

**Village of Lansing
Planning Board Meeting
September 8, 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 Stycos, Carol Klepack and Mario Tomei; Alternate Member Richard Durst; Trustee Liaison Lynn Leopold; Village Attorney David Dubow; Village Engineer Brent Cross; Code Enforcement Officer Ben Curtis; Joan deBoer, observing for the Community Party; and Leslie Lewis, Stan Goldberg, Bob Wilson and two members of the Vineyard Church.

Public Comment:

Hickey opened the Public Comment Period. DeBoer stated that she was observing on behalf of the Community Party Observers Program. There being no one else who wished to speak, Tomei moved to close the Public Comment Period. Seconded by Stycos. Ayes by Hickey, Dankert, Stycos, Klepack and Tomei. Motion carried.

Special Permit #2304 – Vineyard Church of Ithaca

The next item on the agenda was Special Permit 2304, Vineyard Church of Ithaca, to convert a retail space in the Small Mall at 23 Cinema Drive into a church space. A Special Permit is required pursuant to Section 145-58B of the Village of Lansing Code because the proposed conversion constitutes a change in category of use and will result in a change in the amount of required off-street parking. The property is located in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.6.

The Vineyard Church of Ithaca Lead Pastor, Bob Wilson, referred to a floor plan on the wall and reviewed the church's plan to convert the old Bishop's Northeast store in the Small Mall into a church. The bulk of the space will be the assembly area with accessory offices, children's room, bathrooms, etc. occupying the remainder. The majority of their activity will occur Sunday mornings with occasional meetings occurring at other times. Most of their business is transacted in members' homes and elsewhere.

Hickey stated that a key concern for the Planning Board is adequate off-street parking, noting that the Small Mall had a limited amount of parking with only 77 spaces available for all the businesses located in the Mall. Wilson confirmed that the congregation had about 300 members, but noted that they had two meetings on Sundays with only a fraction of the members attending at each meeting. Hickey stated that the Board had previously requested that the Church secure commitments for additional off-street parking from owners of nearby properties and referred the Board to a letter submitted by the Church from Richard Thaler of Triphammer Development Corporation which owns property across from the Small Mall as well as the nearby Triphammer Mall. In this letter, Thaler committed 34 spaces on the vacant land across from the Mall as well as additional parking in the rear of Triphammer Mall for a total of up to 50 spaces for the Sunday morning services and occasional meetings at other times. Hickey emphasized the Board's concern that Cinema Drive was too narrow to permit any on-street

parking and that all parking for the Church must be provided off-street. Hickey noted that Stan Goldberg, owner of the Small Mall and of adjoining apartment complexes had granted the Church permission to use unoccupied spaces in the apartment complexes to accommodate overflow parking if necessary. Durst referred to a letter from the Church which stated that approximately 20 spaces were needed by other tenants of the Mall on Sunday mornings, and asked how those spaces would be reserved. Wilson stated that they were working on a plan to reserve those spaces. Hickey stated this was an important issue and that they should be prepared to submit such a plan at the next meeting. Dubow explained that the Zoning Law requires one space for each four seats in the assembly and therefore, if they had 400 seats, they would need to ensure there were at least 100 parking spaces. Noting that the property across from the Mall may some day be developed and that other factors could well change over time, Dubow stated that the Planning Board could attach a condition to any approval of this proposed Special Permit providing that the Church maintain in full force and effect agreements as required to provide adequate off-street parking whether on site or off site.

Curtis noted that among those factors might be a change in the number of members arriving by mass transit or on foot, the size of the congregation and the balance of attendance between the two meetings on Sunday, any of which might increase the parking spaces needed beyond those available. It would be essential therefore that the Planning Board require that no on-street parking would be permitted, that it would be the Church's responsibility to ensure that all parking was accommodated off-street, and that continued operation of the Church was conditioned on their meeting this requirement. Dubow added that the Church might want to have attendants in the parking areas to direct drivers to alternate sites and ensure that this condition was met. Wilson noted that, in an emergency, the Church had a verbal commitment from the neighboring Maguire Automotive Group to permit overflow parking.

Klepack asked if any consideration had been given to potential traffic impact at the intersection of Sheraton Drive and North Triphammer, noting that it can be a difficult intersection. It was noted that Sunday morning is generally a low traffic time and that Church would probably not generate traffic disproportionate to that which occurs during the normal business hours, and that Church traffic will be split between Uptown Road and Sheraton Drive.

