

**Village of Lansing  
Planning Board Meeting  
March 10, 2008**

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; Village Attorney David Dubow; Trustee Liaison Lynn Leopold; Code Enforcement Officer Ben Curtis; and Joan Deboer, observing for the Community Party

**Public Comment:**

Hickey opened the Public Comment period.

Deboer stated that while canvassing petitions for the Village elections, she spoke with a resident on Stone Creek Drive who was concerned that there was no street sign identifying the road. The resident was concerned because of difficulties getting mail and other items delivered. It was also noted that emergency vehicles might not be able to respond effectively to a call from a Stone Creek Drive address. Curtis noted that Stone Creek Drive is a private road and that it would be the owner's responsibility to erect a sign. The Post Office had its own regulations and lately had been a little difficult about delivering mail on private roads and sparsely developed culs-de-sac. Stone Creek has a homeowners association which owns the road and open space. Residents acting through the association should contact Steve Cardamone, the developer and principal in the association, about installing a sign. There was general agreement, however, that, one way or the other, a sign should be installed.

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

**Arrowwood Drive Emergency Access/ CMA Building**

Hickey referred to the diagram that had been included in the packets showing a new sidewalk along the south side of Arrowwood Drive at the entrance into Parkview Health Care Campus. He explained that the sidewalk was proposed to be located and constructed so that it could be used to support the tires on one side of an emergency vehicle while the tires on the other side would ride on the road shoulder. This would allow an emergency vehicle to circumvent a blockage of Arrowwood entrance without creating an additional traffic lane and without interfering with buried utilities. The developer may need to move one fire hydrant a short distance. Hickey noted that this solution met the condition of the Special Permit approving the new Cayuga Medical Association building in that it has been approved by the Village Superintendent of Public Works as well as the Fire Chief, Disaster Control and Integrated Acquisition and Development. This solution would also establish additional pedestrian access which would be easy to maintain as it would connect to crosswalks the Village already maintains. Dubow noted that the work would be done in the Village R.O.W. and would require a highway permit and security deposit to ensure the work met all Village standards for such infrastructure. Dubow noted that as long as this section of sidewalk was being built and maintained, it

would probably make sense to go ahead and build the Arleo sidewalk (provided for in the Special Permit approval for that project) now rather than bother with establishing some sort of security to ensure it will be built at a later date.

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**Ross Subdivision Request**

Hickey drew the attention of the Board to a letter in their packets from Jim and Nancy Ross. The Rosses now live in Florida and are trying to sell the land remaining of their share of the Dart Estate. They are selling the parcels as they currently are, but would like to subdivide off one standard building lot to sell to their long time family friends John and Nancy Kidney. The Kidneys want to buy a lot next to theirs to build a “down-sized” home and sell or rent the home they now live in which is bigger than they need. They would like to continue to live in the neighborhood. They have been good neighbors to the Rosses and the Rosses would like to accommodate this request if possible.

When the Board previously discussed the subdivision of the parcels in the Dart Estate, they had come to the conclusion that any proposal for further subdivision should be accompanied by a plan for the development of all of the parcels indicating where recreation land would be set aside and how storm water and infrastructure would be managed. It had been noted that by permitting the parcels to be subdivided off a parcel at a time the Board would be entitled to less recreation land than might be needed for the increased demand of the resulting development. In addition, the cumulative effect of the smaller subdivision would circumscribe alternatives for managing storm water and locating roads and other infrastructure.

Dubow referenced the definition of *minor subdivision* in Section 125-2 of the Village of Lansing Code which provides that after a subdivider has established 4 contiguous lots, any subsequent subdivision may be classified as a major subdivision. As a major subdivision, a plan for the whole parcel would be required; dedication of recreation land could be required; a storm water management plan would be required with provision to dedicate the facilities to the Village; and any proposed infrastructure would have to be shown. There was some discussion of how this provision would be applied in a situation like this one where the ownership of a parcel or parts thereof changed ownership in the course of several subdivisions resulting in the establishment of 4 contiguous lots. It was noted that the Section permits the Board to classify subsequent subdivisions as major subdivisions, but does not require it to do so.

Hickey stated he would support proceeding with the Kidney Subdivision as a minor subdivision, but with the condition that any further subdivision of the remaining property would be treated as a major subdivision to be accompanied by a plan indicating recreation land, infrastructure, drainage, etc. Curtis expressed concern that any potential buyer of the remaining land should be notified of this condition as it might affect the value of the land. He suggested noting the condition on any plat the Board might approve creating the Kidney lot. Hickey agreed that such a note should be added to the plat. Dubow noted that in all cases the Board can classify what would otherwise be considered a minor subdivision as a major subdivision if it determines matters of health safety and welfare are involved, and that a potential buyer could discern the possibility by reviewing the Village Code. Curtis responded that he

would feel more comfortable if the condition was stated explicitly on the plat so that the potential buyer would be given clear notice of the Board's intention in this particular instance. Dubow stated such a note could be attached to any plat that established the Kidney lot. The Board agreed that such a note should be a condition of any minor subdivision to create a lot for the Kidneys.

