

**Village of Lansing
Planning Board Meeting
November 25, 2008**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos,
3 Phil Dankert, Carol Klepack (arrived at 8:20) and Mario Tomei; Village Attorney David
4 Dubow; Code Enforcement Officer Ben Curtis; and Lenny Nissenson, observing for the
5 Community Party.

6
7 **Public Comment:**

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

12
13 **Parking Regulations**

14 The next item on the agenda was proposed amendments to the Village's parking regulations
15 previously discussed at the Joint Meeting between the Planning Board and the Trustees on
16 November 3 and subsequently at the Planning Board meeting on November 10. Curtis and
17 Hickey had met and prepared a map showing proposed street sections where on-street
18 parking would not be permitted. Hickey noted that a number of Village streets were narrow
19 and heavily traveled and on-street parking in these areas was not safe. The areas he and
20 Curtis had selected were marked in yellow highlighter on the maps which had been
21 distributed to the Board. Curtis noted that he had forgotten to mark several of the roads and
22 told the Board where these were. Hickey described the streets as all of Sheraton Drive,
23 Cinema Drive and Uptown Road, and on streets intersecting North Triphammer Road and
24 Warren Road within 500' of those intersections except where there is a traffic light. In those
25 identified areas parking would be prohibited on both sides of the street. Dubow noted that
26 parking was already prohibited on both sides of Bush Lane from its intersection with Brook
27 Way to a point 450 feet east of that intersection. He suggested the Board might consider
28 prohibiting parking on the whole street rather than just 500 feet starting at North Triphammer
29 Road then having a gap to Brook Way, then 450' of no parking starting at Brook Way,
30 followed by another gap. Curtis explained that the 450 foot section was originally designated
31 because the hill crested there and cars approaching from both sides could not see over the
32 crest. In addition, in the same area there was a home occupation that generated on-street
33 parking. This area was designated "No Parking" to address this specific hazard. Curtis further
34 noted that he and Hickey had sought to minimize the parking prohibition in residential areas
35 where traffic is less heavy, where residences are not expected to provide off-street parking
36 beyond the immediate needs of the family, and where an occasional social event may result
37 in over flow parking. Hickey was concerned about the number of signs that would be
38 required to designate each of these areas. Curtis responded that he had asked Superintendent
39 of Public Works, John Courtney to review the plan and prepare an estimate of the number of
40 signs that would be required and a projection of costs. Hickey suggested the Board wait until
41 it had heard from Courtney before asking Dubow to draft a proposed change in the Vehicles
42 and Traffic Regulations for the Trustees to consider.

1 Responding to a question from Tomei, Hickey explained that in all cases cars would not be
2 permitted to park in traffic lanes and in the “No Parking” zones cars would not be permitted
3 to park in the right-of-way even if they were not in the drive lanes. Elsewhere cars could park
4 along the road in the right-of-way as long as they were not in the drive lanes. With regard to
5 Bush Lane the Board agreed, pending Courtney’s comments, that only the 500’ from the
6 intersection with North Triphammer Road should be signed in addition to 450’ already signed
7 at the crest of the hill and not the whole street. Hickey asked about the intersection of
8 Oakcrest Road and Cayuga Heights Road. Curtis responded that this is a residential area and
9 overflow parking had never been a problem. Curtis noted that other areas can be added later
10 if problems arise. Dubow added that the Vehicles and Traffic Regulations include a table of
11 areas where on-street parking is prohibited and designating additional areas simply requires
12 amending that table. The Board will resume consideration of the parking issue after they
13 receive Courtney’s comments.

14
15 **Stewardship Program**

16 Hickey noted that Klepack was not present and he had anticipated that she would lead this
17 discussion. He commented that the map of open space prepared by the Tompkins County
18 Planning Department that was in the Board members’ packets was very good. The colors
19 were a little hard to read. Curtis noted that the electronic file is in pdf format which can be
20 viewed with a zoom function allowing closer examination of the parcels. Using the zoom
21 function, the colors read much more clearly. He would have emailed the file to the Planning
22 Board members, but encountered problems doing so for Klepack due to the size of the file.
23 He made a disc for her which she picked up from the office. He will try sending it to the
24 other members and make discs for them if he encounters the same problem.

25
26 Hickey commented that the maps included recent data including the parkland and walking
27 paths that will be dedicated as part of the Lansing Trails 2 Subdivision. Curtis noted that
28 some land such as the conservation easement in the Bolton Estate Subdivision and the storm
29 water management practice in the Millcroft Subdivision were not shown. He anticipates
30 going back and forth with the County Planning Department adding and refining data as
31 Klepack and the Board become familiar with it and determine what they want it to show. The
32 Board reviewed the map, commenting on various parcels. Hickey asked about the suggestion
33 of Village Engineer Brent Cross that the stormwater management practices be shown. Curtis
34 responded that they might be assigned their own color or possibly several colors to
35 distinguish those the Village owns from those they do not, for example. Tomei noted that the
36 map was out of date in that some existing buildings are not shown. Curtis responded that the
37 map is based on a fly-over which apparently was done some time ago; another may have
38 been done since. The fly-over data must be reconciled with other data such as tax parcel lines
39 and road locations which takes time.

