☐ Set Public Hearing

Project Description: The applicant proposes to build an 83,160 GSF, four story apartment building and associated site improvements on the former Gun Hill Factory site for which it received Final Site Plan Approval for Phase I on February 28, 2023. The 77-unit with approximately 109 beds, market-rate apartment building will be a mix of studios, one- and two-bedroom units and includes 77 parking spaces (47 surface spaces and +/-30 covered spaces under the building). Site improvements include stone dust walkways, bike racks, benches, a bioretention filter to treat the parking areas and rooftop stormwater, native and adaptive plant

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"An Equal Opportunity Employer with a commitment to workforce diversification."

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species, and meadow areas to restore edges of the site. The building will be constructed on the east parcel of the Former Ithaca Gun Factory Site which is currently in the New York State Brownfield Cleanup Program (BCP). Before site development can occur, the applicant is required to remediate the site based on a soil cleanup objective for restricted residential use. A remedial investigation (RI) was recently completed at the site and was submitted to NYSDEC in April 2021. The project is in the R-3a Zoning District and requires multiple variances. This is a Type I Action under the City of Ithaca Environmental Quality Review Ordinance ("CEQRO") §176-4 B(1) (h)[2], (k) and (n) and the State Environmental Quality Review Act ("SEQRA") §617-4 (b) (11) for which the Planning Board, acting as Lead Agency, issued a Negative Declaration of Environmental Significance on December 20, 2022.

Project materials are available for download from the City website and are updated regularly:
https://www.cityofithaca.org/DocumentCenter/Index/852

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D Project:  NYSEG Hudson Regulator Station
Location:  220 Grandview Ave
Applicant:  Arne Larsen, DDS Companies on behalf of NYSEG
Actions:  ☐ Presentation ☐ Special Permit for Utility Facility (May 23, 2023)

Project Description:  The applicant proposes to create an approximately 164 SF gas regulator house with appurtenant facilities. NYSEG has secured a 1200 SF utility easement from the property owner, South Hill Church of Nazarene. Proposed site work includes the regrading of the site and landscaping around the proposed structure. The project is located in the R-2 zoning district and will not require any variances. This is an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 and the State Environmental Quality Review Act ("SEQRA") §617.4 for which the Planning Board, acting as Lead Agency, issued a Negative Declaration of Environmental Significance on January 24, 2023.

Project materials are available for download from the City website and are updated regularly:
https://www.cityofithaca.org/DocumentCenter/Index/1529

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7 Zoning Appeals - 8:00
   • BZA #3251 66 Woodcrest Ave., Area Variance
8 Old/New Business & Reports 8:10
   •
9 Adjournment 8:15

If you have a disability & would like specific accommodation to participate, please contact the City Clerk at 274-6570 by 12:00 p.m., 2-3 business days (not including weekends/holidays) before the meeting.

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PLEASE NOTE: The elevator in City Hall is out of service and the meeting room is accessible by stairs only. Remote participation is available and encouraged, however, if you require additional accommodations, please contact the City Clerk at 607-274-6570
Planning and Development Board Minutes
February 28, 2023

<table>
<thead>
<tr>
<th>Board Members Attending:</th>
<th>Robert Lewis, Chair; Garrick Blalock, BPW Liaison; Mitch Glass; Emily Petrina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Members Absent:</td>
<td>Elisabete Godden, Daniel Correa</td>
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<tr>
<td>Board Vacancies:</td>
<td>One</td>
</tr>
<tr>
<td>Staff Attending:</td>
<td>Lisa Nicholas, Director of Planning, Division of Planning and Economic Development; Nikki Cerra, Environmental and Landscape Planner, Division of Planning and Economic Development; Samuel Quinn-Jacobs, Assistant Planner, Division of Planning and Economic Development; Michael Thorne – Superintendent of Public Works Department of Public Works</td>
</tr>
</tbody>
</table>

This meeting was held in Common Council Chambers, Third Floor, City Hall, and also conducted remotely using videoconferencing technology, as authorized by Part WW of Chapter 56 of the Laws of 2022 of New York State and Local Law 2022-05.

Chair Lewis called the meeting to order at 6:05 p.m.

1. **Agenda Review** – None
2. **Michael Thorne, Superintendent of Public Works - Overview of Public Works Flood Prevention Study**
Thorne presented a detailed overview of the new FEMA flood maps and the Flood Prevention Study the Department of Public Works has undertaken to mitigate impacts to the city.

Board members asked questions about implementation, design and costs for the proposed mitigation efforts as detailed in the prevention study as well as questions concerning the existing condition of levees. The Board thanked Thorne for the presentation and requested that Public Works involve the Planning Board in the design of any future levees.

3. **Approval of Minutes** - November 2022
On a motion by Petrina, seconded by Blalock the Planning and Development board unanimously approved the November 2022 meeting minutes.
4. Public Comment

Chair Lewis opened Privilege of the Floor.
No Public Comment.
Chair Lewis closed the Public Comment period.

5. Board Responses to Public Comment

The board had no response to public comment.

6. Special Permits

A. Cliff Street Retreat, 407 Cliff Street, by Linc Morse. Presentation of Redesign. The Planning Board granted preliminary and final approval of this project on October 26, 2021. The applicant now seeks approval for a redesign on the north end of the parcel where instead of two conceptual cottages previously proposed, the applicants now propose a 3-story multi-family building, approximately 4966 SF. The building has a total of 6 units including two hotel units and four apartments. The proposed building complies with all of the zoning requirements created in the PUD process. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[3] for which the Lead Agency made a Negative Determination of Environmental Significance on September 28, 2021.

Applicants Attending: Noah Demarest, Craig Modisher

The applicant presented updates to the project, highlighting the new building and changes to the exterior design. C. Modisher gave an overview of zoning, ensuring that the proposed new building is compliant with the PUD. N. Demarest gave the board context around the project.

M. Glass asked the applicant to consider incorporating solar into the project and discussed enhancing the proposed landscaping and removing some parking.

N. Demarest stated that the proposal already includes the removal of parking spaces from the existing site.

E. Petrina stated her overall approval of the design changes and asked questions about plantings along Cliff St.

Director Nicholas asked the applicant to provide renderings and images to show the board how the proposed building will fit within the character of the neighborhood. Director Nicholas also asked the applicant to rethink the site plan concerning the removal of trees and the absence of the trail as discussed during the PUD approval process.

B. Breeze Apartments, 121-125 Lake St., by Todd Fox. Set Public Hearing and Final Site Plan Approval Phase I. The applicant is proposing to change the hours of operation of a hair salon from 8am-5pm Monday through Friday to 8am-9pm Sunday through Saturday. The
The applicant presented the proposed materials, highlighting the location of the HVAC equipment and provided imagery detailing how the topography and existing vegetation screen the equipment.

M. Glass stated that he was overall receptive of the proposal and asked the applicant if they were using fiber cement on other projects that they could share pictures of at a future meeting.

E. Petrina stated that she was supportive of the EIFS material if it meant keeping other materiality like masonry and wood on the building.

**Adopted Declaration of Final Site Plan Approval For Phase I**

On a motion by Petrina, seconded by Glass:

On three separate motions by Petrina, seconded by Glass and Blalock the board accepted proposed revised changes to the conditions of final site plan approval phase I.

**WHEREAS:** the City of Ithaca Planning and Development Board has one pending application for site plan approval for construction of a four-story apartment building with 77 units/109 beds by Todd Fox, 121-125 Lake Street LLC, and

**WHEREAS:** the applicant proposes to build an 83,160 GSF, four story apartment building and associated site improvements on the former Gun Hill Factory site. The 77-unit with approximately 109 beds, market-rate apartment building will be a mix of studios, one- and two-bedroom units and includes 77 parking spaces (47 surface spaces and +/- 30 covered spaces under the building). Site improvements include stone dust walkways, bike racks, benches, a bioretention filter to treat the parking areas and rooftop stormwater, native and adaptive plant species, and meadow areas to restore edges of the site. The building will be constructed on the east parcel of the Former Ithaca Gun Factory Site which is currently in the New York State Brownfield Cleanup Program (BCP). Before site development can occur, the applicant is required to remediate the site based on a soil cleanup objective for restricted residential use. A remedial investigation (RI) was recently completed at the site and was submitted to NYSDEC in April 2021. The project is in the R-3a Zoning District and requires multiple variances, and

**WHEREAS:** this is a Type I Action under the City of Ithaca Environmental Quality Review Ordinance (“CEQRO”) §176-4 B(1) (h)[2], (k) and (n) and the State Environmental Quality Review Act (“SEQRA”) §617-4 (b) (11) and is subject to environmental review, and

**WHEREAS:** the NYS Department of Environmental Conservation, the Tompkins County Department of Health, Common Council, the Tompkins County Industrial Development Agency,
and the Board of Zoning Appeals have been identified as potentially Involved Agencies in Environmental Review, and

WHEREAS: the City of Ithaca Planning and Development Board, being the local agency which has primary responsibility for approving and funding or carrying out the action, did on April 26, 2022 declare itself Lead Agency in Environmental Review for the project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on December 20, 2022, review and accept as adequate: a Full Environmental Assessment Form (FEAF), Part 1, submitted by the applicant, and Parts 2 and 3 prepared by Planning staff; Site Survey L-100, Site Plan L-101, Layout Plan L-102, Landscape Plan L-401, Details L-500, Overlook- Linework L-1, L-2, & L-3, Site Rendering L-600, Exterior Elevations A200, Conceptual Rendering A 201 (2), Materials Board, Aerial Photos and Views (5), Site Lighting/Photometric Plan, and Massing From Lake Street A 202 all prepared by SWBR and dated 12/14/22; Overlook- Aerial Image L-1 prepared by SWBR and dated 12/14/22; Utility Plan C-101, Grading and Drainage Plan C-102 prepared by SWBR and T.G. Miller, P.C. and dated 12/14/22; Wayfinding and Safety Plan dated 11/22/22 prepared by SWBR; Excavation Plan Eastern Parcel C-102A dated August 2022 and prepared by C & S Engineers, Inc.; and other application materials, and

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

WHEREAS: legal notice was published and property posted in accordance with Chapters 276-6 B. (4) and 176-12 A. (2) (c) of the City of Ithaca Code, and

WHEREAS: the Planning and Development Board held the required public hearing beginning on May 24, 2022, and

WHEREAS: the Planning Board did, on December 20, 2022 determine, as elaborated in the FEAF Part 3, that the proposed project will result in no significant adverse impacts on the environment and issued a Negative Declaration of Environmental Significance, and

WHEREAS: the Board of Zoning Appeals granted the required area variances on February 7, 2023, and

RESOLVED: that the Planning and Development Board does hereby grant Final Site Plan Approval Phase I which includes the building and the adjacent site layout on their property subject to the following conditions:

The following conditions must be satisfied before issuance a Building Permit:

i. Acceptance of all final Overlook Plans, or similar mutually agreed upon public facility, by the City Engineering Department, City Department of Public Works, the City Planning Department, and the Planning Board
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ii. Final Site Plan Approval Phase II including acceptance of mutually agreed upon public facility and the approval of the Recreation River Permit by the City if necessary

iii. Documentation from Ithaca Fire Department emergency access access issues have been satisfied

iv. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits

v. Acceptance of the SWPPP by the City Stormwater Management Officer

vi. Final approval of streetscape, curb ramps, curb cut, sidewalks, signage along Lake Street and other comments by the City Engineering and Fire Departments

The following conditions must be satisfied within six months of approval or the start of construction, whichever comes first:

vii. Submission to the Planning Board for review and approval of all site details including but not limited to exterior furnishings, walls, railings, bollards, paving, signage, interpretive signage, lighting showing dark sky compliance), etc.

viii. Plans, drawings and/or visualizations showing all proposed exterior mechanicals and associated equipment including heat pumps, ventilation, etc., including appropriate screening if necessary

ix. Any changes to the approved project must be submitted to Planning Staff for review and may require Board approval

x. Documentation from Ithaca Fire Department emergency access access issues have been satisfied

xi. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits

The following conditions must be satisfied during the construction period:

xii. Noise producing construction activities will be limited to the hours between 7:30 A.M. and 5:30 P.M., Monday through Friday (or Saturday 9:00 A.M. to 5:30 P.M. with advance notification to and approval by the Director of Planning and Development)

xiii. If impacted groundwater and/or soil are encountered during construction, it is required to be handled in accordance with the applicable NYSDEC regulations and requirements and with the involvement of both the City of Ithaca and the NYSDEC in the approval and monitoring of the treatment system(s)

The following conditions must be satisfied before issuance of a Certificate of Occupancy:

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xiv. Submission of executed easement or other legal agreements, including maintenance of public walkway

xv. Installation of bike racks and/or bike storage

xvi. Work with the City Forester and/or other appropriate City staff on selecting and purchasing trees for City property to screen the building on the west side

xvii. Installation of any required or proposed sidewalk to the satisfaction of the City Sidewalk Coordinator

xviii. Repair, replacement or reconstruction of any City property damaged or removed during construction including, but not limited to paving, sidewalk, curbing, trees or tree lawn, signage, drainage structures, etc.

Moved by: Petrina
Seconded by: Glass
In favor: Petrina, Blalock, Glass, Lewis
Against: None
Abstain: None
Absent: Correa, Godden
Vacancies: One

C. The Citizen, 602 W. Buffalo St., by Visum Development Group LLC. Preliminary and Final Site Plan Approval. The applicant proposes to demolish an existing 2-story restaurant building and a paved parking lot to allow for the construction of a new 5-story apartment building approximately 80,000 SF gross floor area. The building will contain 80 residential units, a residential lobby, bike storage, 2,560 sq ft of retail, and a ground floor parking area with 29 parking spaces. The project is located in the WEDZ-1a zoning district and is expected to not require any variances. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(k), (l), and (n), and the State Environmental Quality Review Act ("SEQRA") §617.4 b. (11) and is subject to environmental review.

Applicants Attending: Laura Mattos, Julia Bucher, Steve Hugo, Adam Fischel and Roberta Militello

The applicant presented the proposed exterior materials focusing particularly on the siding and the accent fins protruding from the building. The applicant provided physical material samples for the board’s review.

J. Bucher presented updates to the site plan highlighting the landscape and pedestrian experience as well as changes to the columns located on the street on the first story.
M. Glass discussed with A. Fishcel the impact of traffic on the sidewalks and what the DOT has said in terms of what can be placed on the streetscape. M. Glass went on to state his overall support of the project but expressed his dissatisfaction with the architecture of the building in relation to the massing, materials and color.