### **Mobil Gas Station Alteration**

Hickey referred Board members to a floor plan distributed prior to the meeting showing the Triphammer Mobil and some proposed alterations. He asked Curtis to explain. Curtis stated that he was asking the Planning Board to advise him whether the application for proposed alterations should be referred to the Planning Board or whether he should act on it by simply issuing a Building Permit. He explained that the business had been recently acquired by a businessman in Syracuse who owned other such businesses and had formerly lived in the Village and owned a business in Ithaca. The new owner wanted to eliminate one of the existing bathrooms at the station, upgrade the remaining bathroom to a fully accessible unisex bathroom, and enlarge the retail/counter space to include some more product. While the increase in sales area was minor in this case, it brought back to mind an earlier and grander proposal by Mobil to convert the station to a convenience store type facility. That proposal had revealed some complicated traffic, circulation and parking issues; ultimately the proposal was abandoned. Curtis was seeking advice as to where the Board might want to draw the line in terms of enlarging the retail function at this gas station. The Board agreed that the alteration in this case was very limited and minor in affect, and that the change would make the station function better in terms of customer service. Curtis should bring any further proposed expansion of the retail area back to the Board, however. Curtis will notify the new owner of the Board's position.

### **Better Housing Seminar / Affordable Housing - Report**

Hickey reported that he, Tomei and Curtis had attended the seminar. He had been somewhat disappointed, however, because the presentation was directed less at affordable housing and more at the County's nodal development plan. Curtis noted that the essence of their affordable housing strategy focussed on smaller lot size and denser development which goes hand in hand with nodal development by targeting areas with municipal water and sewer for housing development. The presenter seemed to think that municipalities were using zoning to force developers to build on larger lots that were necessary or desirable especially from an affordable housing perspective. Hickey added that some areas encourage affordable housing by giving developers density bonuses for providing a percentage of their units at affordable prices. Instead of building 10 units on a parcel, the developer might be allowed to build 12, with the additional two units being designated as affordable units. Leopold asked how they were defining affordable. Hickey responded that he found that confusing, but that one criteria was that the housing cost no more than 30% of income. Curtis added that generally there was a target income range like the median income for the County, or the poverty line - the minimum level of income deemed necessary to achieve an adequate standard of living - or 150% of the poverty line.

Curtis noted that one problem with incentive zoning for affordable housing is how to ensure it remains affordable. You can target 150% or less of the poverty line as your target market and 30% or less of income as the price range and probably get an affordable unit to a qualified family, but what do you do

when that family sells the house? Some communities partner with a not-for-profit like Better Housing and amend their zoning to encourage affordable housing while contracting the not-for-profit to oversee the allocation of the resulting affordable units to ensure they continue to be available for families meeting the criteria.

Hickey suggested that he invite John Spence from Better Housing to come to a Board meeting and explain how an affordable housing program might work in the Village of Lansing. The Board could explain to him that the Village might be willing to amend zoning to encourage affordable housing, but that the Village lacked the resources and expertise to oversee an affordable housing program, and could also ask him if an organization such as his could structure a partnership with a community like the Village of Lansing to encourage affordable housing, and, if so, how would he or we go about it. Hickey will contact Spence and see if he or someone from Better Housing can speak to the Board at their March 25 meeting.

### **Other Business as Time Permits:**

Hickey called the Board's attention to the article *The Next Slum* from The Atlantic Monthly that he had included in the packets. The article reports the decline of suburban subdivisions in many parts of the country due to a combination of the sub-prime crisis, the gas crunch and an emerging trend of baby boomers drifting back to urban centers and walkable communities with services near at hand. Developers are scrambling to keep up with the trend. Suburban communities are looking to mix commercial uses into the residential setting. Urban centers are seeing increasing gentrification. Hickey noted that the Village was in many ways ahead of the curve, having worked for years to promote a walkable community where many services are within walking distance. Stykos noted that for many parts of the Village the distances and terrain were still challenging without a car. Leopold pointed out that the mixed use proposal for the Shops at Ithaca Mall is consistent with the points raised in the article as are the trend toward townhouses.

