

**Village of Lansing
Planning Board Meeting
July31, 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, Maria Stycos and Mario Tomei; Attorney David Dubow; Engineer Brent Cross; 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.

Public Hearing – Special Permit No. 2213 – Cerand, 1510 E. Shore Dr. patio:

The first item on the agenda was a Public Hearing for Special Permit No. 2213, Gerard Cerand, to construct a patio for the single family house at 1510 E. Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-46.11. Because the property includes land in both the Steep Slope Conservation Combining District and the Unique Natural Area Conservation Combining District, a Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

Cerand stated there is a 10 ft. gradual slope over 15 or 20 feet behind the residence where he would like to use railroad ties to make three retaining walls to create a 28x28 patio. Cerand would then fill the area with number 2 stone for drainage, top it with top soil and then add grass or artificial turf. There would be a 36 inch railing around it. Cerand stated that drainage should not be a problem and the leach field is located 20-30 yards lower on the property.

Hickey stated he visited the site and can see why Mr. Cerand would like some level usable space behind his house and sees no problems with this solution. Cross also visited the site and noted the existing embankment is well established with grasses and felt the excavation needed for footing and underdrains would be insignificant. Cross stated there should be minor erosion protection on the downhill side. Cross mentioned a silt fence to Cerand, but Cerand would rather consider straw bales which can be reused as mulch when the project is complete. Hickey noted the bales would need to be anchored or staked. Cerand will anchor the bales as required in the DEC Manual.

Tomei asked for an explanation of a geo-grid. Curtis stated this is now commonly used for big retaining walls such as the one at the new Homewood Suites. Curtis stated the grids are attached to alternating tiers of the wall and to the level fill behind those tiers. As more fill is placed on top, it secures the mesh which in turn restrains the wall. Tomei asked about the possibility of this patio sliding toward the lake and eventually dropping off the cliff. Cerand responded that would not happen as the property gradually slopes from E. Shore Dr. and the proposed patio is some distance from the cliff.

Next, the Board looked at the special conditions for a Special Permit in a steep slope area in Zoning Law Section 145-61B. Hickey stated the Board has the authority and may waive any conditions which the Board feels are not relevant to a particular case. Hickey feels the required information in Section 145-61B(2)(a) which includes a plat plan and detailed grading plan would be inappropriate as the erosion control plan with hay bales can provide the needed protection. The required information for an erosion and sediment control plan would be a condition of approval. Zoning Law Section 145-61B(2)(b) applies to houses and would not apply in this permit for a patio and can therefore be waived. Hickey stated that Zoning Law Section 145-61B(3) lists special conditions for Unique Natural Area Conservation Combining Districts and is for more extensive building on a lot, and the only impact that would be of concern is the potential for erosion. He further noted that the area where the patio is proposed has been a grass lawn for many years and there are no rare or endangered flora that could be adversely impacted.

Dankert moved that all special conditions be waived for this permit except for the sections which deal with erosion control measures in Sections 145-61B(2)(b)[8] and 145-61B(3)(d)[10]. Seconded by Stycos. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

Next the Board reviewed Section 145-59E which includes the general conditions required for all Special Permits. Tomei moved that the applicant has met all the requirements for the general conditions required for all Special Permits. Seconded by Stycos. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

Dankert moved the following resolution, seconded by Tomei:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL
ADOPTED ON JULY 31, 2007**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit No. 2213, Gerard Cerand, to construct a patio for the single family house at 1510 East Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-46.11. Because the property includes land in both the Steep Slope Conservation Combining District and Unique Natural Area Conservation Combining District, special permit review is required pursuant to Section 145-48 of the Village of Lansing Code; and
- B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and
- D. On July 31, 2007, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- E. On July 31, 2007, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145.59, 145.60, 145.60.1 and 145.61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and
- 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits

(Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61); and

2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2213 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

1. Approval by the Village Engineer of Erosion and Sedimentation Control Plan.

The vote on the foregoing motion was as follows:

AYES: Phil Dankert, Mario Tomei, Ned Hickey and Maria Stycos

NAYS: none

The motion was declared to be carried.

Public Hearing – Special Permit No. 2215 – Lee – 32 Janivar Dr. Home Occupation:

The second item on the agenda was a Public Hearing for Special Permit No. 2215, Seung Chris Lee and Shinok Jessica Lee, to operate a home occupation consisting of a store room and office for their phone and internet based education consulting service in their home at 32 Janivar Drive in the Medium Density Residential District, Tax Parcel No. 45.2-1-77.1.

Lee stated he does not envision anyone coming to his house at this time. Hickey stated it is important to know if anyone will be coming to the residence. Lee again stated his contacts are usually with the Korean population on the west coast. Lee will make it known that no business clientele are to come to his residence. Hickey noted that on the application Lee filled out he indicated that he would be giving consultations in person and Hickey clarified that it would be in person by either the telephone or internet.