The board agreed that the project is activating the street level of the neighborhood, but that the exterior design is wanting.

N. Cerra reminded the room of the comments from the County and asked the applicant to respond to the concerns over the FEMA flood map.

L. Mattos went on to state that if the design changes were implemented to compensate for future FEMA maps, then the first-floor streetscape design would be adversely affected.

Director Nicholas suggested that adding more fins to the exterior of the building may ease concerns over massing.

Adopted Declaration of Preliminary and Final Site Plan Approval

On a motion by Petrina, seconded by Blalock:

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for site plan approval for constructing a 5-story apartment building by Visum Development Group, LLC, and

WHEREAS: the applicant proposes to demolish an existing 2-story restaurant building and a paved parking lot to allow for the construction of a new 5-story apartment building approximately 80,000 SF gross floor area. The building will contain 80 residential units, a residential lobby, bike storage, 2,560 sq ft of retail, and a ground floor parking area with 29 parking spaces. The project is located in the WEDZ-1a zoning district and is expected to not require any variances, and

WHEREAS: this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(k), (l), and (n), and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (11) and is subject to environmental review, and

WHEREAS: the NYS Department of Environmental Conservation, the Ithaca Area Economic Development, and the Tompkins County Department of Health, all potentially involved agencies in this action, have consented to the Planning Board acting as Lead Agency for this project, and

WHEREAS: the City of Ithaca Planning and Development Board, being the local agency, which has primary responsibility for approving and funding or carrying out the action, did on September 27, 2022 declare itself Lead Agency in Environmental Review for the project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on January 31, 2022, review and accept as adequate: a Full Environmental Assessment Form (FEAF), Part 1, submitted by the applicant, and Parts 2 and 3 prepared by Planning staff; Boundary & Topographic Map 602 W Buffalo Street City of Ithaca, Tompkins County, New York.
York State prepared by T.G. Miller, P.C. dated 12/22/21; Demolition Plan C-1.0, Site Plan C-2.0, Marked-up Site Plan C-2.0, Grading, Drainage & Erosion Control Plan C-3.0, Utility Plan C-4.0, Landscape Plan C-5.0, Detail Sheet C-6.0-6.3 (4), and Truck Turn Plan C-7.0 all prepared by Holt Architects and Marathon Engineering and dated 01/16/23; Rendered Perspectives (2) and Shadow Studies (3) submitted 12/13/22 and prepared by Holt Architects; Exterior Elevations A201 & A202 prepared by Holt Architects and dated 8/14/22; ;and other application materials, and

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

WHEREAS: legal notice was published and property posted in accordance with Chapters 276-6 B. (4) and 176-12 A. (2) (c) of the City of Ithaca Code, and

WHEREAS: the Planning and Development Board held the required public hearing beginning on September 27, 2022, and

WHEREAS: the Planning Board did, on January 31, 2023 determined, as elaborated in the FEAF Part 3, that the proposed project will result in no significant adverse impacts on the environment and issued a Negative Declaration of Environmental Significance, and

WHEREAS: this Board did on February 28, 2023 review and accept as adequate the following new and revised drawings: Columns A455 dated 02/21/23, Material Image Board dated 02/22/23 and both prepared by Holt Architects; Demolition Plan C-1.0, Site Plan C-2.0, Marked-up Site Plan C-2.0, Grading, Drainage & Erosion Control Plan C-3.0, Utility Plan C-4.0, Landscape Plan C-5.0, Detail Sheet C-6.0-6.3 (4), and Truck Turn Plan C-7.0 all prepared by Holt Architects and Marathon Engineering and dated 02/22/23 now, therefore, be it

RESOLVED: that the Planning and Development Board does hereby grant Preliminary & Final Site Plan Approval subject to the following:

The following conditions must be satisfied before issuance a Building Permit:

i. Plans, drawings and/or visualizations showing all proposed exterior mechanicals and associated equipment including heat pumps, ventilation, etc., including appropriate screening if necessary

ii. Documentation from Ithaca Fire Department emergency access issues have been satisfied

iii. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits

iv. Submission of information/documentation of a plan for (off-site) contractor parking

v. Submission of a construction logistics and staging plan to the Planning Department and approved by City Engineering
vi. Final Emergency Access Agreement between “TOMPKINS COMMUNITY ACTION, INC., (the “Grantor”) and 602 W BUFFALO QOZB LLC (the “Grantee”)” approved by City Attorney and City Fire Department

The following conditions must be satisfied within six months of approval or the start of construction, whichever comes first:

vii. Submission to Planning staff of detailed planting plan including soil replacement specifications for tree planting areas, planting schedule, and specifications for protection of trees on S Meadow

viii. Submission to the Planning Board for review and approval of placement, design, and photometrics of site lighting fixtures

ix. Submission to the Planning Board for review and approval of all site details including but not limited to landscaping details, exterior furnishings, walls, railings, bollards, paving, signage, lighting, etc.

x. Final approval of streetscape along Buffalo Street in front of project site by the City Engineering Department & NYDOT

The following conditions must be satisfied during the construction period:

xi. If impacted groundwater and/or soil are encountered during construction, it is required to be handled in accordance with the applicable NYSDEC regulations and requirements and with the involvement of both the City of Ithaca and the NYSDEC in the approval and monitoring of the treatment system(s)

xii. Noise producing construction activities will be limited to the hours between 7:30 A.M. and 5:30 P.M., Monday through Friday (or Saturday 9:00 A.M. to 5:30 P.M. with advance notification to and approval by the Director of Planning and Development)

The following conditions must be satisfied before issuance of a Certificate of Occupancy:

xiii. Any changes to the approved site plans must be submitted to Planning staff for review and may require Board approval

xiv. Installation of bike racks and/or bike storage

xv. Installation of any required or proposed sidewalk to the satisfaction of the City Sidewalk Coordinator

xvi. Repair, replacement or reconstruction of any City property damaged or removed during construction including, but not limited to paving, sidewalk, curbing, trees or tree lawn, signage, drainage structures, etc

xvii. Submission of any required executed easement, licenses or other legal agreements involving City property
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Moved by: Petrina
Seconded by: Blalock
In favor: Petrina, Blalock, Glass, Lewis
Against: None
Abstain: None
Absent: Correa, Godden
Vacancies: One

D. Alpha Phi Alpha Residential House Renovations, 105 Westbourne Ln. by Tony Ewing.

CEQR Determination. The applicant proposes to renovate and restore the existing building, demolish the existing lower-level addition, expand the building footprint by 275 SF with a 1120 SF replacement addition, and modify the site to accommodate new ADA compliant parking. Site improvements include a regraded entry drive lane for ADA accessibility, permeable grass pavers, a 1500 SF rain garden, and landscaping. The project is located in the R-U zoning district and will require variances. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[4], and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (11) and is subject to environmental review.

Applicants Attending: Georges Clermont, Tony Ewing, Frank Santelli

G. Clermont presented a revised site plan detailing the reduction in the back patio to bring the project into conformity with zoning. F. Santelli gave the board an overview of the storm water management plan.

The board had no questions for the applicant.

The board and staff reviewed the FEAF Part III.

Adopted Negative Declaration of Environmental Significance

On a motion by Petrina, seconded by Blalock:

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for site plan approval for building and site renovations at 105 Westbourne Avenue by Tony Ewing, and

WHEREAS: the applicant proposes to renovate and restore the existing building, demolish the existing lower-level addition, expand the building footprint by 275 SF with a 1120 SF replacement addition, and modify the site to accommodate new ADA compliant parking. Site improvements include a regraded entry drive lane for ADA accessibility, permeable grass pavers, a 1500 SF rain garden, and landscaping. The project is located in the R-U zoning district and will require no variances, and

WHEREAS: this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[4], and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (11) and is subject to environmental review, and
WHEREAS: the NYS Department of Environmental Conservation and the Tompkins County Department of Health, both potentially involved agencies in this action, have consented to the Planning Board acting as Lead Agency for this project, and

WHEREAS: the City of Ithaca Planning and Development Board, being the local agency, which has primary responsibility for approving and funding or carrying out the action, did on January 31, 2023 declare itself Lead Agency in Environmental Review for the project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on February 28, 2023, review and accept as adequate: a Full Environmental Assessment Form (FEAF), Part 1, submitted by the applicant, and Parts 2 and 3 prepared by Planning staff; Property Survey Map prepared by T.G. Miller, P.C. dated 08/10/2022; Existing Site Conditions Plan C102, Circulation Plan, and Details C301-C303; all prepared by AEPMI Design & Building Consultants and T.G. Miller, P.C. and dated 1/12/23; Site Planting Plan SP-04 (2), Site Layout Plan SL-02 all dated 02/21/23 prepared by AEPMI Design & Building Consultants, MP Landscape Architecture, and T.G. Miller, P.C; Site Utility Plan C201, Grading and Drainage Plan C202, and Erosion & Sediment Control Plan C203 all prepared by AEPMI Design & Building Consultants and T.G. Miller, P.C. and dated 1/12/23; and other application materials, and

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

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

Moved by: Petrina
Seconded by: Blalock
In favor: Petrina, Blalock, Glass, Lewis
Against: None
Abstain: None
Absent: Godden, Correa
Vacancies: One

7. Old/New Business
   - 408 N Tioga St/The Red House; Staff will compose a letter to the county advocating for preserving the house
   - Planning Board retreat

8. Adjournment:
On a motion by Petrina and seconded by Glass the meeting, the meeting was adjourned by unanimous consent at 8:06 p.m.
### Board Members Attending:
- Robert Lewis, Chair; Garrick Blalock, BPW Liaison; Mitch Glass; Emily Petrina; Elisabete Godden

### Board Members Absent:
- Daniel Correa

### Board Vacancies:
- One

### Staff Attending:
- Lisa Nicholas, Director of Planning, Division of Planning and Economic Development
- Nikki Cerra, Environmental and Landscape Planner, Division of Planning and Economic Development
- Samuel Quinn-Jacobs, Assistant Planner, Division of Planning and Economic Development

This meeting was held in Common Council Chambers, Third Floor, City Hall, and also conducted remotely using videoconferencing technology, as authorized by Part WW of Chapter 56 of the Laws of 2022 of New York State and Local Law 2022-05.

Chair Lewis called the meeting to order at 6:05 p.m.

1. **Agenda Review** – None

2. **Approval of Minutes** - December 2022 and January 2023

On a motion by Godden, seconded by Blalock the Planning and Development Board unanimously approved the December 2022 and January 2023 meeting minutes.

3. **Public Comment**

Chair Lewis opened Privilege of the Floor.

There being no members of the public appearing in order to speak, nor any additional written comments submitted to be read into the record, Chair Lewis closed the Public Comment period.

4. **Board Responses to Public Comment**

The board had no response to public comment.
5. Board Responses to Public Comment

A. Commercial Infill, 736-744 S Meadow St., by James Bogliolo. Public Hearing and Potential Preliminary and Final Site Plan Approval. The applicant is proposing to construct a 7,000 SF building within an existing parking area at the corner of Fairgrounds Memorial Parkway and an internal circulation road that connects to Route 13. The project also includes lighting, landscaping, walkways, and other amenities. The applicant submitted a trip generation report prepared by TYLIN International and dated April 24, 2018, that demonstrates that the traffic counts for the proposed new retail is consistent with the findings of the 2000 Generic Environmental Impact Statement (GEIS) for the Southwest Area Land Use Plan and therefore no additional environmental review is required. The Planning Board granted final approval of this project October 27, 2022, which has expired. The applicants are now seeking approval for same project.

Applicants Attending:

The applicant presented a site plan detailing the storefront plan for the proposed commercial space that had been approved by the board previously but due to the pandemic needed to come back for approval. The applicant assured board members there are no architectural changes from the previously approved plans.

Public Hearing
On a motion by Petrina, seconded by Godden, and voted in favor unanimously Chair Lewis opened the public hearing.

There being no members of the public appearing in order to speak, nor any additional written comments submitted to be read into the record, Chair Lewis closed the Public Hearing on a motion by Godden, seconded by Petrina, and voted in favor unanimously.

Chair Lewis asked how the applicant has addressed the new FEMA flood maps.

The applicant responded stating that flood prevention techniques including a knee wall and designs were implemented to mitigate the concerns relating to the flood zone.

The board was receptive of the proposal and thanked the applicant for their presentation.

The board, staff and the applicant discussed the comments submitted by the City Engineering Department regarding road access and vehicle circulation. The board ultimately asked the applicant to explore more options and collaborate with the City Engineering Department and neighboring property owners.

Adopted Declaration of Preliminary and Final Site Plan Approval
On a motion by Godden, seconded by Petrina:
WHEREAS: an application has been submitted for review and approval by the City of Ithaca Planning and Development Board for a new 7,000-SF commercial building to be located at 744 S Meadow Street, also known as South Meadow Square, and

WHEREAS: the applicant is proposing to construct a 7,000-SF building within an existing parking area at the corner of Fairgrounds Memorial Parkway and an internal circulation road that connects to Rte 13. The project also includes lighting landscaping, walkways, and other amenities, and

WHEREAS: the applicant submitted a trip generation report prepared by TYLIN International and dated April 24, 2018, that demonstrates that the traffic counts for the proposed new retail is consistent with findings of the 2000 Generic Environmental Impact Statement (GEIS) for the Southwest Area Land Use Plan, and, therefore, no additional environmental review is required, and

WHEREAS: legal notice was published and property posted in accordance with Chapters 276-6 B. (4) and 176-12 A. (2) (c) of the City of Ithaca Code, and

WHEREAS: the Planning and Development Board held the required public hearing on March 28, 2023, and

WHEREAS: this Board has, on March 28, 2023, reviewed and accepted as adequate, drawings titled Site Survey Map, South Meadow Marketplace, 740 S Meadow Street, City of Ithaca, Tompkins County New York, prepared by Magde Land Surveying PC and dated April 3, 2020, and Demolition and Erosion Control Plan (C3.0), Demolition and Erosion Control Details (C3.1), Overall Site Plan (C4.0), Detailed Site Plan (C4.1), Construction Details (C4.2), Grading Plan (C5.0), Blow-up Grading Plan (C5.01), Drainage Plan (C5.1), Drainage Details (C5.2), Utility Plan (C6.0), Utility Details (C6.1), and Landscaping Plan (C7.0) all dated 1/20/23 and prepared by James Allen Rumsey Architect; an unattributed color drawing titled South Meadow Marketplace Proposed Building Shell and submitted 02/23, showing building elevations with labeled materials; and other application materials, and

WHEREAS: the City of Ithaca Parks, Recreation, and Natural Resources Commission; Tompkins County department of Planning and Sustainability; 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 of Ithaca Planning and Development Board does hereby grant Preliminary & Final Site Plan Approval for the proposed project subject to the following conditions:

   i. Submission to and approval by Planning staff of project including but not limited to exterior furnishings, walls, railings, bollards, paving, signage, lighting, etc., and

   ii. Bike racks must be installed before a certificate of occupancy is granted, and
iii. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits, etc.

iv. Install directional signs on the Fairgrounds Memorial Way island to prevent wrong way driving in the westbound lanes and engage in conversations with the City for further strategies to address the traffic issues.

