

**Village of Lansing  
Planning Board Meeting  
June 26, 2007**

The meeting of the Village of Lansing Planning Board was called to order at 7:35 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Carol Klepack, Maria Stycos and Mario Tomei; Alternate Planning Board Member Richard Durst; Attorney David Dubow; Trustee Liaison Lynn Leopold; and Code Enforcement Officer Ben Curtis.

**Public Comment:**

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Tomei moved to close the Public Comment Period. Seconded by Stycos. Ayes by Dankert, Hickey, Tomei and Stycos. Motion carried.

**Definition of Family:**

Hickey stated that the material distributed by Curtis from New York State on the legal definition of family was interesting and provided a good legal foundation for the discussion. Tomei gave the Village of Lansing's definition of household which was written some years ago. Dubow stated there are many definitions of family for zoning purposes and once challenged the courts determine if a particular definition is constitutional. Curtis stated the Dept. of State publication seems to recognize a family as those living together as a family. Hickey stated the number in a family could be limited by the amount of space. Hickey recommended the definition of family relation be discarded or redefined to include traditional as well as non-traditional families. Klepack stated the materials distributed by Curtis included reference to a Poughkeepsie law listing the requirements for a family unit as sharing an entire house; living and cooking together as a single housekeeping unit; sharing expenses for food, rent, utilities and other household expenses; and being permanent and stable. Klepack also stated a square footage per person requirement is good. Tomei stated the current definition is more concerned with moral issues. Klepack stated the Village has not really had a problem with this in the past and sometimes there are more problems associated with changing a law and then attempting to enforce it. Curtis receives inquiries every year, often pertaining to students or larger families living in a small unit such as those in Sevanna Park, and this is where questions arise. Curtis attempts to find out if the problems are because of noise, number of parking spaces, garbage, etc. and work out a solution from there. Dubow stated the problem is often associated with the number of adults in the household rather than the family itself. Hickey stated a municipality should try to maintain quality of life for its residents and it was due to past problems that the Village adopted a law stating that an owner could rent out rooms as long as the owner continued to live on the property. Owner occupancy, it was thought, protected the quality of the neighborhood. Now, there is an absentee landlord living elsewhere in New York who is renting out rooms in a house next door to Hickey to Cornell students who are not a family. Hickey stated the only provision which is not being fulfilled is that the owner live on the premises. Curtis would love to have this issue straightened out regarding "one-unit residence converted". Curtis stated there are neighborhoods which allow one and two family residences by right, but require a Special Permit and additional conditions such as owner occupancy where a single family residence is converted to a two family residence. This makes no sense; if the single family house burned down, the same owner could build a new two family house without a Special Permit or conditions. Curtis stated that the only reason he could imagine for creating a special category, "one-unit residence converted", would be to permit such a conversion with conditions where there was insufficient road frontage or lot size to allow a two family residence by right. That is not how the law is currently written, however.

Dubow stated the Poughkeepsie Law puts the burden of proof on the homeowner to certify that the requirements for living as a family are met and the 4 or more people are in some manner a family. Curtis suggested that the language in the Poughkeepsie Law could be incorporated into the Village Zoning Law. Stycos questioned the language of the Village Law stating the occupant should be "non-transient" where the Poughkeepsie Law states "permanent and stable". Hickey stated a time frame for students could be listed such as a semester or year. Hickey stated there is no reason to have the "one-unit residence converted" since the restrictions only last for a three year time period. Curtis stated with enough road frontage or lot size a single-family should be permitted to convert to a two-family residence by right; where frontage or lot size is deficient, the owner could apply for a variance. Board members agreed to

recommend deletion of provisions pertaining to “one-unit residence converted” in the Village Code. Hickey stated that the 4 points from the Poughkeepsie Law can be incorporated into the Village Law for the definition of a household. Dubow stated these conditions could also describe a fraternity so the Village might need to include a maximum number of residents. Hickey stated 3 is the maximum number of unrelated individuals currently allowed in the Zoning Law and the proposed law could be based on meeting the criteria of the Poughkeepsie Law as well as meeting parking requirements. Board members then discussed how the law would be enforced by the Code Enforcement Officer, the Planning Board or the Board of Trustees. After a lengthy discussion, including an evaluation of the current Village Code language and its flexibility in terms of interpretation and application, Board Members decided to leave the law as it currently is written regarding the definition of “family” as many problems can be handled by Curtis using provisions related to off-street parking, noise levels, and size requirements for occupancies from the Building Code. Board members thanked Tomei for his presentation.

### **239 Review of Proposed Local Law B – Steep Slopes:**

Hickey stated the Board needs to make an updated recommendation to the Board of Trustees on the proposed amendment to the Zoning Law regarding steep slopes. Hickey stated the Village has received a 239 recommendation dated May 30, 2007 from the Tompkins County Department of Planning. This letter from Commissioner of Planning Edward Marx stated there may be negative inter-community or county-wide impacts and recommends the Planning Board retain the authority to waive the Special Permit requirements based on the recommendation of the Village Engineer rather than relinquishing that authority to the Engineer.

Dubow stated this goes back to proposed Local Laws B & C. Hickey stated he found the recommendation of the County to be fine. Dubow stated that under proposed Local Law B as currently drafted Curtis could not take any action on a permit until the Engineer had reviewed the project. Curtis stated that if every parcel with a steep slope were required to follow the Special Permit process then Pyramid Mall would need to go through it as well because there is a small section of their property which is within the steep slope limits although none of the mall itself is on the steep slope. Curtis stated this also happens elsewhere in the Village. Dubow stated the Board of Trustees have held a Public Hearing on the Proposed Law. Although no one spoke at the Public Hearing, no vote was taken as the Village was awaiting the response from the County. Curtis stated the original idea was to clean up the definition of steep slopes which resulted in the map which has made it easy to determine where steep slopes are located in the Village. Combining the proposed map and the existing law could require Pyramid Mall to go through the Special Permit process each time a building permit application is submitted even though their property does not include the type of features the steep slope regulations were intended to protect. Curtis stated the requirements for the Drainageway Conservation Combining District only require a Special Permit when the proposed development is within 200’ of a designated stream rather than for any development on a lot over which a designated stream flows. Dubow noted there are also steep slopes on the Crossmore property. Hickey stated the system could be redefined so only buildings within a certain distance of the steep slope area would require the Special Permit process. Klepack recommended the Village leave the law as is and remove the waiver authority for the Village Engineer. Hickey will forward a recommendation to the Board of Trustees that proposed Local Law B retain the new County definition of steep slope and delete entirely the proposed amendment authorizing a waiver by the Village Engineer. Marx will also be notified of this change.

### **Approval of Minutes – June 11:**

Klepack moved to accept the minutes of June 11<sup>th</sup> as revised. Seconded by Dankert. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

### **Reports:**

*Board of Trustees:* Tomei stated the biggest part of the meeting was the presentation by Sharon Anderson on rain gardens. Leopold stated rain gardens are visually attractive as well as contributing to stormwater management. Tomei stated there will be a workshop on rain gardens at the Village Office on July 17<sup>th</sup> with the actual planting on the 18<sup>th</sup>. Tomei stated Trustee Fresinski brought up the way-finding signs and he will approach the businesses to see if they would consider paying for them. If not, the issue of the signs will be dropped as they are deemed unnecessary. Finally, Tomei stated Bush Lane reseeding will be done in the fall.

### **Adjournment:**

Stycos moved to adjourn at 9:07 P.M. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.