

**Village of Lansing
Planning Board Meeting
April 9, 2001**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Acting Chairman Steven Halevy. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Janet Waterman; Code Enforcement Officer Ben Curtis; Trustee Liaison Lynn Leopold; and Attorney Randy Marcus.

Public Comment:

Lisa Schleelein, 975 Cayuga Heights Road, spoke first regarding the McDonald's building. She has lived here about 6 years and went through the Squeaky Clean Car Wash discussion. She is hoping the Board can set guidelines or policies because she is very upset about what is now on the McDonald's site. She works on N. Triphammer Rd. and has to see it each day and would like to see the Village maintain a less intense commercial character and not look like every other municipality in the US. Waterman noted that the Village is working with McDonalds on reducing the lighting. Waterman also noted that the landscaping is being addressed as well. It was the color which most bothered Schleelein, especially the offensive red roof. Klepack noted that the Village has been working with a consultant to develop Design Guidelines for this part of N. Triphammer Road to assist the Board in the future. Curtis stated a letter has been sent to McDonalds to comply with the Lighting Plan and the owner and Mayor have met regarding resolution of this matter prior to the issuance of a final Certificate of Occupancy. Leopold stated there is a new McDonalds in north Cortland which has the same colors as the McDonalds here but that one has covered light bars. Curtis stated he will continue discussions with McDonalds and will be sending them a copy of the Gerri Gerasimous letter to the editor in the Ithaca Times. Schleelein stated she is pleased to hear the Village is working on Design Guidelines. Halevy stated the Board is sympathetic to Schleelein's concerns as the Village is also not satisfied with the appearance of the new McDonald's. Klepack moved to close the Public Comment, seconded by Waterman. All in favor.

Public Hearing: Special Permit No. 1618, Davor Bakula – Home Occupation:

The first item on the agenda was a public hearing for Special Permit No. 1618, Davor Bakula, to operate a home occupation for computer services and consulting at his apartment in the Chateau Claire Apartments, 5 Cinema Drive in the High Density Residential District, Tax Parcel No. 46.1-6-5.2

Dankert moved to open the public hearing. Seconded by Waterman. All aye.

Bakula stated he thought he lived at 6 Sheraton Drive, but now realizes it is actually 5 Cinema Drive. He stated he is requesting approval to provide consulting services from his residence in the Chateau Claire Apartments. He does programming and designs web sites. Halevy noted that since the applicant resides in an apartment, he was not required to notify his neighbors in the complex. Rather, he notified the owner of the property, who signed off, and it was then up to the owner to determine whether to notify the other apartment residents. Bakula stated there would be no additional traffic or visitors and no electrical interference would be created to upset the neighbors. There would also be no employees not living in the apartment and there would be no signage, displays or storage.

Klepack moved to classify this as a Type II exempt action under the Village's list of exempt SEQRA actions. Seconded by Waterman. All aye.

The Board reviewed the General Conditions for all Special Permits. Waterman moved that the Board find that the General Conditions have been met by the applicant. Seconded by Dankert. All aye.

The Board then reviewed the Additional Conditions for the Special Permit for a home occupation. Waterman moved to accept the Additional Conditions for the Special Permit. Seconded by Klepack. All aye.

Dankert moved to approve Special Permit No. 1618 to allow Bakula to operate a Home Occupation from his Chateau Claire apartment. Seconded by Klepack. All aye.

Montessori Subdivision – Classification:

The next item on the agenda was the Montessori Subdivision Classification. Curtis stated that Montessori is anticipating an expansion and is in the process of purchasing the lot to the south, indicated on the map as tax parcel 45.1-1-46.17. Curtis stated they anticipate adding more classrooms as well as a gym area which will enable them to expand to the 3rd grade. In order to comply with the Village Zoning Law, the two lots must be combined and the plat indicating the combination recorded at the County. Montessori is requesting the Planning Board classify this combination as a minor subdivision. Curtis further stated that at the next meeting both the final plat approval and Special Permit for the addition will be on the agenda. Klepack moved to classify this as a minor subdivision. Seconded by Waterman. All aye.

Zoning Law Section 104.11:

Curtis stated that he is requesting an advisory opinion on Zoning Law Section 104.11 pertaining to lots divided by zoning district boundaries. The section is currently ambiguous for situations where one lot is divided between both low and medium density residential districts. Where the preferred location for a building is on the dividing line, he is not sure if it is the intent of the law that side yard setbacks from the dividing line are required. He is referring in particular to the lot on the corner of Burdick Hill Rd. and N. Triphammer Rd.. The law currently states that for the purposes of applying this law, each portion must be considered as if in separate and different ownership. Curtis stated that while this makes sense for use requirements, for area requirements it is less clear. Curtis feels confident that it is not the intent of this section to include setbacks from the dividing line, but he would like the language cleaned up to be absolutely clear. Klepack questioned the cost-effectiveness of making such a change for one or two parcels. Leopold noted that the district lines can not be arbitrarily changed. Marcus stated that changing the district line would not be an option and would set a bad precedent. Curtis recommended changing the wording for such lots to apply the most restrictive standard when dealing with uses. Curtis stated that if the owner was building entirely within one district or the other, the appropriate area requirements for that district would apply. On the other hand, if the owner were building in both districts, the more restrictive area requirements would apply. Curtis stated that for uses, the portions of the lot on either side of the dividing line would be treated independently and only a use permitted in both districts could be built on the dividing line. Marcus will review this section and recommend the needed changes in the form of an amendment to the Zoning Law.

CLT Guidelines – Update:

Klepack will report at the next meeting.

Reports:

Brown attended the Board of Trustees' meeting where the budget was discussed in length. Leopold mentioned the draft is available for review. Marcus stated the Board approved all the requests for funding and kept the tax rate increase under 4%.

Marcus stated the Board of Trustees also discussed the Brown Rd. Extension. Previously, the Trustees asked Cornell to kick in some money for long term maintenance of the road. Cornell agreed to do so. The Town of Dryden required the road to become a public road. The cost of reconstructing the 1200 ft. of road that will be in the Village was figured to be about \$60,000. Cornell agreed to pay an additional \$30,000 now to be placed in the capital reserve. The Town of Dryden agreed to do snowplowing. The Board has agreed to accept Cornell's offer to make this a public road. Halevy stated this road must now officially be renamed and a portion of the road must be conveyed to Cornell from NYSDOT.

Conservation Combing District:

Leopold is seriously questioning granting Special Permits to build in Conservation Combining Districts. She feels the Greenberg house, Twin Glens Rd., is too close to a natural resource and feels it is built too close to the cliff. Curtis stated the unique natural area where the Greenberg residence is located is different than other areas in the Conservation Combining District such as the area where the two residences were recently approved to be built in Shannon Park. Curtis stated that the Greenberg residence has followed all the requirements established by the Planning Board. Leopold is still concerned about setbacks and feels there is no buffer zone between the residence and the gorge. Leopold sees this as both a visual and environmental issue. Marcus stated laws can be adopted stating structures must

be a required distance from a body of water.

Thank You:

The Board expressed appreciation to Phil Dankert as a Board member and to Steven Halevy for acting as chair.

Adjourn:

Dankert moved to adjourn the meeting at 8:50 P.M. Seconded by Brown. All aye.