Moved by: Godden
Seconded by: Petrina
In Favor: Petrina, Godden, Glass, Lewis
Against: None
Abstain: None
Absent: Correa, Blalock
Vacancies: One

B. Valentine Place, 109-111 Valentine Pl., by Valentine Place Associates, LLC. Presentation of Redesign. The applicant proposes to demolish two existing two-story wood frame houses and construct a four-story 30-unit residential building, approximately 29,320 SF in area, as student housing. The project site is located in the R-3a Zoning District in which the maximum height for a building is 4 stories/40 feet. The project will require two area variances for minimum off-street parking and minimum lot size for quantity of units. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B(1)(k) and the State Environmental Quality Review Act ("SEQRA") §617.4 b.(11) for which the Lead Agency made a Negative Determination of Environmental Significance on April 26, 2022.

Applicants Attending: Nick Robertson, Herman Sieverding, John Langey

The applicants began their presentation by explaining the process the project has undergone for variances since the previous Planning Board approval and how the design has changed based on feedback from the Board of Zoning Appeals. The applicant presented a new site plan, detailing the reduced number of units and that the lot next door was purchased to alleviate the zoning deficiencies. The recently purchased parcel was designed with a nine-space parking lot.

The Board and Staff reviewed the previous recommendation made to the Board of Zoning Appeals, and drafted a new recommendation based on the project changes. Chair Lewis asked staff to read the Board of Zoning Appeals recommendation for the last proposal.

C. Cliff Street Retreat, 407 Cliff St. by Linc Morse. Public Hearing and Review CEQR. The Planning Board granted preliminary and final approval of this project on October 26, 2021. The applicant now seeks approval for a redesign on the north end of the parcel where instead of two conceptual cottages previously proposed, the applicants now propose a 3-story multi-family building, approximately 4966 SF. The building has a total of 6 units including two hotel units and four apartments. The proposed building
complies with all of the zoning requirements created in the PUD process. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[3] for which the Lead Agency made a Negative Determination of Environmental Significance on September 28, 2021.

**Applicants Attending:** Craig Modisher, Linc Morse

The applicant began the presentation by stating how they intended to respond to the concerns brought up by the Board from the previous meeting.

**Public Hearing**

On a motion by Petrina, seconded by Godden, and voted in favor unanimously Chair Lewis opened the public hearing.

There being no members of the public appearing in order to speak, nor any additional written comments submitted to be read into the record, Chair Lewis closed the Public Hearing on a motion by Godden, seconded by Petrina, and voted in favor unanimously.

Petrina stated that she is favorable to the proposal and that the redesign is favorable to the previous proposal.

Director Nicholas asked the applicant to provide a site plan in their next presentation and to include more design details of the proposed buildings.

The Board and staff reviewed the FEAF Part III, highlighting the missing information which included lack of water capacity for the existing building needed to be provided by the applicant.

**D. Alpha Phi Alpha Residential House Renovations, 105 Westbourne Ln. by Tony Ewing.**

**Preliminary and Final Site Plan Approval.** The applicant proposes to renovate and restore the existing building, demolish the existing lower-level addition, expand the building footprint by 275 SF with a 1120 SF replacement addition, and modify the site to accommodate new ADA compliant parking. Site improvements include a regraded entry drive lane for ADA accessibility, permeable grass pavers, a 1500 SF rain garden, and landscaping. The project is located in the R-U zoning district and will require variances. This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[4], and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (11) and is subject to environmental review.

**Applicants Attending:** Georges Clermont, Tony Ewing, Frank Santelli

The applicant presented new information and details on the grass pavers as requested by the Board at the previous meeting. The applicant stated that the SWIPP associated with the proposal is progressing with both the City and with the Village of Cayuga Heights.

The Board had no questions for the applicant.
Adopted Declaration of Preliminary and Final Site Plan Approval

On a motion by Petrina, seconded by Godden:

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for site plan approval for building and site renovations at 105 Westbourne Avenue by Tony Ewing, and

WHEREAS: the applicant proposes to renovate and restore the existing building, demolish the existing lower-level addition, expand the building footprint by 275 SF with a 1120 SF replacement addition, and modify the site to accommodate new ADA compliant parking. Site improvements include a regraded entry drive lane for ADA accessibility, permeable grass pavers, a 1500 SF rain garden, and landscaping. The project is located in the R-U zoning district and will require no variances, and

WHEREAS: this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[4], and the State Environmental Quality Review Act (“SEQRA”) §617.4 b. (11) and is subject to environmental review, and

WHEREAS: the NYS Department of Environmental Conservation and the Tompkins County Department of Health, have been identified as potentially Involved Agencies in Environmental Review, and

WHEREAS: the City of Ithaca Planning and Development Board, being the local agency which has primary responsibility for approving and funding or carrying out the action, did on January 31, 2023, declare itself Lead Agency in Environmental Review for the project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on February 28, 2023, review and accept as adequate: a Full Environmental Assessment Form (FEAF), Part 1, submitted by the applicant, and Parts 2 and 3 prepared by Planning staff; Property Survey Map prepared by T.G. Miller, P.C. dated 08/10/2022; Existing Site Conditions Plan C102, Circulation Plan, and Details C301-C303; all prepared by AEPMI Design & Building Consultants and T.G. Miller, P.C. and dated 1/12/23; Site Planting Plan SP-04 (2), Site Layout Plan SL-02 all dated 02/21/23 prepared by AEPMI Design & Building Consultants, MP Landscape Architecture, and T.G. Miller, P.C; Site Utility Plan C201, Grading and Drainage Plan C202, and Erosion & Sediment Control Plan C203 all prepared by AEPMI Design & Building Consultants and T.G. Miller, P.C. and dated 1/12/23; and other application materials, and

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

WHEREAS: the Planning Board did, on February 28, 2023, determine, as elaborated in the FEAF Part 3, that the proposed project will result in no significant adverse impacts on the environment and issued a Negative Declaration of Environmental Significance, and
WHEREAS: this Board did on March 28, 2023 review and accept as adequate the following new and revised drawings: Grass Paving System Detail submitted by applicant 03/21/23, now, therefore, be it

RESOLVED: that the Planning and Development Board does hereby grant Preliminary & Final Site Plan Approval subject to the following:

The following conditions must be satisfied before issuance a Building Permit:

i. Documentation from Ithaca Fire Department emergency access issues have been satisfied

ii. This site plan approval does not preclude any other permit that is required by City Code, such as sign permits, tree permits, street permits

iii. Acceptance of the SWPPP by the City Stormwater Management Officer

iv. Final approval of the driveway and curb cuts along Highland Ave and Westbourne Lane by the City Engineering Department

v. Final approval of all sidewalks by the City Engineering Department and the Village of Cayuga Heights

The following conditions must be satisfied within six months of site plan approval or the start of construction, whichever comes first:

i. Submission to the Planning Board for review and approval of placement, design, and photometrics of site lighting fixtures

ii. Submission to the Planning Board for review and approval of all site details including but not limited to landscaping details, exterior furnishings, walls, railings, bollards, paving, signage, lighting, etc.

The following construction must be satisfied during the construction period:

i. If impacted groundwater and/or soil are encountered during construction, it is required to be handled in accordance with the applicable NYSDEC regulations and requirements and with the involvement of both the City of Ithaca and the NYSDEC in the approval and monitoring of the treatment system(s)

ii. Noise producing construction activities will be limited to the hours between 7:30 A.M. and 5:30 P.M., Monday through Friday (or Saturday 9:00 A.M. to 5:30 P.M. with advance notification to and approval by the Director of Planning and Development)

iii. Any traffic control measures on Highland Ave and Westbourne Lane will be coordinated with the City Fire Department and Department of Public Works
The following conditions must be satisfied before issuance of a Certificate of Occupancy:

i. Any changes to the approved site plans must be submitted to Planning staff for review and may require Board approval

ii. Installation of bike racks and/or bike storage

iii. Repair, replacement, or reconstruction of any City property damaged or removed during construction including, but not limited to paving, sidewalk, curbing, trees or tree lawn, signage, drainage structures, etc.

iv. Submission of any required executed easement, licenses or other legal agreements involving City property

Moved by: Petrina
Seconded by: Godden
In favor: Petrina, Godden, Glass, Blalock, Lewis
Against: None
Abstain: None
Absent: Correa
Vacancies: One

6. Recommendations to the Board of Zoning Appeals
   • BZA #3237 815 S. Aurora St. (Verizon), Telecommunications Modification
   • BZA #3249 815 S. Aurora St. (AT&T), Telecommunications Modification
   • BZA #3250 220 Grandview Ave., Area Variance

7. Old/New Business
   • PB Retreat Details – May 11, 2023 6:00-8:00 pm

8. Adjournment:
   On a motion by Godden and seconded by Glass the meeting, the meeting was adjourned by unanimous consent at 7:06 p.m.
Hi Nikki,

The below are comments to the April Planning Board Projects for Review packet, from Engineering, Transportation, Streets and Facilities, and Water and Sewer.

123 Campbell Ave subdivision

- There is an existing sanitary sewer that runs down the side of the yard. The city would like a formal easement for the sewer, 10’ on both sides of the pipe. This applies for both Parcel 1 and Parcel 2.

NYSEG Hudson Regulator Station

- The City had the following comments in January that were not addressed:
  
  o Please construct two ADA ramps at the corner, one to serve Grandview and one to serve Hudson. There is an existing crosswalk across Hudson.
  o Please construct 30’ of sidewalk on both Hudson and Grandview (connecting to the new ramps)
  o The sidewalk and corner designs must be approved by Engineering before site plan approval or as a condition of site plan approval.
  o The guiderail may not be necessary to put back. Please analyze if a guiderail at this location is warranted.

Chabad Center

- The new plans are not reflective of the approved design (what Engineering approved in 2022). The new plans have a circular driveway although that was removed in earlier reviews; the new plans also show that the existing curb cut will remain though we discussed with Jason Demarest and agreed that the existing curb cut would be removed and restored to grass lawn. Please submit new plans that show the agreed-upon changes and revert to the design that Engineering approved. Email with Jason Demarest is attached.

407 Cliff St.

- There is a current discussion with IFD and Water and Sewer regarding fire flow and the potential need for a new water main. This project should not be approved until this detail is solved.
- We would like to solidify the plan for the boardwalk before this project is approved.
- As part of the street permit, sections of existing sidewalk that are not ADA-compliant will need to be replaced, as ordered by the engineer.

Thank you,

Erin

Erin Cuddihy, P.E., LEED AP, ENV SP
Transportation Engineer
City of Ithaca
607-375-7818
PROPOSED RESOLUTION
S/CEQR Lead Agency

Minor Subdivision
123 Campbell Road, Tax Parcel ID: 132.-1-12
City of Ithaca Planning and Development Board
April 25, 2023

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 a minor subdivision of City of Ithaca Tax Parcel ID: 132.-1-12 located at 123 Campbell Avenue by Joseph Bowes and Erynn Blume, and

WHEREAS: the applicant is proposing a subdivision of the 1.27-acre site, resulting in two parcels of approximately 0.731 acres (31,842 SF) and .535 acres (23,305 SF). The proposed subdivision will maintain the 123 Campbell residence on the larger proposed parcel and will create a buildable smaller parcel. The property slopes downhill towards the West and currently a wooded area is located on the Western portion of the parcel. The parcel is in the R-1a zoning district, and no variances will be required, and

WHEREAS: this is considered a Minor Subdivision in accordance with the City of Ithaca Code, Chapter 290, Article 1, §290-1, Minor Subdivision – Any subdivision of land resulting in the creation of one additional buildable lot, and

WHEREAS: this has been determined to be an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act ("SEQRA") and requires environmental review, now, therefore be it

RESOLVED: that the City of Ithaca Planning and Development Board, being that local agency which has primary responsibility for approving and funding or carrying out the action, does, by way of this resolution, declare itself Lead Agency in Environmental Review for the proposed project.

Moved by:
Seconded by:
In favor:
Against:
Abstain:
Absent:
Vacancies: One
PROPOSED RESOLUTION
S/CEQR Negative Declaration

Minor Subdivision
123 Campbell Road, Tax Parcel ID: 132.-1-12
City of Ithaca Planning and Development Board
April 25, 2023

WHEREAS: the City of Ithaca Planning and Development Board has one pending application for a minor subdivision of City of Ithaca Tax Parcel ID: 132.-1-12 located at 123 Campbell Avenue by Joseph Bowes and Erynn Blume, and

WHEREAS: the applicant is proposing a subdivision of the 1.27-acre site, resulting in two parcels of approximately 0.731 acres (31,842 SF) and .535 acres (23,305 SF). The proposed subdivision will maintain the 123 Campbell residence on the larger proposed parcel and will create a buildable smaller parcel. The property slopes downhill towards the West and currently a wooded area is located on the Western portion of the parcel. The parcel is in the R-1a zoning district, and no variances will be required, and

WHEREAS: this is considered a Minor Subdivision in accordance with the City of Ithaca Code, Chapter 290, Article 1, §290-1, Minor Subdivision – Any subdivision of land resulting in the creation of one additional buildable lot, and

WHEREAS: This has been determined to be an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act (“SEQRA”) and requires environmental review, and

WHEREAS: City of Ithaca Planning and Development Board, being that local agency which has primary responsibility for approving and funding or carrying out the action, did, on April 25, 2023, declare itself Lead Agency in Environmental Review for the proposed project, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on April 25, 2023, review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1; a SEAF Part 2 prepared by Planning staff; Subdivision Map No. 123 Campbell Avenue City of Ithaca & Town of Ithaca, Tompkins County, New York dated 02/14/23 prepared by TG Miller P.C.; and other application materials, and

WHEREAS: the Tompkins County Planning Department, 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 of Ithaca Planning and Development Board determines the proposed project will result in no significant impact on the environment and a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.