The Board then looked at the special permit requirements for home occupations listed in 145-60D(2). Hickey stated that a copy of the requirements will be given to Lee for his files. Stycos moved that the applicant has met all the requirements for a home occupation as listed in Zoning Law Section 145-60D(2). Seconded by Dankert. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

Next, the Board reviewed the general conditions required for all Special Permits. Stycos moved that the applicant has met the 10 general conditions required for all Special Permits as listed in Zoning Law Section 145-59E. Seconded by Tomei. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

Tomei moved the following resolution, seconded by Stycos:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL
ADOPTED ON JULY 31, 2007**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit No. 2215, Seung Chris Lee and Shinok Jessica Lee, to operate a home occupation consisting of a store room and office for their phone and internet based education consulting service in their home at 32 Janivar Drive in the Medium Low Density Residential District, Tax Parcel No. 45.2-1-77.1; and
- B. The Village of Lansing Planning Board, in accordance with (i) Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (ii) 6 NYCRR

Section 617.5, (iii) Section 123.2 of the Village of Lansing Code, and (iv) Section 145.60, subsection D (3) of the Village of Lansing Code, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and

- C. On July 31, 2007, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On July 31, 2007, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145.59, 145.60, 145.60.1 and 145.61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60, including subsection D thereof relating specifically to special permit requirements and regulations for home occupations), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Planning Board hereby finds (subject to compliance with the conditions set forth in Village of Lansing Code Section 145-60, subsection D, and the additional conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60, including subsection D thereof relating specifically to special permit requirements and regulations for home occupations), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61); and
- 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2215 is **GRANTED AND APPROVED**, subject to the conditions set forth in Village of Lansing Code Section 145-60, subsection D, and the following additional conditions and requirements:

The vote on the foregoing motion was as follows:

AYES: Phil Dankert, Mario Tomei, Ned Hickey and Maria Stycos

NAYS: none

The motion was declared to be carried.

Illuminated Subdivision Signs:

Developer Ivar Jonson stated he is requesting an illuminated sign on the rock which is located at the corners of Bomax Circle and Nor Way. Jonson passed around a picture for Board review. Jonson stated it would be an external light which would shine on the sign. Jonson stated this would have no effect on the residences. Curtis stated the Sign Law (Section 115-6B(3)) states there can be one sign advertising a subdivision permitted in a Residential District and this sign shall not be illuminated in any manner. Curtis brought this to the Board because of inconsistencies in the Law which permit illuminated signs for apartment complexes such as Lansing West and Sevanna Park on N. Triphammer Road. Board members requested Dubow draft a proposed local law to delete the illumination restriction in Section 115-6B(3). This will go to the Board of Trustees and, assuming the Trustees wish to proceed, then there will be a Public Hearing. Curtis stated that Jonson could put the sign on the rock, but at this time it cannot be illuminated.

Arleo Address:

Hickey stated the Board has received a letter from Robert Arleo dated 7-23-07 requesting the address of his parcel be 100 Uptown Road. Curtis stated the Swim Club address is 124 Uptown Road. Board members were all in agreement to have the address be 100 Uptown Road.

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Approval of Minutes – June 16 & July 9:

Stycos moved to accept the minutes of June 16th as submitted. Seconded by Tomei. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

Tomei moved to accept the minutes of July 9th as revised. Seconded by Stycos. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.

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Other Business as Time Permits:

Cross reported on a follow-up discussion with Cornell Real Estate developer Tom LaVigne regarding 35 Thornwood Drive. Cross stated that the enlarged parking lot and stormwater management were discussed. Cross stated that Frank Santelli of TG Millers noted there was no on-site retention for stormwater on 35 Thornwood Drive. Cross stated that Cornell has offered or agreed to put the stormwater management practices for 35 Thornwood Drive on the site between the hotel and 15 Thornwood Drive, when that site is developed. Cross is still waiting for written confirmation for the Village records.

Hickey stated he found the article on Planned Unit Development from the Zoning Practice dated 6.07 to be interesting and it might be useful when a proposal to develop Sun Downs Farms comes in. Hickey stated that a PUD or PDA was the basis for Shannon Park and might need to be re-explored or re-created.

Dubow stated he is working on the draft of the proposed local law to eliminate “one-unit residence converted” from the Zoning Law as requested by the Board. He has found where revisions are needed in 12 different locations in the Law. Dubow will continue to work on this and hopes to have the draft law ready for the next meeting.

Board members discussed their availability for attendance at upcoming meetings as well as impending agenda items. Curtis stated agenda items include a rezoning request and Special Permit application from Pyramid (aka Ithaca) Mall. Hickey stated he has heard nothing about the appraisal of the Crossmore property.

Regarding Regal Cinemas, the additional raised islands still need to be installed pursuant to the recently granted Temporary Certificate of Compliance.

Curtis stated the Mobil station is putting in double walled tanks. Curtis stated that Blount Energy is buying up the Mobil stations. Curtis noted that Tops stores are also being sold.

Adjournment:

Stycos moved to adjourn at 8:35 P.M. Seconded by Dankert. Ayes by Dankert, Hickey, Stycos and Tomei. Motion carried.