

**Town of Ithaca Planning Committee**  
**Thursday, February 2, 2018**

**Committee Members:** Rich DePaolo, Chair; Rod Howe and Pat Leary

**Board/Staff Members Present:** Tee-Ann Hunter, Bill Goodman; Sue Ritter, Bruce Bates, Dan Tasman and Paulette Rosa

**Others:** Jamie Gensel, P.E., Fagan Engineers

**Persons to be Heard:** None

**Minutes:** Approved with minor edits.

**Special Permit and Special Approval changes**

Sue introduced the proposed modifications to Town Code section §270-200 pertaining to special permit/approval criteria. She explained that the current language is wordy and unclear making it hard for Board members and staff to use and make findings with. The committee reviewed the original language and the proposed changes prepared by staff. She reported that the Planning Board reviewed the language at a recent meeting and was happy with the changes.

The committee voted unanimously to recommend the modified special permit/approval criteria to the Town Board. Sue will ask Susan Brock to prepare the local law.

**Update on Rental Operating Permit Program**

Bruce reported that the town has been receiving many operating permit applications. He said that there seems to be confusion over who needs to apply for a permit, as well as many other questions. Most of the questions are coming from the small-scale landlords who have one or two units.

Bruce reported that the administrative staff person recently hired to assist with the program has decided to leave town employment for a full time job elsewhere (the position was part-time).

The committee briefly discussed outreach. There has not been any follow-up notification since the announcement was released in late summer/fall concerning the pending legislation. Bruce said that his department was sending out letters to ADU owners concerning their new 911 addressing and including information about the permit program. Bruce thought most of the large-scale landlords are aware of the program via communications through the Landlord Association. He added that the most time sensitive aspect is with the non-recognized ADU. Owners have until January 1, 2019 to prove their existence, otherwise the ADU will fall under the owner-occupancy requirements. Rich noted that there still is ample time to figure out a way to reach out to owners.

**Chain Works District – Planned Development Zone**

A revised draft (dated 2/15/18) of the Schedule A - Design Guidelines portion of the PDZ was handed out, having just been received from the Chain Works team. Most of the changes applied to the “Precedent images” section. Rich said the committee can comment on this document at the March meeting.

The committee moved on to consider the 1/17/18 main draft of the Chain Work PDZ. Rich asked staff to begin the discussion.

Sue explained that the Chain Works team provided the draft and that planning staff had been involved in discussions as well as in preparing certain sections, such as the use table on pgs. 4-7.

She added that Susan Brock, Attorney for the town, still needed to review the language and that staff still had a couple of proposed additional items (i.e. park criteria).

Rich asked about page 2, 2nd bullet, regarding open space as an amenity for the neighborhood. He questioned whether the trails/open space would be open to the public. Jamie Gensel responded that the CW1 area will be open to the public, which includes the Gateway Trail system.

Rich asked about the Design Guidelines described on page 3. He questioned how the Planning Board would apply these during the site plan process. Jamie Gensel responded that the flexibility was with the Planning Board, who could use their judgement in applying the guidelines. For the developer they are not flexible. The developer would need to justify why they could not meet the guidelines and the Planning Board would make the decision.

The sentence on page 3, "Use definitions are mutually exclusive" was discussed. Dan explained that this sentence is often included in codes to ensure that a particular use, which would normally fit under a broad category of uses, can be singled out and handled/required differently. For instance, newer codes use the term "retail" instead of listing all the various types of allowed retail uses. But if you want to exclude "adult use retail" it needs to be called out specifically as an individual definition. Rich suggested replacing the sentence with something clearer, such as: "Broader use types do not include all categorical uses, see table for prohibited uses" or something similar. Staff/professionals may understand the language but laymen might not.

The sentence on page 4, "A use specific requirement for spacing, separation, or buffering from another use does not impose "vice versa" requirements for that other use", was clarified. Dan explained by using the example whereby bars are required to be a certain distance away from a church. If, however, the church decides to locate near the bar, the bar would not have to close down. The language ensures that the existing bar does not become non-conforming.

#### Use Table Review

Sue prefaced this discussion by saying that staff would be looking to Susan Brock to review the use descriptions to see if there are conflicts/issues with existing definitions.

The following comments/edits were provided:

"Private residence" - this use includes the terms "household", "person", "family". How does household compare to a person or family? What is a household? This description needs to be flagged for further review by attorney.

"Collective living" - change from  $\geq 3$  to  $\geq 4$ . The town currently allows 3 unrelated persons to live together and collective living would be considered something in excess of that. Also, tighten down the meaning of transient/temporary/seasonal. What does transient mean? Too many catch all, squishy terms. The building code defines transient as less than 30 days. Add the word "average" before the 1.5 person ("less than or equal to an average of 1.5 residents") to be consistent with the Building Code.

"Live-Work Housing" - no changes requested, just acknowledgement that this is a new term for the town and it is a business run out of a house, but it is different from a home occupation.

“Residential care” – change from a permitted use (P) to special approval (S) to provide scrutiny on whether the size, intensity and type of care is appropriate for the neighborhood. Remove the example in the parenthesis “(generally older and elderly)” so it is not restricted to age.

“Inn” – change from 30 beds to less than 20 rooms.

“Hotel” – change from 30 beds to more than 20 rooms.

Health / Wellness vs Recreation – either broaden this definition or create a new category that would allow activities such as yoga, Pilates, tai chi, meditation, etc. Make sure these are allowed and find the right category for them.

“Veterinary practice” – remove “but not general boarding” to allow overnight boarding.

“Indoor recreation” – no changes; some discussion on the potential for alcohol use to accompany the recreation (i.e. bowling), but decided to allow State rules to govern that possibility.

“Restaurant/bar” – modify to state that the production capacity limits are caps for CW2A, CW2B, and CW3A, but they are guidelines for CW3B and CW4. If exceeded for CW3B and CW4 a special permit is required. The idea is to have controls on a small brewery becoming a large brewery.

“Artisan” – remove “table-mounted” so that it does not preclude non-disruptive stand-alone equipment.

“Industrial low-impact” – modify to allow use in CW3B.

“Research/laboratory” – modify to allow by special permit in CW3B for consideration of the type of research.

“Self-storage facility” – modify the 3<sup>rd</sup> and 4<sup>th</sup> bullet points where “may be” is used to “must be”.

“Place of Assembly” – remove the bulleted item concerning distance requirements from liquor license issuance, since this is covered by NYS law.

“Utility substation” – no changes made following a discussion.

**Staff Updates and Reports:**

No staff updates or reports.

**Next Meeting Date and Upcoming Agenda Items:** The next meeting is March 15<sup>th</sup>, at the new start time 4:00pm. Hopefully next month bring back duplexes and architectural requirements after discussion with architects/ contractors about associated costs and issues.

*Meeting adjourned at approximately 6:10pm.*