Moved by:
Seconded by:
In favor:
Against:
Abstain:
Absent:
Vacancies: One
WHEREAS: the City of Ithaca Planning and Development Board has one pending application for a minor subdivision of City of Ithaca Tax Parcel ID: 132.-1-12 located at 123 Campbell Avenue by Joseph Bowes and Erynn Blume, and

WHEREAS: the applicant is proposing a subdivision of the 1.27-acre site, resulting in two parcels of approximately 0.731 acres (31,842 SF) and .535 acres (23,305 SF). The proposed subdivision will maintain the 123 Campbell residence on the larger proposed parcel and will create a buildable smaller parcel. The property slopes downhill towards the West and currently a wooded area is located on the Western portion of the parcel. The parcel is in the R-1a zoning district, and no variances will be required, and

WHEREAS: this is considered a Minor Subdivision in accordance with the City of Ithaca Code, Chapter 290, Article 1, §290-1, Minor Subdivision – Any subdivision of land resulting in the creation of one additional buildable lot, and

WHEREAS: This has been determined to be an Unlisted Action under the City of Ithaca Environmental Quality Review Ordinance and the State Environmental Quality Review Act (“SEQRA”) and requires environmental review, and

WHEREAS: the Planning Board, acting as Lead Agency, did on April 25, 2023 issue a Negative Declaration of Environmental Significance for the entire project and all its components, and

WHEREAS: the Planning Board, acting as Lead Agency in Environmental Review, did on April 25, 2023, review and accept as adequate: a Short Environmental Assessment Form (SEAF), Part 1; a SEAF Part 2 prepared by Planning staff; Subdivision Map No. 123 Campbell Avenue City of Ithaca & Town of Ithaca, Tompkins County, New York dated 02/14/23 prepared by TG Miller P.C.; and other application materials, and

WHEREAS: the Tompkins County Planning Department, and other interested parties have been given the opportunity to comment on the proposed project and any received comments have been considered, and

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

WHEREAS: the Planning and Development Board held the required Public Hearing on April 25, 2023, now, therefore, be it

RESOLVED: that the Planning Board does hereby grant Preliminary and Final Subdivision Approval to the proposed Minor Subdivision of City of Ithaca Tax Parcel ID: 132.-1-12 located at 123 Campbell Avenue subject to the submission of three final original subdivision plats with the raised signature of as licensed surveyor.

Moved by:
Seconded by:
In favor:
Against:
Abstain:
Absent:
Vacancies: One
Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

### Part 1 – Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Telephone: 607-279-5616</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision of 123 Campbell Ave to create new 0.535 acre lot on Fall View Terrace.</td>
<td>E-Mail: <a href="mailto:sewob2010@gmail.com">sewob2010@gmail.com</a></td>
</tr>
</tbody>
</table>

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<tr>
<th>Project Location (describe, and attach a location map):</th>
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<tbody>
<tr>
<td>Fall View Terrace</td>
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<tr>
<th>Brief Description of Proposed Action:</th>
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<tr>
<td>Applicant is proposing to subdivide a 1.266 acre lot at 123 Campbell Ave into 2 lots. Applicant will retain 0.731 acres of land (which the applicant’s current dwelling occupies), and create a 0.535 acre vacant lot with frontage on Fall View Terrace. The subdivided lot is under contract to a Buyer interested in building a single family residence. Parcel is in Zone R-1a. Minimum lot size = 10,000 sf = 0.23 acres. Minimum width at street line = 75’. Minimum building height = No minimum. Maximum building height = 3 Stories, 35’ maximum. Maximum building lot coverage = 20%. FYSB = 25%; SYSB = 10’ Both Sides. RYSB = 25% of Lot Depth or 50’ (whichever is less) but not less than 20’. Parcel 1: Proposed lot size = 0.731 acres. Width at street line = 139.86’. Building height = 2 Stories, &lt;35’. Building lot coverage = 3900sf = 0.09 acres = 12.3%. FYSB = 49’, SYSB = 14.9’ and 23.9’, RYSB = 124’. Parcel 2: Proposed lot size = 0.535 acres. Width at street line = 140.58’.</td>
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<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone: 607-279-5616</th>
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<tbody>
<tr>
<td>Joseph L. Bowes</td>
<td>E-Mail: <a href="mailto:sewob2010@gmail.com">sewob2010@gmail.com</a></td>
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<thead>
<tr>
<th>Address:</th>
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<tbody>
<tr>
<td>123 Campbell Ave</td>
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<table>
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<tr>
<th>City/PO:</th>
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<tr>
<td>Ithaca</td>
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<th>State:</th>
<th>Zip Code:</th>
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<tr>
<td>NY</td>
<td>14850</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>2. Does the proposed action require a permit, approval or funding from any other government Agency?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Yes, list agency(s) name and permit or approval: NYS SHPO determination of archaeological significance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>✅</td>
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<table>
<thead>
<tr>
<th>3. a. Total acreage of the site of the proposed action?</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Total acreage to be physically disturbed?</td>
</tr>
<tr>
<td>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</td>
</tr>
</tbody>
</table>

| 1.266 acres | 0 acres | 1.266 acres |

<table>
<thead>
<tr>
<th>4. Check all land uses that occur on, are adjoining or near the proposed action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>✅ Urban</td>
</tr>
<tr>
<td>□ Forest</td>
</tr>
<tr>
<td>□ Parkland</td>
</tr>
</tbody>
</table>
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
      | NO | YES | N/A |
      |    | ✓   |     |
   b. Consistent with the adopted comprehensive plan?  
      | NO | YES | N/A |
      |    | ✓   |     |

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   | NO | YES |
   |    | ✓   |

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  
   | NO | YES |
   | ✓  |     |

8.  
   a. Will the proposed action result in a substantial increase in traffic above present levels?  
      | NO | YES |
      | ✓  |     |
   
   b. Are public transportation services available at or near the site of the proposed action?  
      | NO | YES |
      |     | ✓   |
   
   c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?  
      | NO | YES |
      |     | ✓   |

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   Action is a subdivision so energy code requirements do not apply.  
   | NO | YES |
   | ✓  |     |

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

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

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  
    See Attached Letter of No Impact from NYS SHPO  
    | NO | YES |
    | ✓  |     |

   b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  
    | NO | YES |
    | ✓  |     |

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    | NO | YES |
    | ✓  |     |

   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  
    | NO | YES |
    | ✓  |     |
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- ☐ Shoreline
- ☐ Forest
- ☐ Agricultural/grasslands
- ☐ Early mid-successional
- ☑ Wetland
- ☑ Urban
- ☑ Suburban

<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Is the project site located in the 100-year flood plan?</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
</tr>
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<tbody>
<tr>
<td>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>a. Will storm water discharges flow to adjacent properties?</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:</td>
<td>Swale to south and/or City storm sewer system.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
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<tbody>
<tr>
<td>18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

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

Applicant/sponsor/name: Joseph L. Brews
Date: __________________________

Signature: __________________________ Title: Homeowner
**Short Environmental Assessment Form**

**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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

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

Part 3 Determination of Significance

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

The project is a minor subdivision to allow the applicant to maintain the 123 Campbell Avenue residence on the larger proposed parcel .731 acre (31,842 SF) to sell and a create a smaller parcel 0.535 acres (23,305 SF) for possible future development. At this time, subdividing this lot into the two parcels. will not result in any significant adverse environmental impacts. The applicant ordered a Geotechnical report and created a topographic map to determine that the smaller parcel (Parcel 2) meets minimum lot size requirement. The potential building envelope on Parcel 2 does not impact the swale located on the southern portion of Parcel 2. Most of the existing trees are outside of the building envelope although two 12”DBH trees are within the envelope and most likely would need to be removed. The City Zoning Administrator determined that the subdivision does not require any variances as currently proposed. Parcel 1 will remain compliant with the requirements of the R-1a district, and Parcel 2 meets the minimum lot size requirements of the district.

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

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

City of Ithaca Planning Board

Name of Lead Agency

Nikki Cerra

Environmental & Landscape Planner

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)
TO: Lisa Nicholas, Director of Planning & Development  
Nikki Cerra, Environmental & Landscape Planner

FROM: Megan Wilson, Deputy Director of Planning & Development

DATE: April 19, 2023

RE: Zoning Analysis – Proposed Subdivision of 123 Campbell Avenue

I have reviewed the proposed subdivision map for 123 Campbell Avenue, dated February 14, 2023, and have determined that the subdivision does not require any variances as currently proposed. Parcel 1 will remain compliant with the requirements of the R-1a district, and Parcel 2 meets the minimum lot size requirements of the district. Please feel free to contact me with any questions or if you need any additional information.
WHEREAS: on September 28, 2021, the City of Ithaca Planning and Development Board determined that the proposed Cliff Street Retreat — consisting of the site plan and PUD— at 407 Cliff Street would result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act, and

WHEREAS: the project consists of converting a 25,297-SF industrial building into a multi-use building which will include long- and short-term residential rentals, small conference and lounge spaces, office space, and retail. The applicant applied for a rezoning through the PUD process, as the project is in the R-3a zone, in which the past industrial use and the proposed uses are legally non-conforming. The renovated building will comply with 2020 NYS building code and the Ithaca Energy Code Supplement. Site improvements include new building façades, more well-defined parking areas, landscaping, dark-sky compliant site lighting, street-facing entries, and garden/terrace spaces facing the hillside, and

WHEREAS: the applicant now seeks approval for a redesign on the north end of the parcel where instead of two conceptual cottages previously proposed, the applicants now propose a 3-story multi-family building, approximately 4966 SF. The building has a total of 6 units including two hotel units and four apartments, and

WHEREAS: this is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[3] and is subject to environmental review, and

WHEREAS: pursuant to 617.4(b)(11) of the SEQRA regulations, this action is treated as a Type I Action for purposes of SEQRA, and

WHEREAS: in accordance with §176-7 E. of CEQR and §617.7(e) of SEQRA, the City of Ithaca Planning and Development Board acting as Lead Agency has determined that (1) new information has been discovered and (2) a change in circumstances related to the project has arisen that was not previously considered, and the Lead Agency has determined that no significant adverse impact will occur, and

WHEREAS: the Board, acting as Lead Agency in environmental review, has on April 25 2023 reviewed and accepted as adequate the new information consisting of a revised Full Environmental Assessment Form (FEAF) Part 3, prepared by Planning staff; drawings titled 501 Cliff Street 6-Unit Apartment Building Cover A000, Elevations A201 & A202 created by Stream Collaborative dated 12/22/22; Street Elevation A01, Looking North Existing A02, Looking North Proposed A03, Looking South Existing A04, and Looking South Approved A05, all prepared by Stream Collaborative dated 3/14/23; Interior Loft Drawings (2) and Materials (2) prepared by applicant and submitted 4/19/23; and other supporting materials provided by the Project Sponsor, now, therefore, be it

RESOLVED: that the City of Ithaca Planning and Development Board does hereby amend the Negative Declaration issued on September 28, 2021 to include the above-mentioned information in the environmental record, and be it further

RESOLVED: that based on all supporting documentation, the City of Ithaca Planning and Development Board does hereby determine that the proposed Cliff Street Retreat project at 407 Cliff Street will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act.
Moved:
Second:
In Favor:
Against:
Abstain:
Absent:
Vacancies: One
PROJECT DESCRIPTION
The applicant proposes to convert a 25,297 SF industrial building into a multi-use building which will include long and short-term residential rentals, light industrial (maker) space, small conference and lounge spaces, office, and retail. Site improvements include new building facades, more well-defined parking areas, landscaping, dark-sky compliant site lighting, street facing entries, and garden/terrace spaces facing the hillside and a potential trail connection over City property to Cass Park. The 2.75 acre project site consists of two separate tax parcels which will be consolidated before project implementation.

The project site is in the R-3a zone. The existing building is legally non-conforming in both use and area requirements for the R-3a zone. The applicant has applied to Common Council for a Planned Unit Development (PUD). The schematic program calls for the existing building to be remodeled to contain the following:

- 12 one-bedroom residential units- six intended for long-term rental and 6 intended for short-term rental
- 3,438 SF of office space (existing) including a break room and meeting room
- 3,695 SF of retail space facing Cliff Street. Space will be arranged and/or divided into as many as 6 spaces depending on tenant needs
- 1,140 SF of light industrial space—intended as a maker space
- 2,300 SF Lobby & 473 SF conference room

This is a Type 1 Action under the City of Ithaca Environmental Quality Review Ordinance §176-4 B.(1)(h)[3] and the and the State Environmental Quality Review Act (“SEQRA”) §617.4(b)(11) and is subject to environmental review, for which the Planning Board, acting as Lead Agency, made a negative declaration of environmental significance on September 28, 2021.

In March 20203, the Lead Agency was presented with new information pertaining to environmental conditions on the site. In accordance with §176-7 E. of CEQR and §617.7(e) of SEQRA, the Lead Agency decided to amend this negative determination in order to consider the new information in the environmental review.

In addition to the existing building, the applicant now proposes a 3-story multi-family building, approximately 4966 SF for the northern portion of the site. The building has a total of 6 units including two hotel units and four apartments. The applicant has stated that these may be subdivided in the future and offered for sale.

IMPACT ON LAND
The 2.753-acre project site is in an urbanized area located along NYS Rte 96/Cliff Street. The developed portion of the site is relatively flat; however the undeveloped eastern portion has steep slopes with grades
above 15%. The grade on the property site slopes steeply down from west to east and gently down from north to south. No redevelopment is planned for the steeply sloped portion for the site except for a possible trail connection to Cass Park & the Cayuga Waterfront Trail.

The project proposes converting the existing building which was previously used for industrial manufacturing into a mixed-use space including residential and retail, therefore no extensive foundation work is required.

According to correspondence from the applicant to the city dated March 22, 2023, approximately 450 CY of material will be excavated for the 3-story multi-family apartment building poured concrete wall foundation. The building will have a tall crawlspace/short basement.

According to the materials submitted in the site plan review application, total land disturbance is approximately .8 acres. Currently impervious surfaces cover approximately 54% of the site lot, and the applicant proposes to reduce the impervious surfaces to approximately 43% of the site lot. The project proposes 65 paved parking spaces on existing lots. The project proposes removing existing concrete from the eastern side of the building and replacing it with landscaping and wooden decks and balconies for the residential units.

