

**Village of Lansing
Planning Board Meeting
May 12, 2008**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Maria Sycos and Mario Tomei; Alternate Member Richard Durst; Trustee Liaison Lynn Leopold; Village Attorney David Dubow; Code Enforcement Officer Ben Curtis; and Robert Schleelein, observing for the Community Party; John Wisor, Sorel Gottfried, and representatives from the Lansing Star.

Hickey welcomed back Alternate Member Durst and appointed him to serve as an Acting Member for Carol Klepack who was out of town.

Public Comment:

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

Zoning Changes in the Town of Lansing:

The first item on the agenda was a general discussion of proposed changes to the Zoning Ordinance and Subdivision Regulations in the Town of Lansing. Hickey noted the discussion was purely informational to get a better understanding of what was being proposed in the Town; there was no action contemplated or appropriate for the Planning Board to take in this matter.

Hickey directed the Board's attention to the General Municipal Law Section 239 response letters from the County Planning Department, one regarding changes to the Zoning Ordinance and the other changes to the Subdivision Regulations. While the County determined that the Subdivision changes would have no negative inter-community or county-wide impacts, it did recommend several changes. With regard to the changes in the Zoning Ordinance, however, the County determined that the proposal may have negative inter-community or county-wide impacts, and that, therefore, approval would require a supermajority. The letter went on to list a number of significant problems and recommended corrections.

Hickey called upon Sycos, who has been actively following developments in the Town, to share her thoughts. She was unsure how far the proposals had progressed. Hickey stated that he thought they had not gone further than the County 239 review and that now the Town would need to consider the County's concerns and propose changes that might address or, at least, mitigate those concerns. Sycos has spoken with a member of the Town of Lansing Planning Board who felt that the proposed changes contravened years of planning by the Town. The person was particularly concerned that subdivisions of land resulting in up to 4 parcels would not come before the Planning Board nor would the public have an opportunity to speak as the process would be delegated to the Zoning and Code Enforcement Officer.

Dubow noted that there were at least two issues involved in the proposed changes. One was a wholesale change in uses permitted in certain districts, particularly the R-2 residential district and to a lesser extent the R-1 residential district. The result would basically open the door to more mixed use in residential districts by permitting certain commercial uses with and without site plan review. The second issue involved adopting procedures which essentially bypassed the Planning Board and conferring on the Enforcement Officer administrative authority to approve or disapprove proposed development previously subject to Planning Board discretion and public input. Hickey stated that he had heard that part of the impetus for the procedural changes was an effort to expedite the approval process.

Hickey acknowledged Sorel Gottfried who was in the audience and who had also been following developments in the Town closely.

Dubow noted that the County raised an additional issue that the proposed changes appeared to be at odds with the Comprehensive Plan adopted by the Town. New York State Law is clear that land use regulation must be based upon a comprehensive plan adopted in accordance with specific procedures involving public input, environmental review, 239 review, etc. And further, the land use regulations must be consistent with that adopted comprehensive plan. Gottfried asked if the Planning Board would normally be involved in adopting or changing a comprehensive plan because she was quite sure the Planning Board in the Town of Lansing had not been involved in these changes. Hickey stated that was one of the functions of a Planning Board. Dubow stated that ultimately it is the municipality's legislative body, in this case the Town Board, that adopted a comprehensive plan or land use regulations or amendment thereto, but that this is generally done in collaboration with the Planning Board.

Curtis stated that he had spoken with people in the Town and understood that they were revising the proposal for administrative approval, possibly in response to the County's stated concerns, to restore the approval process to the Planning Board with the Enforcement Officer preparing a detailed recommendation. Curtis noted also that there are other municipalities that authorize administrative subdivisions, but that, as far as he knew, this was limited to minor subdivisions such as one lot into two or boundary line adjustments.

Tomei noted that the Village had significant interest in what happens in the Town, not simply because it abuts the Town along one of its boundaries, but also because it shares several major access roads with the Town. Dubow stated that while the Village might not have standing to act, it clearly shared interests with the Town and it may be prudent for the Village Planning Board to share its concerns with the Trustees and encourage the Trustees to communicate with the Town. The Town and Village Boards have had joint meetings in the past as have the Village and Town Planning Boards, and, given the magnitude of the changes proposed, it might be worthwhile to have such a meeting or meetings again. Tomei will mention it when representing the Planning Board at the Trustee meeting on May 19th.