40
41 Stycos noted that some Village residents would like to see the Village parcels identified and
42 marked so that they could be used for hiking and nature walks. Curtis reported that he had
43 collected detailed information about the McLain Subdivision recreation land and the right-of-
44 way accessing it and could do so for other parcels. It would take some investment and the
45 services of a surveyor to mark these parcels on the ground. He has spoken with the people at
46 TC3 who head up the surveying program there as well as the those in charge of the
47 environmental program, but is not optimistic that the work can be done entirely by interns.

1 Before the parcels are surveyed, however, the Village should select and acquire whatever
2 marking signs they want so that whoever is surveying the lot can also mark the boundaries in
3 whatever way the Village would like them marked. Klepack is following up with the signs.
4

5 Looking forward, Hickey suggested another notice in the Village newsletter to attract
6 potential stewards who might have a special interest in one of the Village parcels, and
7 possibly approaching some of the Village homeowners associations about parcels of special
8 interest to their neighborhoods. He noted that Trustee John O'Neill is very active in the
9 Lansing Trails Homeowners Association. Curtis added that there are potential contacts in a
10 number of other neighborhoods. Hickey suggested the Stewardship Program be an ongoing
11 agenda item until the Board resolves the problems and develops a proposal which can be
12 forwarded to the Trustees.
13

14 PUD/PDAs

15 The next item on the agenda was a continuation of the discussion on whether to recommend
16 restoring provisions for PUD/PDAs in the Zoning Law to accommodate special planning
17 goals such as workforce housing and assisted living. Hickey asked if all the members had
18 access to the New York Planning Federation book, *All You Ever Wanted to Know About*
19 *Zoning...*, by James Coon and Sheldon Damsky. It is a very good reference book on many of
20 the topics the Board discusses including this one. Dubow noted that New York State land use
21 laws had been updated over the years with important changes to PUD/PDA provisions
22 occurring as recently as 2003. Hickey's book is dated 1993, but Curtis noted that there is a
23 more recent version, possibly 2004. Hickey asked Curtis to order a copy of the newest
24 version for each of the Planning Board Members and the Alternate.
25

26 Stycos asked where the Village would put a PUD/PDA if it had provisions for such a
27 designation in its Zoning Law. Hickey responded that when it did so in the past, it allowed
28 them on any parcel of 5 acres or more. Stycos stated she was thinking of a larger lot size and
29 wondered if there are many lots of 10 acres or more. Hickey responded that the size might be
30 determined by where the lot is – 10 acres in a residential area might be appropriate but in a
31 commercial district 2 acres might be sufficient. Stycos asked what would go in a PUD/PDA.
32 Hickey responded that it might be mixed uses that would not be permitted in the same
33 development otherwise. The idea is to give the Planning Board more flexibility to work with
34 a developer to produce a development desirable for the Village. Curtis added that assisted
35 living was an example of a use that might not otherwise be permitted in an area where it
36 might be desirable. Stycos noted that assisted living could be regulated in its own right
37 without using provisions for a PUD/PDA.
38

39 Stycos stated that she was concerned that as a tool the PUD/PDA left control of the process
40 too open. The Sun Downs Farm experience demonstrated that such an open process could
41 invite proposals that were very much at odds with what the Village would find acceptable.
42 She asked if would be possible to wait until there was a proposal which the Village found
43 desirable, but which would require PUD/PDA provisions, and then enact such provisions as
44 may be required. Hickey noted that in the case of Sun Downs Farm the Village prevailed.
45 Dubow added that, while it was a protracted and difficult affair, the Sun Downs Farm
46 proposal did not go to court and the matter was resolved in the Village's interests. And Sun
47 Downs Farm was its own special case with its own special problems. Shannon Park, on the

1 other hand, was also a PDA and a successful one, though again not entirely without
2 controversy. (*Klepack arrives*) Stycos asked if Shannon Park could have been accomplished
3 some other way such as clustering. Dubow responded that cluster does not permit increased
4 density which was required for the townhouse portion of the Shannon Park PDA, nor does
5 clustering provide for alternate uses where that might be desirable. Dubow added that
6 PUD/PDAs actually constitute a change of zoning for the area involved and as such requires
7 action by the Trustees on a recommendation from the Planning Board. While the Village no
8 longer has provisions in its Zoning Law to create a PDA, there is still an appendix with the
9 old provision for reference with regard to Shannon Park. It would be informative for
10 Planning Board members to review that appendix to learn how a PDA was implemented
11 when the Village did permit them to be created.