Construction is expected to last approximately 10 months. The area of disturbance is primarily on the flat portion of the site, limited to the area around the building, except for a proposed multi-use trail on the eastern slope, explained further in this section. A Basic Storm Water Pollution Prevention Plan will be required to manage runoff during and post construction.

The applicant is proposing a trail on the steeply sloped portion of the site connecting the project site to city trails and properties, including Cass Park and Ithaca Children’s Garden. The trail be a boardwalk supported on helical piles to lessen the impacts to the natural area. The applicant is in discussions with the city regarding how and where to exactly place this connecting trail and it will be further developed in site plan review.

The Lead Agency has determined that based on the information above, and with strict compliance to the SWPPP, no significant impact to land is anticipated.

**IMPACT ON GEOLOGIC FEATURES**

The site is located within Tompkins County Unique Natural Area (UNA) # 137- Octopus Cliffs and is within an Environmentally Sensitive area as identified in Future Land Use Map of the City’s 2015 Comprehensive Plan. This is due to the steeply sloped and undeveloped eastern portion of the site. UNA 137 is defined as a steep forested slope with many small gorges with cliffs and streams (many intermittent). The slope on the site is forested but does not contain streams or gorges.
Redevelopment of the site will be within the relatively flat portion of the site containing the existing building, parking areas and paving. The project proposes removing existing paving from the eastern side of the building along the top of the slope to be replaced with landscaping, wooden decks, and balconies for the residential units.

The applicant is proposing a trail on the steeply sloped portion of the site connecting the project site to city trails and properties, including Cass Park and Ithaca Children’s Garden. The trail be a boardwalk supported on helical piles to lessen the impacts to the natural area. The applicant is in discussions with the city in how and where to exactly place this connecting trail and will be further developed in site plan review.

The Lead Agency has determined that based on this information, no significant impact on geologic features is anticipated.

**IMPACT ON SURFACE WATER**
There are no surface water features on or adjacent to the project site. A basic SWPPP will be prepared in accordance with the City of Ithaca’s standards and submitted to the City of Ithaca Division of Water and Sewer for review and comment.

Based on the above information, the Lead Agency has determined that no significant impact to surface water is anticipated.

**IMPACT ON GROUNDWATER**
The project does not include operational activities that impact groundwater. In addition, no deep foundation is proposed. The multi-family apartment building will have a poured concrete foundation with a crawlspace for the basement. The applicant submitted an ESA Phase I conducted by GeoLogic NY, P.C. and dated March 2021. The assessment revealed no evidence of recognized environmental conditions in connection with the target property.

The Lead Agency has determined that based on the information above, no significant impact to groundwater is anticipated.

**IMPACT ON FLOODING**
The project site is not located in a flood zone, and it is not near any waterbody that may contribute to flooding.

The Lead Agency has determined that based on the information above, no significant impact on flooding is anticipated.

**IMPACT ON AIR**
According to information provided by the applicant, construction is projected to last approximately 10 months. During construction, generators may be required to provide power to the site. Excavation and
preparation of foundations additionally create the potential for increased airborne dust and dirt particles. Impacts to air quality will be limited to the period associated with construction activities. During construction, the applicant will employ the following applicable dust control measures, as appropriate:

- Misting or fog spraying the site to minimize dust;
- Maintaining crushed stone tracking pads at all entrances to the construction site;
- Re-seeding disturbed areas to minimize bare exposed soils;
- Keeping roads clear of dust and debris;
- Requiring construction trucks to be covered; and
- Prohibiting burning of debris on site.

The Lead Agency has determined that with the mitigation measures during construction identified above, no significant impact to air is anticipated.

**IMPACT ON PLANTS AND ANIMALS**

The project site is in an urbanized area, located along NYS 96 and is previously developed. The site is located within Tompkins County Unique Natural Area (UNA) # 137- Octopus Cliffs and is within an Environmentally Sensitive area as identified in Future Land Use Map of the City’s 2015 Comprehensive Plan. This is due to the steeply sloped and undeveloped eastern portion of the site. UNA 137 is defined as a steep forested slope with many small gorges with cliffs and streams (many intermittent). The slope on the site is forested but does not contain streams or gorges. Wildlife likely to be encountered on or near the project site includes birds, insects, small mammals, and deer.

Site redevelopment (with the exception of a proposed trail) is limited to the flat portion of the site containing the existing building and paving. Project implementation will impact existing trees on the developed portion of the site. There are eight street trees along Cliff Street on the northwestern side of the property and four large trees in the northern most part of the site which the applicant proposes to protect during construction. The applicant proposes to remove six existing trees, a Norway Spruce with 14" DBH and 5 deciduous spp all around 12" DBH, located in the northern parking lot and in the northern portion of the parcel where the apartment is to be located according to Layout Plan (L101) dated December 22, 2022. The applicants are proposing 15 larger trees and 18 ornamental trees to replace the six they are removing (Planting Plan L103 dated 12/22/22).

The applicant will work with the City Forester to determine if any trees will be removed a result of the potential trail construction on the eastern side of the property. To minimize disturbance and tree removal, the applicant is proposing a wooden boardwalk supported on helical piles. The path will be laid out in coordination with the City Forester and City Engineering staff with the intent of minimizing disturbance and tree removal. A revegetation plan, if necessary, will be reviewed and approved as part of site plan review.
There are planting beds proposed along the western side of the building adjacent to Cliff street and near the northern building entrance and parking lot, as well as some proposed plantings on the east side of the building near the residential units. A planting plan will be further developed during site plan review.

The NYSDEC EAF Mapper flagged the site for the potential presence of gray petaltail dragonfly and the rusty patched bumble bee.

The New York Natural Heritage Program identifies the gray petaltail dragonfly as a species of “special concern,” indicating that it is at risk of becoming threatened. The general habitat of the gray petaltail can be described as hillside seeps and fens in areas of deciduous forest (Dunkle 2000). According to the New York Natural Heritage Program:

“In New York, all known populations are found at rocky gorges and glens with deciduous or mixed forests. Small shallow streams flow through the gorges and glens, and these streams are fed by hillside seepage areas, groundwater fed seepage streamlets or fens. The seepage areas represent the larval habitat for these populations, while the adults use both the seepage areas and the stream courses.”

Population loss of this species has primarily been attributed to suburban development trends. The project site is a previously developed site. The steep portion of the site does not contain any stream gorges or glens and therefore is unlikely to contain valuable habitat for the grey petaltail. Disturbance of the slope will be minimized during trail construction and a revegetation plan will be developed and implemented if necessary.

Based on the information above, the Lead Agency has determined no significant impact to plants and animals is anticipated.

**IMPACT ON AGRICULTURAL RESOURCES**

The project site is not in or adjacent to an agricultural area, therefore, the Lead Agency has determined no significant impact to agricultural resources is anticipated.

**IMPACT ON AESTHETIC RESOURCES**

According to the Tompkins County Scenic Resource Views, there are no scenic resources located adjacent to or in vicinity of the Project Site. Additionally, there are no locally identified scenic resources located near the project site.

The building is highly visible from Cliff St. The proposed landscaping design and upgrades to the building facade will enhance the aesthetics from this vantage. Residents in the building as well as the trail users
will have enhanced views of Cass Park. The applicant proposes to work closely with the City Forester to remove invasive trees to open viewsheds.

Based on the information above, the Lead Agency has determined that no significant impacts to aesthetic resources is anticipated.

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**
The site is not located within a historic district, and the existing site is not designated at the local or state level as an historic resource. The closest historic building, Lehigh Valley Railroad Station, is over a ¼ of a mile and across the Cayuga Inlet from the project site.

Based on the information provided above, the Lead Agency has determined no significant impact on historic and archaeological resources is anticipated.

**IMPACT ON OPEN SPACE AND RECREATION**
The project site is in a developed area and is adjacent to NYS Rte 96/Cliff St. The site is located within the UNA, Octopus Cliffs and is upslope from the Cayuga Waterfront Trail, Ithaca Children’s Garden and Cass Park.

The project design will remove paving and add landscaping on the east side of the property at the top of the slope. The applicants also propose to create a public trail possibly built using helical piles to connect with the Cayuga Waterfront Trail and the Black Diamond Trail. This trail and landscape improvements will increase recreation opportunities for West Hill and other City residents.

Based in the above information, the Lead Agency has determined that no significant impact to open space and recreation is anticipated.

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**
There are no critical environmental areas located within the City of Ithaca. However, Tompkins County identifies Unique Natural Areas (“UNAs”) throughout the county, which are part of the landscape that has outstanding geological and environmental qualities, such as special natural communities, or plants and animals that are rare or scarce elsewhere in the county or region. A UNA is not a regulatory designation and does not provide legal protection for an area but signals that special resources may exist that require project modification.

The Project site is located within an UNA, 137- Octopus Cliffs- a steep forested slope with many small gorges with cliffs and streams (many intermittent). The slope on the site does not have streams or gorges but is forested. Redevelopment of the site will be within the relatively flat portion of the site containing the existing building, parking areas and paving. The applicant proposes a multi-use trail built with helical piles to minimize any disturbance at the ground level. The applicant is working with the city forester to identify invasive trees to be removed for views and will revegetate with native plants.
As a result of the information provided above, the Lead Agency has determined no significant impact to Critical Environmental Areas is anticipated.

**IMPACT ON TRANSPORTATION**

The site is directly on NYS Rte 96/Cliff Street, one of the two primary north/south vehicular routes on the west side of Cayuga Lake. Traveling north from the City, NYS Rt 96 is a primary route to Trumansburg and other points north, traveling south it is a primary route to Ithaca College, Oswego, and other points south. Traveling south from the project site, NYS 96/Cliff Street descends the hill into the City’s West End where it intersects with NYS Rte 76 and 13. The site is connected to the City sidewalk system and is proximate to multimodal transportation and recreation. Limited goods and services are within a quarter mile to the site.

The site is a former industrial facility. It contains one curb cut to the north accessing an asphalt parking area and a long curb cut to the south side accessing a large gravel parking area and vehicular access to the rear of the building. The property also contains a small gravel parking area on the west side of Cliff Street accessed by a continuous curb cut. The property has an overall parking capacity for approximately 65 cars.

The applicant is proposing to provide 65 parking spaces. They will repave and improve the northern parking area and redesign the southern parking area to reduce the width of the curb cut, reduce the parking area, pave the surface, and add landscaping. Sight lines from the revised curb cuts will be reviewed to insure safe exiting. The project also proposes 14 bike parking spaces, 7 of which will be in a locked interior bike room. Outdoor bike racks will be provided at the south and north entries as indicated on the site plan to accommodate the remaining bike parking needs.

The applicant proposes to convert the western parking area to southbound TCAT bus stop and add an additional bus stop on the east side (See Site Plan C2.0 dated 6-29-21). The south bound stop will be connected to the site via a crosswalk with a flashing pedestrian signal (see Layout Plan L101 dated 8/12/21). The applicant submitted a letter from Matt Yarrow, TCAT (Tompkins Consolidated Area Transit, Inc.) Assistant General Manager dated August 3, 2021, in support of the proposed inbound and outbound Cliff Street bus stops at the project site. The benefits according to TCAT would be improved infrastructure for bus riders and pedestrians and the inclusion of these fixed stops into TCAT’s GTFS data feed which would allow users to find these stops through apps, guides, and Google Maps, making this area more accessible by bus.

The applicant has applied to the Common Council for a PUD and is proposing residential, commercial, and light industrial uses on the site. The applicant has submitted a *Trip Generation and Distribution Assessment Letter* prepared by David Cruse of SRF Associates and dated July 21, 2021 estimating the AM/PM peak trip generation based on these uses as well as comparing it to the former industrial use. Based on ITE trip
generation data, the assessment estimates 11 entering/8 exiting during the AM peak and 33 entering/38 exiting during the PM peak. The higher PM peak estimate is primarily attributed to the 3,900 SF of commercial space – categorized – for the purpose of the assessment as a shopping center. The assessment concludes that based on NYSDOT guidelines, the project does not warrant a Traffic Impact Analysis (TIS) because it is projected to add less than 45 trips to an adjacent intersection. A TIS is warranted when a project adds 100 or more trips to an adjacent intersection.

The Lead Agency has also considered potential impacts to traffic relative to proposed land uses, area requirements and available site parking. The applicant is proposing 65 parking spaces for the site. The proposed area and parking requirements, as well as the size of the available space in the building will effectively limit the size and intensity of commercial and other uses on the site. For instance, a higher-intensity commercial use, such as a restaurant or club would be limited in size to reflect the available parking on site (see Impact to Community Character).

As a result of the information provided above, the Lead Agency has determined that no significant impact on traffic is anticipated.

**IMPACT ON ENERGY**
The applicant provided the following information regarding energy use and systems design in materials dated June 2021:

**Conformance with Tompkins County Energy Recommendations for New Construction**
1. Energy Star
   - The project will include water fixtures that meet EPA’s Water Sense requirements.
   - All permanent appliances in the apartments will be Energy Star rated.
2. Heat Pumps
   - Air Source Heat Pumps will be used throughout the building.
3. Renewables.
   - Roof surfaces are capable of accommodating PV solar panels to the extent possible, however, the solar exposure is not the best, so we are looking at alternative sites for a solar array in order to net meter to this site.
4. Energy-efficient building design.
   - The building has been designed with a window-to-wall ratio of less than 25%, except for the east side, which has the views and is the concentration of residential use.
   - The overall building shape is simple, optimizing the efficiency of the building envelope.
   - Best practices will be used for air sealing to minimize infiltration and stack effects.
   - This project is an adaptive resume of an existing building, which is inherently energy efficient from a construction and materials use perspective.

For buildings over 20 residential units or mixed use:
Amendment to Negative Declaration Adopted on 09/28/21
City of Ithaca
FULL ENVIRONMENTAL ASSESSMENT FORM – Part III
Project Name: Cliff Street Retreat at 407 Cliff St
Date Created: 6/21/21 Updated 6/29/21, 7/20/21, 8/23/21, 8/31/21, 9/14/21

Any text differing from the 09/28/21 FEAF III is underlined.

5. Lighting controls and high-efficient lighting technology
   • LED lighting will be used throughout the project
   • Occupancy sensors will be used in common areas and photo sensors will be used for exterior lighting.