Lansing Trails Emergency Road

Hickey directed the Board's attention to a letter from Ivar Jonson requesting that he be allowed to close the temporary emergency road connecting Lansing Trails 1 to Bomax Drive through Lansing Trails 2. He cited a large volume of traffic and dust flying everywhere. He enclosed an email from Lansing Fire Chief, Scott Purcell, indicating no objection to closing the temporary road as emergency vehicles would access Lansing Trails 2 from Bomax Drive. Hickey noted that the temporary emergency road was required by one of the conditions of approval for Lansing Trails 2 to provide a second means of access to both Lansing Trails 1 and Lansing Trails 2, and to close the temporary road would require an amendment to the Conditions of Approval for Lansing Trails 2. Dubow added that the condition required the road to remain in place until Phases 1 & 2 of Lansing Trails 2 were complete providing a second access via Janivar Drive.

Leopold noted that the problem resulted from use of the road by through traffic, for which it was never intended, and not the emergency vehicles for which it was intended. The problem was how to prevent through traffic without impeding the emergency vehicles. Saw horses, signs and similar approaches have simply been circumvented, moved or ignored. Jonson would like to put very large stones in place to prevent the through traffic, but that would also block emergency vehicles. Hickey did not think the Board could simply waive or amend the requirement because the underlying safety concerns have not changed. Dubow added that Purcell's email seemed to address only the issue of access for Lansing Trails 2 and not the intended use of the emergency road as a second means of access for Lansing Trails 1. Curtis noted that the Village regulations recognize the safety concern by requiring a second means of access when a subdivision has 20 or more houses, and Lansing Trails 1 has had more than 20 houses for a long time. This condition of approval was intended in part to address that long standing problem.

Durst suggested that the road should be blocked with a gate or something similar that the fire department could open with a key, but which would effectively block through traffic. Curtis stated that distributing keys to all emergency personnel who might need them would be a nightmare, but that if Jonson installed posts and a chain like they do for the emergency access road from Oakcrest Road into the Shops at Ithaca Mall, the fire department or whatever emergency responder who needed access could simply cut the chain. This seems to be effective at the Shops at Ithaca Mall. Curtis and Hickey will meet with Jonson and explain that the requirement can not be waived or amended and discuss these methods for blocking the road.

TCAT Bus Stops

Curtis reported that he had been approached by TCAT with a proposal to install a bus shelter near the Sears entrance at the Shops at Ithaca Mall similar to the one at Tops on Pyramid Drive. Currently when the weather is bad people waiting for a bus seek shelter under cover at the entrance to the Mall where things like smoking can be a problem for Mall customers. They have indicated that they will be landscaping the shelter and it should be a net improvement. Hickey noted that they should make some provision for shopping carts. Stycos would like to see the same style shelter as the one at Tops.

Curtis added that in the course of discussing this shelter, he had inquired why the bus loop through Cayuga Mall had never been implemented. He was told that the owners would not permit it because the 40,000 lb weight of the buses caused excessive wear on the roads. Curtis thought the Board should be aware of this so that for future approvals they might require different road standards where mass transit routes were wanted. Hickey reported that the news indicated ridership on mass transit was up as much as 30 % apparently in response to rising fuel costs. Curtis said the TCAT person with whom he spoke thought there might be someone at TCAT who would speak to the Board about site plan considerations to accommodate mass transit. Hickey asked that Curtis invite them to speak to the Board..

Other Business as Time Permits:

Hickey directed the Board's attention to a proposed ordinance from the Town of Lansing to facilitate installation of small residential wind mills. He noted it was a sign of the times and may be something the Village will be considering some day.

Approval of Minutes

Dankert moved approval of the minutes for the April 14 meeting as submitted, seconded by Stycos, all in favor. Tomei moved approval of the minutes for the April 29 meeting as submitted, seconded by Dankert. Tomei and Hickey in favor, Stycos and Durst abstaining because they were not at that meeting.

Reports

Dankert reported that he and Leopold had attended a workshop entitled "Outdoor Lighting, the Good, The Bad and the Ugly" by Claire Fisher of Fisher Associates. He thought it was very good focussing on practical guidelines rather than technical data. She commented on light pollution and the approaching extinction of "night skies". She talked about practical steps like cut-offs and down-focussed lighting, and using energy efficient lighting. She also stated that banks often overstate the regulatory requirements for lighting, opting to overlight rather than engineer a solution with less obtrusive lighting. It may be worthwhile to require banks to provide more documentation for the more objectionable lighting they claim is required. The Lighting Commission is reviewing their Guidelines and will take this information into consideration. Fisher also demonstrated a very good, simple and inexpensive light meter and Dankert recommended the Village consider purchasing one. Hickey told Dankert to be sure and report the training to the Clerk for in-service training. Leopold added that it is never too late – your law can grandfather non-conforming lights, but it can also establish a reasonable time to amortize the value of existing lights with the requirement that they must then be replaced with conforming lights.

Adjournment:

Stycos moved to adjourn at 8:30 P.M. Seconded by Durst. Ayes by Hickey, Stycos, Durst, Dankert and Tomei. Motion carried.