Curtis stated that, along the lines of trends and in keeping with the ones in the article, he has had several inquiries about locating assisted living facilities in the Village. Currently the Village's zoning provisions limit that use, as "group residential", to High Density Residential and Commercial Low Traffic districts. The inquiries involve the Medium Density Residential district. Curtis noted that the Village had no assisted living facilities, with the nearest being Woods Edge in the Town and Kendal in Cayuga Heights. With the aging of the baby boomers there would very likely be increased demand for such accommodation and people often want to remain in their communities near their friends even when they can no longer live alone at home. Curtis suggested that maybe the Board might want to consider whether there were other areas in the Village besides the High Density Residential and Commercial Low Traffic districts where such a use might be compatible. He noted that an assisted living facility is typically low traffic and quiet and might not be out of place in a residential neighborhood. In that respect it was different from some of the other "group residential" uses such as fraternity, sorority, dormitory or club. Hickey suggested that the Board consider the issue, review the zoning map and discuss whether there might be other areas in the Village where this type of use would be appropriate with a Special Permit.

Dubow noted that a number of points raised in the discussion are consistent with a resurgence of PUDs or PDAs as planning tools. He is seeing other communities turning to this approach to address similar concerns. It might be appropriate to revisit this strategy for issues like mixed use, affordable housing, and special uses such as assisted care which bridge residential and commercial categories. Hickey recalled participating in the establishment of the Village's original PDA provision as well as its demise - it was a lot of work and not something he would enter into again lightly. Dubow responded that the approach was much better understood now and perhaps not as complicated as it once was.

As a separate item, Curtis referred the Board to Section 145-57( C ) of the Village of Lansing Code, a copy of which he had distributed prior to the meeting. He informed the Board that the Village has published most of its application forms and instructions on the Village web site. In the course of preparing the Building Permit application and instructions for the web, Curtis noticed a requirement that a property owner who is not a resident of Tompkins County must designate a resident of Tompkins County as the designated and lawful agent of the owner to sign a Building Permit application, and the designation must be accompanied by an affidavit. He has been unable to determine what purpose this requirement is intended to serve. It is awkward and would be difficult to explain to a potential applicant and has not been applied as long as Curtis can recall. If it serves no useful purpose, Curtis would recommend deleting it from the Village Code and the Building Permit application. Dubow reported that when Curtis raised the issue with him, he checked back through the files and discovered the requirement dated back to an amendment to the Zoning Law in 1990, but could not find the rationale. Hickey thought it might have been connected to the Sun Downs Farm controversy. Dankert asked if it might not have been directed at absentee owners of commercial properties and the need to have someone local responsible for providing access for the fire department in the event of an emergency. Curtis responded that the requirement only pertained to a Building Permit application and that the Village pursues an aggressive policy of encouraging the installation of Knox boxes to allow emergency personnel entrance to commercial buildings when the owner is not there. Dankert moved that the Planning Board recommend to the Board of Trustees that they amend the Village of Lansing Code as proposed by Curtis, seconded by Stycos, all in favor. Dubow asked if there were any other changes that needed to be made as long as he was drafting a proposed law for this change. Curtis suggested that Dubow could hold this proposed change in abeyance for a short time as there may be some other changes with which it could be bundled.

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### **Approval of Minutes**

Stycos moved to approve the minutes of January 29<sup>th</sup> as revised. Seconded by Tomei. Ayes by Hickey, Stycos and Tomei, Dankert abstaining because he was not at the January 29<sup>th</sup> meeting. Motion carried.

### **Upcoming Meeting**

Hickey asked if anything was coming up for the March 25 meeting. Curtis was not aware of any specific business that would definitely be ready for action on the 25<sup>th</sup>. Hickey will invite John Spence from Better Housing to discuss affordable housing. Hickey would also like the members to give some more thought to whether assisted care facilities should be permitted in residential districts. He suggested looking at the maps and considering where such a facility might be located and what the likely impacts might be. It would be an important decision were the Planning Board to recommend such a change to the Trustees.

Curtis reported that access to the New York Building Codes can now be found on the Village web page. Hickey added that the Newsletter would soon be there as well. Members should take a look as there are new things being added all the time.

Stycos reported that she had recently visited the Arleo site and the landscaping is somewhat bedraggled. She also noted that when she was at McDonald's she noticed that there was not any guard or barrier, vegetative or otherwise, to prevent someone from driving over the edge of the parking area and down the very steep slope to Lansing Village Place.

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**Reports:**

*Board of Trustees:* Hickey reported that he had submitted the Planning Board budget and had included money for a power point projector.

**Adjournment:**

Stycos moved to adjourn at 9:10 P.M. Seconded by Dankert. Ayes by Hickey, Dankert, Stycos and Tomei. Motion carried.