6. High efficiency systems
   • The building will have HRV/ERV ventilation separate from the heating and cooling systems
   • Heating systems will be within conditioned spaces

On August 4, 2021, the Ithaca Energy Code Supplement (IECS) went into effect for all new buildings constructed in Ithaca. The IECS prioritizes electrification, renewable energy, and affordability with the following objectives:

"deliver measurable and immediate reductions in greenhouse gas (GHG) emissions from new buildings, major renovations, and new additions; promote best practices in the design of affordable buildings to deliver reduced GHG emissions; and provide a rapid but orderly transition to buildings that do not use fossil fuels for major building energy needs such as space heating and hot water heating, by 2026. For construction subject to the Ithaca Energy Code Supplement, requirements for reductions in GHGs go into effect in three steps: 2021, 2023, and 2026."

From August 4, 2021, until 2023 all new buildings must produce 40% fewer greenhouse gas emissions than the Energy Conservation Construction Code of New York State requires. Beginning in 2023, the IECS will increase the requirements of new construction to produce 80% fewer greenhouse gas emissions than the Energy Conservation Construction Code of New York State requires, and by 2026 all newly constructed buildings in Ithaca will be required to be net-zero buildings that do not use fossil fuels. The IECS supports Ithaca’s Green New Deal which aims to “achieve an equitable transition to carbon-neutrality” community-wide by 2030.

The Building Division will oversee implementation and enforcement of the IECS.

As a result from the information provided above, the Lead Agency has determined that no significant impact to energy is anticipated.

IMPACT ON NOISE, ODOR, AND LIGHT
The mixed-use project is not expected to produce operational noise, odor or light that is out of character with surrounding uses. The limited exterior lighting will be dark sky compliant. Interior lighting in stairs and corridors will be on sensors.

The past use of the building was light industrial and as such created related industrial and truck traffic noise. According to the site plan review application provided by the applicant, construction will last approximately 10 months. As the building is being repurposed, there will be no noise from foundation
construction. Noise and odors from construction activities may have minor temporary impacts to adjacent the residents.

Noise producing construction activities may temporarily impact residents in the immediate area. Noise producing construction activities will be limited to the hours between 7:30 A.M. and 5:30 P.M., Monday through Friday (or Saturday 9:00 A.M. to 5:30 P.M. with advance notification to and approval by the Director of Planning and Development).

As a result from the information provided above, the Lead Agency has determined that no significant impact to noise odor of light is anticipated.

**IMPACT ON HUMAN HEALTH**

The existing building will be converted from industrial and office use to residential, office, light industrial, and commercial uses. The applicant has submitted an Environmental Site Assessment (ESA) Phase 1 dated March 2021 and prepared by GeoLogic, NY. The assessment revealed no evidence of recognized environmental conditions in connection with the target property. The assessment concluded a Historical Recognized Environmental Condition (HREC) as “the detection of petroleum-impacted soils beneath the building at the Property and Spill No. 0207735 represent a historic REC.” As well, the assessment concluded a Controlled Recognized Environmental Condition (CREC) at the target site: “The Property was listed as a large quantity generator of hazardous wastes under EPA ID NYD986960367. The concentrations of volatile organic compounds (VOCs) detected in the indoor air and sub-slab vapor samples collected within the building at the Property and subsequent installation of a sub-slab depressurization system (SSDS) within the building, represent a CREC.”

In the ESA, Appendix B Drawings, GeoLogic included an as built floor plan dated August 2020 depicting the SSDS they installed to mitigate potential for soil vapor intrusion. The applicant further submitted a letter from GeoLogic dated August 2, 2021, stating that the SSDS system performance objective does not change based upon use of a building, so the current system as configured and operating will be protective of residential use. If the SSDS is modified, GeoLogic recommends “a follow-up PPE test be conducted to confirm the modified system is still generating the -0.004 WC negative pressure.”

As per correspondence with the applicant dated August 5, 2021, “Only raised bed gardening with imported amended topsoil will be permitted on site and specifically at each of the residential units.”

As a result of this information, the Lead Agency has determined no significant impact to human health is anticipated.

**CONSISTENCY WITH COMMUNITY PLANS**

The project complies with several of the goals and recommendations of Plan Ithaca, the City’s Comprehensive plan adopted in 2015 including the following:
The project site is within an Environmentally Sensitive area as identified in Future Land Use Map. These areas contain special natural features (in this case, steep slopes) and may include the existing built environment. The applicant is redeveloping the existing industrial building to residential mixed-use and is decreasing the amount of impervious surface on the site. Pavement along the top of the slope, previously used by trucks, will be replaced with landscaping and low intensity outdoor use. The proposed trail connecting to Cass Park and the Cayuga Waterfront Trail will be built on helical piles to avoid disturbance of the slope while providing safe access into the natural area.

- Encourage infill and redevelopment of underutilized sites is in coordination with the goals of the Land Use chapter.
- Encourage mixed use development that includes a range of housing types and employment opportunities is in coordination with the goals of the Land Use chapter.
- New residential development will be compatible with the essential character of the neighborhoods in coordination with the goals of the Land use chapter.
- Provide connections between the City’s sidewalk, trails, and bike boulevard networks.
- Community partnerships will support the maintenance, enhancement, and promotion of parks, trails, and natural areas.

The applicant has applied to Common Council for a Planned Unit Development (PUD). The site is in the R-3a Zoning District and the existing industrial building is legally non-conforming in both the use and area requirements of the City’s Zoning Ordinance. These conditions predate the enactment of the current zoning. The continued use of the property in its existing configuration is allowed but it cannot be expanded or enlarged without use and area variances.

The proposed PUD will have one zone over the entire site. Area requirements for the proposed PUD will be consistent with the R-3a Zoning district with the exception of the following:

- Minimum lot areas is reduced from 5,000 SF to 4,000 SF. This is proposed to allow for a potential future subdivision of the two cottages.
- A 0’ front yard setback is proposed for the existing building. This is proposed to allow for the continued use of the existing building in its current form as well as the construction of a raised boardwalk along the front. Any new buildings will have a 10’ front yard setback, consistent with the R-3a zone.
- A 15’ rear yard setback is proposed to allow the addition of decks at the rear of the building and flexibility in placement of the future cottages. R-3a zoning requires 50’ or 20% of lot depth but not less than 20’.
- Proposed parking requirements are consistent with the City’s Zoning Ordinance with the exception of those for restaurant, tavern club or lodge for which the applicant is proposing 1 space per 75 SF of net assembly area, whereas the Code requires 1 space per 50 SF of net assembly area.
The applicant proposes uses that are a combination of those allowed by right in the R-3a and B-2 Zoning Districts as well as those that will require a Special Permit (see attached proposed use table dated 8/30/21).

The proposed parking requirements are consistent with the City Code, with the exception of restaurant/tavern or club/lodge. The applicant is proposing 1 space per 75 SF of net assembly area whereas City Code require 1 space per 50 SF of net assembly area (see attached proposed parking requirements).

**Proposed Zoning Impacts and Mitigations**

Proposed area requirements are not expected to have a negative impact because they either reflect existing conditions or are substantially consistent with the R-3a zoning district.

Permitted uses are not expected to have negative impacts. Based on the site plan application, the project is designed to accommodate residential, light manufacturing, office, and commercial use of the following specific sizes:

- Twelve one-bedroom residential units - six intended for long-term rental and 6 intended for short-term rental
- Two 2-bedroom cottages
- 3,438 SF of office space (existing) including a break room and meeting room
- 3,695 SF of retail space facing Cliff Street. Space will be arranged and/or divided into as many as 6 spaces depending on tenant needs
- 1,140 SF of light industrial space – intended as a maker space

There are 65 parking spaces proposed for the site, 4 of which are accessible. As shown in the table below, an estimated 56 spaces are required based on the proposed uses. This leaves a modest surplus of ten spaces to meet additional parking demand outside of requirements.

**Cliff St Retreat: Estimated Parking Based on Proposed Uses, and Parking Requirements and Additional Need**

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Metric or size</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 1-bedroom Dwelling Units</td>
<td>1 Space per 3 BR</td>
<td>12</td>
</tr>
<tr>
<td>2 2-bedroom cottages</td>
<td>1 Space per 3 BR</td>
<td>2</td>
</tr>
<tr>
<td>Office (Incl. Conf Room)</td>
<td>2,179 SF</td>
<td>9</td>
</tr>
<tr>
<td>Flex Space/Light industrial</td>
<td>1140 SF</td>
<td>2</td>
</tr>
<tr>
<td>General Retail</td>
<td>3,695 SF</td>
<td>8</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1,671 SF</td>
<td>23</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>56</strong></td>
<td></td>
</tr>
</tbody>
</table>
The proposed area and parking requirements, as well as the size of the available space in the building will effectively limit the size and intensity of commercial and other uses on the site. Therefore, the project sponsor must carefully balance the mix of future commercial (and other) uses to comply with the fixed amount of available parking. For instance, as shown above, a higher-intensity commercial use, would be limited in size to reflect the available parking on site.

Based on the information described above, the Lead Agency has determined that no significant impact to community plans is anticipated.

**CONSISTENCY WITH COMMUNITY CHARACTER**

The applicant proposes an adaptive reuse of an existing non-conforming industrial facility in a residential zone. Redevelopment includes the introduction of residential use and new building facades that are more compatible with the surrounding houses and neighborhood character. The project increases residential units, improves building safety, energy efficiency and aesthetics, adds landscaping, connects City trails, activates the streetscape, and upgrades sidewalks.

A stormwater pipe runs across Cliff St, under the southern parking lot of this building and continues to some type of outfall. The project team submitted pictures dated 9/1/21 of the outfall and the slope to the east of the southern parking lot. Concrete acts as riprap near the outfall and according to the applicant is preventing erosion from storm events. The outfall does not flow into any of body of water, dissipating into the forest. There is no evidence of an easement on that parking lot granting the City access to the storm pipe crossing the parking lot, but one will be required. The applicant has agreed to grant the City a maintenance easement.

The site does not have enough water capacity required for the sprinkler system proposed for the existing building. The applicants are “looking at the feasibility of either a storage tank system or connecting to the main at Cass Park, creating a loop that would provide much more than enough flow for the project” (correspondence from applicant 3/22/22).

*Need solution.*

Based on the information provided above, the Lead Agency has determined no significant impact on community character is anticipated.

**Prepared by:** Lisa Nicholas, Deputy Director of Planning, AICP
501 CLIFF STREET
6-UNIT APARTMENT BUILDING
City of Ithaca, New York

DESIGN TEAM
STREAM Collaborative
Architecture & Landscape Architecture
Noah Demarest RA, RLA, LEED AP
ph: 607.216.8802
noah@streamcolab.com

C1 SITE PLAN
1/" = 10'-0"

IF THIS DRAWING IS PRINTED ON 11x17 PAPER, SCALE IS HALF OF WHAT IS INDICATED
The circular driveway is being requested to provide a drop off area for the congregation space in the basement and to facilitate the exiting from the one proposed parking space that serves the basement apartment in the existing Chabad House. The creation of this drive utilizes the two existing curb cuts and does not eliminate any existing street trees. The slope of the drive is 8% for the north half which is reasonable for passenger vehicles. In contrast adjacent driveways have grades of 20%. This circular drive was previously requested to provide access for trash & recycling pick-up and would have served trucks, but the pick-up was changed during the prior approval process and the circular drive was eliminated. This new proposal has narrowed the drive to 10’ wide and reduced the two existing curb cuts in width. Ample plantings have been proposed.

PROJECT UPDATE:

The project is scheduled to break ground by June. Funding is almost complete but some donors felt the parking garage was an unnecessary loss of valuable program space. Since the Chabad functions and activities do not require parking to operate, the proposal here is to remove the garage and add a congregation hall (shul or synagogue). This will allow the shul to be dedicated to its function and also accommodate the full 150 person occupancy during the high holidays a few days per year. The 150 person dining room remains as the primary function on Friday nights and the largest regularly occupied activity. The other smaller rooms throughout the buildings will serve as meeting and classroom space during the week.

LOT AREA:

- Combined Lot Area: 23,903 SF
- MAX Lot Coverage: 30% (7,171 SF)
- Chabad House: 1,910
- Mikvah: 780
- Existing Deck: 505
- Existing Total: 3,195
- Proposed Project: 4,785 + 192 walk-in coolers = 4,977
- Total: 8,172 (34.3% VARIANCE GRANTED)

BUILDING HEIGHT: 15 feet MAX, Actual = 23 feet

YARDS:

See setback lines on site plan (FRONT, SIDE & REAR YARD VARIANCES GRANTED, REAR YARD FOR EXISTING MIKVAH)

DRIVEWAY SLOPE: 8% MAX, Actual = 8%

PARKING:

- Parking Spaces Required for Existing Conditions Only
  - Basement Apartment (1 per 1 to 3 bedrooms) 1 space
  - Existing meeting room replaced by new facility (Becomes accessory space)
- Total = 1 space
- Parking Spaces Required for Proposed Only:
  - Church (1 per 10 seats) 10 (150 seats)
- Total = 15 spaces

TOTAL REQUIRED PARKING SPACES = 16
- Actual Parking Spaces = 2 existing to remain (4 exist) + 3 to 4 new (1 along driveway on Lake St, 2 along main driveway; 1 near existing) = 5 to 6 spaces on-site
- Parking deficiency = 10 to 11 spaces (VARIANCE GRANTED FOR 11 SPACES)

Note: Off-site parking spaces available in 168 space Cornell parking lot across street (University Ave Lot)
### Recreational River Permit Schedule - 125 Lake Steet- The Breeze

<table>
<thead>
<tr>
<th>ACTION</th>
<th>PROJECTED</th>
<th>Legal Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Submitted to Planning Board</td>
<td>October 4, 2022</td>
<td>60 days after application</td>
</tr>
<tr>
<td>Environmental Review complete</td>
<td>December 20, 2022</td>
<td></td>
</tr>
<tr>
<td>Updated/Revised Application Submitted to PB</td>
<td>20-Apr-23</td>
<td></td>
</tr>
<tr>
<td>Planning Board deems application complete/ Sets PH</td>
<td>April 25, 2023</td>
<td></td>
</tr>
<tr>
<td>Notice of Completion to Applicant</td>
<td>April 26, 2023</td>
<td>60 days after application</td>
</tr>
<tr>
<td>Notice to City &amp; Interested Parties</td>
<td>April 27, 2023</td>
<td>After NOC to Applicant</td>
</tr>
<tr>
<td>ENB Publication</td>
<td>May 8, 2023</td>
<td>10 days after NOC</td>
</tr>
<tr>
<td>Public Comment Period</td>
<td>May 9- May 24, 2023</td>
<td>15+ days after notice</td>
</tr>
<tr>
<td>Advertising of PH</td>
<td>May 9, 2023</td>
<td>After NOC to Applicant</td>
</tr>
<tr>
<td>Public Hearing</td>
<td>May 23, 2023</td>
<td>90 days after NOC</td>
</tr>
<tr>
<td>Final Decision</td>
<td>May 23, 2023</td>
<td>60 days after Public Hearing</td>
</tr>
</tbody>
</table>
PERMIT APPLICATION

PERMIT: New York State Department of Environmental Conservation (DEC)
       Wild, Scenic, and Recreational Rivers Permit

Location: 121-125 Lake Street, Ithaca, New York.