Hickey opened the Public Hearing. Goldberg stated that there was plenty of excess parking in the adjacent apartment complexes which the Church is welcome to use, and there is potential to enlarge and restripe the Small Mall parking lot to provide additional spaces if absolutely necessary. There being no one else who wished to address the Board, Dankert moved to close the hearing, seconded by Stycos, all in favor.

Noting that the parking calculations submitted were heavily dependent on the services taking place on Sunday when demand for parking by other Mall tenants is minimal, Curtis asked Wilson if he anticipated any services or large meetings at other times. Wilson stated that there might be occasions such as Good Friday when the congregation would want to meet other than on a Sunday morning and he asked if that would be permitted. Curtis noted that since the Scale House Brew Pub opened in the Small Mall, it was not unusual for the parking lot to be packed on Friday evening. Hickey reiterated

that, in the final analysis, it would be the Church's responsibility to ensure that there is no on-street parking, and if they planned a service at some time when the Small Mall parking lot was likely to be needed by the other tenants, the Church would need to make arrangements accordingly. Dubow noted that Thaler's commitment of overflow parking spaces made provision for other times besides Sunday morning with prior notice and approval.

Curtis suggested that representatives from the Church meet with him and Hickey prior to the next meeting on September 30 and discuss conditions such as those that might be imposed with regard to hours or off-street parking to be sure the Church could operate within those parameters. Hickey stated the Board's primary concern was to ensure that residents, visitors and other businesses would not be improperly impaired by the addition of the Church to this neighborhood.

Curtis confirmed that he had received proof of mailing of notice to contiguous property owners for the Public Hearing. Dubow explained that pursuant to an agreement the Village has with the County Planning Department, this action is exempt from General Municipal Law 239 review.

Tomei asked what would happen if Church parking did take up spaces needed by other Small Mall tenants or on neighboring properties whose owners may not have given permission for such parking. Curtis responded that within the Small Mall and, for the most part, on adjoining properties the matter is basically between other tenants and the Mall owner or other property owners and the Mall owner or the Church. Dubow noted that it was the Planning Board's responsibility to identify such potential problems as much as possible and to ensure that safeguards are in place to resolve those potential problems. While the Board or the Village might be forced to revoke a permit to operate a church or some other enterprise, the Planning Board's actions are intended to avoid the necessity of ever having to do so.

Special Permit #2305 – 1 Pembroke Lane Addition

The next item on the agenda was Special Permit #2305, Marjorie Pryse and Leslie Lewis, to construct an addition on their house at 1 Pembroke Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-2.1. Because the property includes land in the Steep Slope Conservation Combining District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

Lewis explained that the plans had not been finalized, but that the proposed addition would, in any event be located approximately where shown on the plans the Board had received in their packets and would, if anything, be smaller than that shown. She hoped that the Board could approve the proposed addition with provision that the actual plan might change within the parameters stipulated. Hickey confirmed that could be done.

Cross distributed the following report based on a visit to the site:

“As required for a Special Permit in the Steep Slope Conservation Combining District,

I have reviewed the site plan and inspected the site for any potential impacts the construction project may have on drainage and soil erosion/sedimentation. I have made the following observations and comments:

1. The Site Plan does not have specific dimensions, nor did the site have any stakes to locate the building on the site, but the location of the proposed addition was easily determined by the open area at the end of the existing house.
2. The lot is generally sloped from east to west. The area that is to be built on was “leveled out” in the construction of the original house.
3. According to the site sketch, the proposed construction will not directly impact the Steep Slope area (about 100’ away).
4. Due to the location of the addition, it should have minimal impact on the site. Especially, upon completion of the work and establishment of lawn areas around the house.
5. Erosion and Sedimentation control during construction should be able to be handled in the traditional methods with either silt fence and/or hay/straw bales around the low-side perimeter of the site. The site sketch indicates the location for silt fence to be installed.

Since the potential impacts of soil erosion and sedimentation should be minimal with proper mitigation, I recommend that the Planning Board approve this project.”

He explained that while the property included some steep slopes, the construction was proposed on a relatively flat area. He reported that basic erosion and sedimentation control would be sufficient for this project. Installation of silt fences as shown on the plans would meet that requirement. The area that would be disturbed is currently established lawn and no tree removal would be required.

Curtis confirmed that he had received proof of mailing. Hickey opened the Public Hearing. As there was no one who wished to speak, Tomei moved to close the Public Hearing, seconded by Stycos, all in favor. Curtis noted for the record that one of the neighbors, Phil Projansky, had stopped at the Village Office to review the project after receiving the notice. He offered to speak in support of the project if that would be helpful. Dubow explained that this action is exempt under SEQRA, but that the Village’s `Zoning Law requires the Planning Board to consider potential adverse environmental impacts as part of its review.