12
13 Tomei asked about the difference between a subdivision and a PDA. Dubow responded that a
14 subdivision was simply the division of land without reference to use. A cluster subdivision
15 permitted flexibility with regard to lot size, allowing concentration of development in one
16 part of a subdivision offset by the preservation of open space in another part, the overall
17 permitted density remaining the same. A PUD/PDA permits flexibility with regard to uses
18 and to some extent density, but most importantly a mixture of uses that would not otherwise
19 be permitted. Hickey noted that Cornell, for example, might propose work force housing
20 which was a mixture of apartments and single family houses all on one parcel which would
21 not be permitted without some sort of provision like that for a PDA. An assisted living
22 development might include support services such as a medical facility. The Dart parcels
23 might be suitable for a PDA, for example, they are close to the B&T Park, apartments,
24 commercial and one and two family houses. In the final analysis, Hickey added, the
25 PUD/PDA is a tradeoff, and, for it to be worthwhile, it must yield greater benefits for the
26 Village than would be forthcoming under the standard zoning. He has mixed feelings about
27 whether to make provision for a PUD/PDA in anticipation of a worthwhile proposal or to
28 wait until there is a worthwhile proposal and then adopting the necessary zoning provisions.
29 PUD/PDAs can encompass a very broad spectrum of development. Shannon Park involved a
30 very minor departure from what was permitted by the underlying zoning, whereas the
31 original Sun Downs Farm proposal was very large in size, scope and the degree in which it
32 differed from what was permitted by the underlying zoning. There must be some trade off
33 whereby the Village benefits as well as the developer.

34
35 Klepack stated that when she thought of a PUD/PDA she thought in terms of a big parcel of
36 land, maybe a 100 acres where there might be room to include support services for residents
37 of the PUD/PDA. Dubow noted that land use planning seemed to be moving in the direction
38 of greater flexibility and creativity in accomplishing the goals identified by communities in
39 their comprehensive plans. Curtis added that he has had inquiries about proposed uses like
40 assisted living and he has encouraged the developers to come in and talk with Hickey if not
41 the whole Board, but he has also explained that some modification of the Zoning Law would
42 be required for the proposal to go forward. Dubow noted that often development went where
43 resistance was least and that developers are generally looking for some level of certainty that
44 their plans will eventually be approved before investing in a lengthy and uncertain approval
45 process. The PUD/PDA legislation should establish procedures and criteria rather than try to
46 describe exactly what particular project or projects might be permitted. It should establish the

1 framework within which the PUD/PDA can be considered. Without the legislation the
2 Village is protected from having to consider a proposal contrary to the Village Zoning Law,
3 but it also lacks the framework within which to consider a proposal that might be desirable in
4 terms of the Village's needs and long term goals, but does not fit the underlying zoning
5 requirements. Klepack asked what grounds could be used to reject a proposal like Sun
6 Downs Farm which did not fit within the Village's long term plans. Dubow explained that
7 the legislation can include criteria very much as does the Special Permit approval process.
8 Most such legislation also includes a statement of purpose and intent and frequently
9 standards with regard to density, lot size, ownership, etc. which allows the Planning Board to
10 establish parameters within which a proposal must fall.

11
12 Klepack asked if it was inadequate criteria that allowed the Sun Downs Farm proposal to
13 advance as far as it did. Dubow responded that there were a lot of factors involved, not the
14 least of which was a substantial level of support for such a proposal. Problems arose because
15 the size of the project was out of proportion and probably unsustainable, and it was presented
16 in a way that was not conducive to compromise. Ultimately the Village was successful in that
17 it had the flexibility to consider the proposal and the legal basis to reject it as presented.
18 Hickey noted that the discussion had been beneficial and suggested that the Board members
19 do more reading and engage in further discussion before taking any action with regard to
20 PUD/PDAs. Dubow added that ultimately the Board should be guided by the Comprehensive
21 Plan and consider the best tools for accomplishing the goals of the Plan.

22 23 **Stewardship Program (continued)**

24 Hickey noted that Klepack was now present and asked her to update the Board on the
25 Stewardship Program. Curtis recounted his to-do list from the earlier discussion: he would
26 distribute electronic copies of the open space map to other members of the Board; look into
27 adding stormwater management practices to the map; contact a surveyor to get a better idea
28 what would be involved in marking the Village parcels; and follow up with TC3 with regard
29 to interns, though it did not look promising. Hickey added that he thought the Village should
30 pursue contacting homeowners associations and neighborhood groups about participating in
31 the Stewardship Program and possibly putting another notice in the Village Newsletter. If
32 Klepack has a plan by then it could be added. Hickey would like to see the Village return to
33 mailing the Newsletter to increase readership and awareness. Klepack stated she had nothing
34 to add, but would continue to work on it.

35 36 **Reports**

37 *Trustees* – Hickey reported that Trustees had voted to increase the water rates which will
38 increase the sewer rates proportionately.

39
40 Curtis reported that the previously approved proposed improvements at 1 Pembroke Lane
41 had been scaled back so that there would be no addition, but the porch work, deck and
42 interior work would go forward. In his view the work fell within the scope of the Board's
43 previous approval and, if the Board agreed, he would go ahead and issue the Building Permit.
44 Curtis indicated that the impact would be less than the original proposal. The members
45 agreed.

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2 **Approval of Minutes**

3 Klepack moved to approve the minutes for the November 10 meeting as amended, seconded
4 by Tomei. Klepack, Hickey, Tomei, Dankert and Stycos voted in favor.

5

6 **Adjournment:**

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