Date Issued: April 20th, 2023

Contact: Laura Mattos
         Chief Operating Officer
         607.269.7300, Ext. 03
         laura@visumdevelopment.com

To whom it may concern,

Please find enclosed the following materials for your review and consideration in the approval of a Wild, Scenic, and Recreational Rivers Permit associated with our project located at 121-125 Lake Street, Ithaca, New York.

The enclosed application materials include:

1. A detailed description of the regulated activity.
2. A map of an appropriate scale showing the project location and boundary of the river area.
3. A statement addressing the feasible alternatives which do not affect the river resource values or on a site that is not regulated.
4. A statement identifying the owner of the property.
5. A description of the planned use of the subject property once the proposed regulated activity is complete.
6. A clearly labeled photograph of the site.
7. A series of drawings outlining proposed improvements

Visum Development appreciates your time and effort in consideration of this permit application. Please do not hesitate to contact us should you have any questions or require additional information.

Laura Mattos

____________________
Chief Operating Officer
1.1 DESCRIPTION OF THE REGULATED ACTIVITY

The NYS Department of Environmental Conservation (DEC) designates Fall Creek as a Recreation River, which reserves to the state certain rights to review and approve land uses within a certain boundary drawn around and along the Fall Creek corridor within the City of Ithaca. The DEC defines the Fall Creek Recreational River location as “Approximately 1.8 miles from the southern boundary of Cayuga Lake to the west face of the foot bridge running across Fall Creek, which foot bridge is located between Thurston Avenue on the west and Beebe Lake on the east (in the City of Ithaca, Tompkins County).”¹ The enabling legislation for the Wild, Scenic and Recreational Rivers Permit Program is Article 15, Title 27 (“Environmental Conservation Law”), and its implementing legislation is in 6 NYCRR Part 666. DEC delegated permitting authority to the City of Ithaca, which has in turn vested this authority in the Planning and Development Board.

The DEC defines certain regulated activities to which certain rules apply, namely:²

- Existing Land Uses
- Dams, Impoundments and Water Withdrawals
- Residential Structures
- Non-Residential Structures
- Roads, Trails, Bridges and Motorized Access
- Water Quality, Wastewater Treatment and Waste Disposal
- Signs and Commercial Directories
- Public Utility Uses

The Breeze project at 121 Lake Street, Ithaca, NY 14850 has a signed Redevelopment Agreement (Appendix A) with the City which had contemplated a footbridge over a raceway on the property (the site of the former Ithaca Gun Company factory) and establishing an overlook on a natural feature called “The Island” on City-owned former factory land. 121-125 Lake Street LLC would construct this overlook feature on the City-owned property. Due to the component elements of this proposal involving a bridge, fencing, and a walkway that could be considered a “trail”, we are applying for a Recreational Rivers Permit for these three land uses. According to the “Do I need a permit?” page:

Regulated Activity 1: Footbridge over the Raceway

- Under “Roads, Trails, Bridges, and Motorized Access”:
  - “Bridges are allowed for non-motorized open space recreational uses with permit over the river segment and no permit is necessary for other bridges constructed for those purposes within the protected corridor.”
  - “Use of motorized equipment and vehicles for forest management purposes is allowed without permit.”

  - The signed 2023 Redevelopment Agreement states that the “Walkway and Bridge shall allow for a clear, safe route for lightweight motor vehicles such as golf carts to reach the Overlook for maintenance, security or emergency purposes;” (§2). If the Board finds that this constitutes a “forest management purpose” then we understand the project would not need a permit for that specific use.

Regulated Activity 2: Path on the island overlook

- Under “Roads, Trails, Bridges, and Motorized Access”
  - “Trails are allowed with permit”
  - We plan on providing an approximately 65-feet long and a minimum of 8-feet wide ADA-accessible stone dust with pathway stone edging on the so-called island’s proposed overlook.

Regulated Activity 3: Fencing/delineation

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¹ “Wild, Scenic and Recreational Rivers” https://www.dec.ny.gov/permits/32739.html
² “Do I need a permit?” https://www.dec.ny.gov/permits/6393.html
PERMIT APPLICATION | New York State DEC Wild, Scenic, and Recreational Rivers

- Fences are described under “Non-Residential Structures”
  - “Docks, Boathouses, Stream Improvement Structures and Fences are allowed but require a permit.”
  - We plan on providing chain link fencing around the perimeter of the so-called island to limit pedestrian access beyond the overlook property. An 8’ tall chain link fence is proposed on the East, South and West sides of the island. A 4’ tall chain link fence is proposed on the north side of the island to allow for better views from the overlook.

2.1 PROJECT LOCATION MAP AND BOUNDARY

Please see the map entitled “Fall Creek Recreational River Boundary” provided by The City of Ithaca, which is part of Appendix A.

3.1 ALTERNATIVES ANALYSIS

The island overlook is being proposed in accordance with a 2023 Redevelopment Agreement between the City of Ithaca and 121-125 Lake Street LLC, the current owner of the property at 121 Lake St (11.-3-1.22). The proposal is not a requirement of the Breeze Apartments project but is a reflection of the project team’s commitment to the City’s wishes for an overlook to be built. The proposed design includes:
- Construction of a 45-feet long and 8-feet wide ADA-accessible prefabricated pedestrian bridge over the raceway providing access to the overlook.
- Redevelopment of a flat surface on the “island” so as to provide a safe area for community use as an overlook to Ithaca Falls and Ithaca scenic views.
- Installation of chain link fencing around the perimeter of the island to prevent visitors from wandering on unsafe areas.
- Benches
- Informational plaques and wayfinding signage to help ensure the safety of visitors.

Please see Appendix B for the exhibit entitled “L-101: Layout Plan” and for exhibit entitled "L-201: Enlarged Layout Plan and Details"

4.1 PROPERTY OWNERSHIP

The City of Ithaca has owned 11.-3-1.21 since December 2008.

121-125 Lake Street LLC, owned by 201 C-Town LLC, which is in turn managed by Todd Fox, has owned 121 Lake St (11.-3-1.22), whence access to the City parcel will originate since December 2021.

5.1 PLANNED USE

The planned use of the subject property is a flat surface on that portion of the so-called island to accommodate a community walkway which is ADA accessible and provide visitors with scenic views of the City of Ithaca.

6.1 PHOTOGRAPHIC CONTEXT

Please see the exhibit entitled “Fall Creek and Project Contextual Photograph”, which is part of Appendix A.

7.1 SUPPLEMENTAL INFORMATION

This section outlines how the proposed activities meet the three criteria required for the Planning Board to issue a permit.

7.2 - (1) The proposed activity is consistent with the purpose and policies of the Wild, Scenic, and Recreational River Act and its regulations.
PERMIT APPLICATION | New York State DEC Wild, Scenic, and Recreational Rivers

“...it is hereby declared to be the policy of this state that certain selected rivers of the state which, with their immediate environs, possess ["outstanding natural, scenic, historic, ecological and recreational values"] ‘shall be preserved in free-flowing condition and that they and their immediate environs shall be protected for the benefit and enjoyment of present and future generations.” (§15-2701, Statement of policy and legislative findings)

<table>
<thead>
<tr>
<th>Stone dust path</th>
<th>The stone dust path does not impact Fall Creek’s free-flowing condition. The path limits access to scenic enjoyment of Fall Creek to a confined area and makes Fall Creek’s immediate environs accessible to present and future generations, including individuals with mobility disabilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railing/Fencing</td>
<td>None of the proposed fencing/delineation impacts Fall Creek’s free-flowing condition. The fencing, combined with wayfinding signage, identifies where the public can access the scenic enjoyment of Fall Creek.</td>
</tr>
<tr>
<td>Footbridge</td>
<td>Because the proposed bridge does not cross the river segment, no permit is required for non-motorized access. As part of the Redevelopment Agreement negotiations, the City of Ithaca Staff have expressed a desire to limit motorized access to this category of lightweight vehicles, for maintenance, security or emergency purposes. If the Board finds that this constitutes a “forest management purpose”, then we understand the project would not need a permit for that specific use.</td>
</tr>
</tbody>
</table>

### 7.3 - (2) The Fall Creek Recreational River resource will be protected and the proposed activity will not have an adverse environmental impact

<table>
<thead>
<tr>
<th>Stone dust path</th>
<th>A stone dust path is of minimal environmental impact; being that it is so far elevated up from the Fall Creek water level, this path will not have an adverse environmental impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railing/Fencing</td>
<td>None of the proposed fencing/delineation impacts Fall Creek’s free-flowing condition. The fencing, combined with wayfinding signage, identifies where the public can access the scenic enjoyment of Fall Creek, and therefore actively reduces any adverse environmental impacts.</td>
</tr>
<tr>
<td>Footbridge</td>
<td>The footbridge will not be visible from the river and only serves to make the City’s desired island overlook accessible.</td>
</tr>
</tbody>
</table>

### 7.4 - (3) No reasonable alternative exists for modifying or locating the proposed activity outside the designated area

<table>
<thead>
<tr>
<th>Stone dust path</th>
<th>The path is not really a trail; rather, it’s the only ADA accessible way to get to the spot where the City has long expressed desire for an overlook.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railing/Fencing</td>
<td>Keeping fencing as close as possible to the edges of the so-called island area maximizes the site’s ability to prevent visitors from wandering on unsafe areas.</td>
</tr>
<tr>
<td>Footbridge</td>
<td>There is no other way to provide ADA access to the Island on foot; a bridge over the raceway is the only feasible access. However, the bridge will not cross the “river segment” (i.e., the flowing waters of Fall Creek), so visual changes to the area will be extraordinarily minimal; the bridge will only be visible from the site’s main grade (i.e., parking lot level and potentially from the sidewalk on Lake Street), and potentially from properties immediately uphill.</td>
</tr>
</tbody>
</table>
THE BREEZE

AMENDED AND REDEVELOPMENT AGREEMENT BETWEEN THE CITY OF ITHACA AND 121-125 LAKE STREET LLC

THIS AMENDED AND REDEVELOPMENT AGREEMENT (the “Agreement”), entered into as of the 21st day of January, 2023, is by and between the City of Ithaca (“City”) and 121-125 Lake Street LLC (“Developer”), concerning Tax Parcels 11.3-1.21, 11.3-1.22 and 11.3-1.23 and commonly known as the former Ithaca Gun Factory site at 121 Lake Street in the City of Ithaca (each of the Developer and the City are referred to individually as a “Party” and collectively as the “Parties”).

a. The Developer acquired title to Tax Parcels 11.3-1.22 and 11.3-1.23 (the “Property”) in December 2021 and desires to address contamination at the Property and redevelop the Property for productive use as a multi-family residential project (the “Project”), and the Developer and has already secured the necessary funding to complete the Project;

b. The City likewise desires to have the contamination at the Property (and any related contamination on adjacent land currently owned by the City, including without limitation Tax Parcel 11.3-1.21 (the “Donated Land”), which formerly constituted a portion of the Property), remediated as soon as practicable, and for a suitable portion of the Property to be redeveloped for productive use such that it will be an asset to the neighborhood and the City;

c. Fall Creek Redevelopment LLC (“FCR”), a previous owner of the Property, in 2007 deeded the Donated Land to the City, subject to the terms and conditions set forth in a Development Agreement between FCR and the City dated September 27, 2007 (“2007 Development Agreement”);

d. Each of the City and the Developer hereby acknowledge and agree that site conditions, market conditions, and ownership have substantially changed since the execution of the 2007 Development Agreement and consequently desire to update the 2007 Development Agreement in accordance with and subject to the terms and conditions in this Agreement to:

i. reflect that Developer intends to develop a market-rate multifamily project;

ii. affirm Developer’s eligibility to apply to CIITAP and other state/local tax abatement programs;

iii. reflect the Parties’ intent to make the Island accessible to the general public; and

iv. reflect that several provisions relating to Restore NY grants and the New York State Environmental Restoration Program contained in a previous version of this Development Agreement have been fulfilled by the City and prior owner of the Property, and remove the same from the Agreement to the extent that they have been satisfied.
Now therefore it is hereby agreed that the 2007 Development Agreement is amended and restated on the following terms:

Site Redevelopment

1. Reference is hereby made to a diagram the (the “Diagram”) prepared by SWBR, an architectural firm with offices in downtown Rochester and Syracuse (the “Architect”), showing a walkway specifically depicted on the Diagram (“Walkway”) connecting the Lake Street sidewalk to an 80-foot long bridge (the “Bridge”) to the scenic viewing location situated on a so-called island from which Ithaca Falls can be viewed (the “Overlook”) attached as Exhibit A. As of the date of this Agreement, the location of the Bridge is anticipated to be as set forth on the Diagram; provided, however, that each of the Parties acknowledges and agrees that the actual length and location of the Bridge shall be subject to City approval, taking into consideration final engineering recommendations provided by Developer’s design team. The final design of the Walkway, Bridge, and Overlook (collectively, together with any fence, platform, signage and all other associated features or elements, “Improvements”) shall also be subject to City approval, taking into consideration engineering and design recommendations provided by Developer’s design team as well as safety, accessibility, and other relevant factors. City approval shall consist of approval by the Director of Planning and Development, and site plan approval by the Planning and Development Board where applicable.