Hickey reviewed Section 145-61(B)(2), additional conditions for actions in a Steep Slope Conservation Combining District. The only condition that applied was installation of erosion and sedimentation control measures subject to Curtis’ approval. Dankert moved that the applicant had met

the additional conditions, seconded by Klepack, all in favor. Hickey then reviewed Section 145-59(E), general conditions required for all Special Permits. Klepack moved that the applicant had met the general conditions, seconded by Stycos, all in favor. The Board then discussed conditions that might be required. Klepack moved the following resolution, seconded by Stycos:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT
APPROVAL ADOPTED ON SEPTEMBER 8, 2008

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit #2305, Marjorie Pryse and Leslie Lewis, to construct an addition on their house at 1 Pembroke Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-2.1. Because the property includes land in the Steep Slope 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 September 8, 2008, 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 September 8, 2008, 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 FOLLOWS:

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
3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2305 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

1. **Implementation of a Storm Water Management Plan approved by the Storm Water Management Officer.**
2. **The approximate size and location of the addition shall be as shown on the plans submitted or smaller.**

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Cross noted as an aside that driving back from Pembroke Lane he noticed that the mailboxes at the top of Pembroke Lane made it difficult to see cars approaching the intersection traveling north on Cayuga Heights Road. Hickey reported that he had received a note from a Pembroke Lane resident expressing concern for pedestrian safety on Cayuga Heights Road. Curtis will relay these concerns to

Superintendent of Public Works, John Courtney and to the Mayor and Trustees. Cross will contact Courtney as well. The mail boxes serve residents on Sun Downs Road.

New York State Planning Federation Conference

Hickey noted that if anyone wanted to attend there is money in the budget for such training, but that in order to get the preferred rate they must submit their application by September 15. Mary Sirois from the Board of Zoning Appeals has expressed an interest in going.

Along the same lines, Curtis directed the Board's attention to an invitation from RPM Ecosystems in Dryden for an open house on Friday, September 12 to explain their process for producing plants – trees and shrubs – that grow faster than standard nursery plants. Curtis, Stycos and Klepack plan to attend.

Workforce Housing

Hickey directed the Board's attention to information in their packets and at the table provided by the County Planning Department with statistics based on the 2000 census regarding jobs and workers in the Village, housing units at various price ranges, commuter patterns, etc. Curtis noted that the statistics were confusing; he will contact the Planning Department and see if they can explain some of the numbers and provide a map to go with the numbers. Hickey noted that the Board was still at the level of gathering information on which to determine what course of action, if any, to recommend to the Board of Trustees. Hickey and Curtis met with County Planning Commissioner, Ed Marx, and Jeanne Leccese from his staff and discussed where the Village might fit into the County's plan to promote workforce housing. Hickey noted that Cornell has set aside \$10 million for workforce housing and one of their prime sites is the land on Uptown Road surrounding the Swim Club. The parcel is connected to municipal water, sewer and roads and proximate to Cornell and commercial support services. It is, however, a complicated and potentially controversial issue and Hickey is inclined to go slow, gather as much information as he can, and hear from everyone who has interests, before proceeding with a recommendation. There are a number of options – incentive zoning, inclusive zoning, clustering, etc. - and some would entail amendments to the Zoning Law.

Dubow stated that the Village can identify a course of action it wants to pursue and enact measures proactively to facilitate that course of action, or alternatively it can wait until a developer such as Cornell brings a proposal to the Village and then respond to that proposal. In the latter case the legislation can be better tailored to the proposal and more of the cost is born by the developer.

On a broader level the County has identified workforce and affordable housing as an important need in its Comprehensive Plan and is trying to coordinate an effort among the various municipalities in the County. The Village will need to figure out where, if anywhere, it fits in that coordinated effort. It may be worthwhile for the Planning Board to suggest a joint meeting with the Trustees to get some direction before proceeding further and investing time and effort. It might also be worthwhile to include Cornell in such a meeting. Lynn will suggest a joint meeting to the Trustees and get back to Hickey.

Approval of Minutes

Dankert moved to approve the minutes for the August 11 meeting as amended, seconded by Klepack, Klepack, Hickey, Tomei and Dankert in favor and Stycos abstaining because she was not present at that meeting.

Other Business

There was no other business.

Reports

Trustees – Nothing to report.

Adjournment:

Klepack moved to adjourn at 8:50 P.M. Seconded by Stycos. Ayes by Hickey, Dankert, Klepack, Stycos and Tomei. Motion carried.