2. The Developer agrees to build and maintain the Improvements on the Property and Donated Land, in accordance with the location, size, and other technical specifications depicted on the Diagram, or as otherwise agreed to by the Parties pursuant to Paragraph 1 of this Agreement, at its sole cost. For the avoidance of doubt, the traversable portions of the Walkway, Bridge, and Overlook and shall be at least 5 feet in width and ADA-compliant. The Walkway and Bridge shall allow for a clear, safe route for lightweight motor vehicles such as golf carts to reach the Overlook for maintenance, security, or emergency purposes; provided, however, that the Developer shall not be required to construct a bridge capable of supporting heavier vehicles such as conventional passenger cars. Developer shall grant a perpetual easement to the City over any portions of the Improvements located on the Property for non-exclusive public use during the hours between 8 a.m. and one-half hour after sunset, and for use by the City, for official purposes, at any time. The City shall grant a perpetual easement to the Developer over any portions of the Improvements located on the Donated Land granting Developer access, upon notice to the City, at any time for the purposes of effectuating its obligations under this Agreement to build and maintain the Improvements. The City shall further hold any portions of the Improvements located on the Donated Land open for non-exclusive public use, including by the Developer or its invitees, during the hours between 8 a.m. and one-half hour after sunset, subject to any closures required for maintenance, safety, or similar reasons. In the event that Developer fails to comply with its obligation to maintain the Improvements within a reasonable time after receiving written notice from the City of any required repairs or maintenance, the City shall be permitted to undertake such work with the costs thereof to be fully reimbursed by Developer within sixty days of Developer’s receipt of an invoice from the City. To the extent necessary, the Parties agree to either terminate or amend and restate the easement between the City and Fall Creek Development, recorded in the Tompkins County Clerk’s
office as Instrument 536781-002 (the “Property Easement”), to be consistent with the terms and conditions of this Agreement. Any work on or disturbance of the Donated Land shall comply with any applicable requirements of the 2017 Site Management Plan for the Donated Land and any revisions thereto, and any environmental easement, including the Environmental Easement between the City and NYSDEC dated December 8, 2017, relating to the Donated Land.

3. In the event that Developer has not commenced work on the site by August 1, 2023, Developer shall ensure that effective stormwater management and sediment control measures are installed and remain in place, including without limitation seeding of any exposed soils, and provide adequate site security at the Property until such time as redevelopment commences. Upon written notice of the Director of Planning, Developer shall provide a third-party certification demonstrating the efficacy of the same.

4. At all times prior to and during construction, the Developer agrees to reasonably secure the site and structures thereon on an on-going basis, so as to mitigate against unauthorized entry, and in compliance with all future applicable orders of the Ithaca Fire Department, Building Division, or other appropriate City agency.

5. The Developer shall proceed through the City of Ithaca’s standard approvals process for new development projects, including but not limited to site plan review, zoning variances if needed, SEQRA and CEQRO review, and building permits.

6. The Developer has applied for site plan review approval for redevelopment of the Property. Where lacking, the proposed site plan shall be amended to include:

   a. the Improvements, as described in this Agreement and depicted on the Diagram;
   b. a fence, reasonably satisfactory to the City, on the north side of tax parcel 11.3-1.22, at or near the top of the bank on the south side of the raceway,
   c. two handicap accessible parking spaces as depicted on the Diagram, which shall be made available for public use,
   d. subject to the conditions stated in Section 8 of this Agreement, the inspection and restoration of the smokestack, and
   e. a proposed stormwater management plan for the three parcels comprising the Property and the Donated Land.

7. If it is approved as part of the Site Plan, the Developer agrees to erect and maintain the fence referred to in Section 6, above, at its sole cost.

8. Developer shall obtain a proposal to conduct a professional structural and condition analysis of the smokestack by a consultant mutually acceptable to Developer and the City, as determined by the Director of Planning and Development. The consultant shall have professional qualifications and expertise relevant to the examination and preservation of historic structures, and shall provide evidence of the same (for example, a list of prior relevant projects, proof of qualifications, etc.). The City may, but shall not be required to,
obtain a proposal for consideration by Developer and the City in addition to the proposal obtained by Developer, and the City and Developer shall confer in good faith prior to selecting the consultant. The analysis will be provided to the City, subject to a written commitment from the City to pay one-half of the cost of such analysis and Developer to pay one-half.

a. The City may, in its sole discretion, elect not to share in the cost of the inspection of the smokestack, in which event Developer may, but shall have no obligation to, inspect the smokestack at its sole expense. The City shall have six (6) months from the execution of this Development Agreement to determine whether it shall contribute one-half of the analysis cost.

b. If such analysis is undertaken, a copy of any resulting report shall be provided to the City.

c. If the City does not agree to pay one-half of the cost of an analysis of the smokestack, the Developer, in its sole discretion, may either proceed to stabilize and restore or demolish the smokestack upon sixty (60) days written notice to the City and subject to all necessary approvals. City shall not be required to bear any cost or expense associated with stabilization, restoration, or demolition pursuant to this Paragraph 8(c).

d. If the City agrees to pay one-half of the cost of an analysis of the smokestack, and the City determines that the restoration of the smokestack is in the best interests of the general public, the Developer will grant the City or its assignee an option to acquire Tax Parcel 11.-3-1.23 for $1.00. The transfer of said parcel shall be subject to the following terms if the City or its assignee, in its sole discretion, elects to exercise the option:

i. The City or its assignee shall agree to maintain the smokestack in perpetuity until such time as the City or its assignee, in its sole discretion, elects to demolish the smokestack. Developer shall not be required to bear any cost or expense associated with demolition pursuant to this Paragraph 8(d)(i).

ii. Developer shall, in addition to conveying Tax Parcel 11.-3-1.23, grant to the City or its assignee an easement for the purposes of accessing and maintaining said parcel and smokestack. In the event that vehicular access across Developer’s Property is not feasible due to the design of the improvements or any other condition on Developer’s Property, Developer shall acquire and assign to the City or its assignee an easement across a neighboring property sufficient to enable vehicular access to Tax Parcel 11.-3-1.23 for the purposes of allowing the City or its assignee to access and maintain said parcel and smokestack.

9. As indicated in §4 of the Property Easement, the Developer's Stormwater Management Plan submitted as part of the Site Plan review process shall be sensitive to aesthetic considerations in keeping with its proximity to public land.
10. The Developer shall continue remediation of environmentally contaminated areas on the Property, including actions under the Brownfield Cleanup Program. Recognizing the interdependence of the Property and the Donated Land, the Parties shall consult with one another with respect to the consultants and professionals to be retained for the remediation work on both the Donated Land and the Property to achieve the greatest time and cost efficiencies and to assure remediation which is mutually acceptable.

**Taxable Status of Land Owned by Developer**

11. The Development Parties agree that the Property shall remain taxable for a period of not less than twenty (20) years from the issuance of a Certificate of Occupancy by the City for the project. For the purpose of this Agreement, the term “taxable” as used herein shall mean that the owner of said property shall be liable for timely payment of taxes in full, to the applicable taxing authority, subject to any PILOT program benefits. Nothing in this agreement shall prevent or prohibit the Developer from applying for any available property tax abatement programs, including but not limited to the Community Investment Incentive Tax Abatement Program (CIITAP) as operated by the Tompkins County Industrial Development Agency (IDA). Any transfer, by sale, gift, or otherwise, of the Property to a tax-exempt owner prior to the expiration of the 20-year period shall cause Developer to become immediately liable to the City for damages in an amount equaling the total amount of property taxes to be paid over the remaining portion of the 20-year period at the tax rate applicable on the date of the transfer.

**Miscellaneous Provisions**

12. Nothing herein shall be construed to indemnify Developer with regard to its obligation to comply with all lawful orders of local, state, or federal governments or courts of appropriate jurisdiction, or with regard to any claims arising from their failure to do so.

13. Except as otherwise set forth in this Agreement, the Parties shall bear their own costs and expenses, including engineering fees, legal accounting, and fees incurred in connection with the negotiation and preparation of this Agreement and any subsequent exercising of rights or performance of obligations set forth in this Agreement.

14. This Agreement supersedes all prior Agreements, understandings, and communications between the Parties, whether oral or in writing, concerning the subject matter of this Agreement. This Agreement may not be modified or amended except by a writing signed by all Parties (or the legal successor to the Parties).

15. The waiver by a party of its rights under this Agreement or of a breach by any other party shall not constitute a waiver of any other rights under this Agreement or of any future breaches by any party.

16. The Parties have jointly prepared this Agreement and have read and understand its provisions, and mutually represent and warrant that each has been represented by counsel of its choice in the preparation and negotiation of this Agreement and that the Agreement should not be construed against any party because that party drafted all or a portion of this Agreement.
17. If any part, paragraph, section, or portion of this Agreement is held to be void, invalid, inoperative, or unenforceable for any reason, such provision shall be deemed severed and the remainder of this Agreement shall not be impacted and shall continue in full force and effect, unless to do so would fundamentally contravene the present valid and legal intent and purpose of the Parties. The Parties agree that each and every provision that is required by law to be included in this Agreement shall be deemed to be inserted herein and shall have the same force and effect as if it were actually inserted.

18. Developer may assign or otherwise transfer its rights, interests, or obligations under this Agreement, upon written notice to the City. This Agreement is not intended to benefit any third party, and no person or entity who is not a party shall be entitled to enforce any of the rights, interests, or obligations of a party to this Agreement, except this Agreement shall be binding on any of Developer's assignees or successors.

19. All notices required by this Agreement shall be in writing and shall be sent to:

To the City: Mayor
City of Ithaca
108 E. Green Street
Ithaca, NY 14850

With a copy to: City Attorney
City of Ithaca
108 E. Green Street
Ithaca, NY 14850
email: attorney@cityofithaca.org

To the Developer: 121-125 Lake Street LLC
c/o Visum Development Group, LLC
226 Cecil Malone Drive, Suite 3
Ithaca, NY 14850
email: todd@visumdevelopment.com

With a copy to: Klausner Cook, PLLC
409 Taughannock Blvd.
Ithaca, NY 14850
email: nate@klausnercook.com

20. This Agreement shall be governed by the laws of the State of New York without regard for its choice of law principles. Venue for any action relating to or arising under this Agreement shall lie exclusively in a court of competent jurisdiction located in Tompkins County, New York.

[Signature Page Follows]
[Signature Page of Amended and Restated Redevelopment Agreement Between
City of Ithaca and 121-125 Lake Street LLC]

City of Ithaca
By Laura Lewis
Name Laura Lewis
Title Mayor

121-125 Lake Street LLC
By
Name Todd Fox
Title Member
EXHIBIT A
[APPENDIX B]
1.3' MIN AS SPECIFIED ON PLANS

ALL FENCING ALONG FALL CREEK GORGE TO BE 4' HT. ALL FENCING ALONG OLD RACEWAY AND ALONG EXISTING WALLS TO BE 8' HT.

NOTE:

DETERMINED BY GEOTECHNICAL UNDERMINING. FINAL EXTENT TO HAVE HIGH TENSILE STEEL MESH WITH SPECIFICATIONS FOR PEDESTRIAN BRIDGE REFER TO DESIGN CRITERIA ON S-001 & L-201.

All fences to be hot-dipped galvanized chain link fence fabric. Tie wires 1-1/2" clear. Chain link fence 7’ - 0” max.

1-5/8” O.D. TOP RAIL

1" = 10'-0"

Enlarged Layout Plan - The Island Overlook

FALL CREEK GORGE

1. Enlarged Layout Plan - The Island Overlook

5' - 0" CAYUGA LAKE @ 12" CTRS.

THE ISLAND

2. Enlarged Layout Plan - Sidewalk Extension

1. Enlarged Layout Plan - Sidewalk Extension

NOT TO SCALE

CHAIN LINK FENCE

6" MIN FROM LOOKOUT

CONCRETE (TYP.) BASED ON BEDROCK LOCATION

CHAIN LINK FENCE FABRIC HOT DIPPED GALVANIZED

1/4" x 3/4" STRETCHER BAR POST CAP

VIEW TOWARDS LOCATION OF EXISTING APPROXIMATE STRUCTURE TO REMAIN LOCATION OF EXISTING 5' - 0"

CONCRETE (TYP.) ABUTMENT TO BE REUSED EXISTING BRIDGE REFER TO S-SERIES NEW BRIDGE ABUTMENT, S-SERIES CONCRETE BRIDGE APPROX GRADE.

550 548

546 540

ABUTMENT / FOUNDATION CONCRETE BRIDGE

10' - 0" MAX STONE DUST, CONNECT TO EXISTING NEW CHAINLINK FENCE, 4' HT CHAINLINK FENCE 7' - 0" CHAINLINK FENCE

EDGING, SPACED PATHWAY STONE

ARCHITECT CONFIRMED IN FIELD BY LANDSCAPE EXACT ORIENTATION TO BE TO SPECIFICATIONS INFORMATIONAL PLAQUE, REFER L-201 FOR EXACT ELEVATIONS

+/- 529’ (REFER TO C-SERIES FOR EXACT ELEVATIONS)

+/- 80’ LONG WALK (1:20 SLOPE)

+/- 40’ BRIDGE R.O.W.

LIGHT POLE: GALVANIZED FINISH, INSTALL MIN. 2.5’ O.C.

BIKE RACKS: SURFACE MOUNTED, POWDER COAT TRASH RECEPTACLE: MOUNT, POWDER COAT BENCH: INSTRUCTIONS PATIO WALL:

THE ISLAND

2. Enlarged Layout Plan - Sidewalk Extension

Updated 2023
Dig Safely
New York
1-800-962-7962
Dig With Care
Respect the Marks
Confirm Utility Response
Wait The Required Time
Call Before You Dig
digsafelynewyork
www.org

PROJECT #:
125811

PLANT LIST

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Quantity</th>
<th>Size</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC</td>
<td>ACER x. FREE 'CELEBRATION'</td>
<td>3</td>
<td>2</td>
<td>#3 CONT.</td>
</tr>
<tr>
<td>JC</td>
<td>JUNIPERUS SABINA 'CALGARY CARPET'</td>
<td>9</td>
<td>18&quot; SPR.</td>
<td>#3 CONT.</td>
</tr>
<tr>
<td>TG</td>
<td>THUJA PLICATA x. 'GREEN GIANT'</td>
<td>3</td>
<td>6' B&amp;B</td>
<td>-</td>
</tr>
</tbody>
</table>
20" MIN.

16" MIN.

EMBED FILTER CLOTH 6" MIN. INTO GROUND

FLOW

FLOW

FLOW

6" MIN.

16" MIN.

5' MAX C. TO C.

ROOT BALL

60°