

**Village of Lansing  
Planning Board Meeting  
September 29, 2009**

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, Phil  
3 Dankert, Richard Durst and Mario Tomei; Village Attorney David Dubow; Village Engineer Brent  
4 Cross; Code Enforcement Officer Ben Curtis; Acting Trustee Liaison Julie Baker; Eric  
5 Goetzmann and Jim Bold of Triax Management Group; Larry Bieri; Sorel Gottfried; Lisa  
6 Bonniwell; Judie Ritter from Homewood Suites; Martin Harms from the Cayuga Heights Planning  
7 Board; and Joan Deboer observing for the Community Party.  
8

9 **Public Comment:**

10 Hickey opened the Public Comment Period. Martin Harms introduced himself as the Chairman of  
11 the newly formed Cayuga Heights Planning Board. They are currently developing a  
12 Comprehensive Plan. He stated that he looks forward to working with the Village of Lansing  
13 Planning Board. There being no one else who wished to speak, Dankert moved to close the Public  
14 Comment Period. Seconded by Tomei. Ayes by Hickey, Stycos, Dankert, Durst and Tomei.  
15 Motion carried.

16  
17 **2 Bomax Circle, Second Curb Cut**

18 The next item on the agenda was Special Permit No. 2403, Tim Bonniwell to construct a circular  
19 driveway and second curb cut for the house at 2 Bomax Circle in the Medium Density Residential  
20 District, Tax Parcel No. 45.2-2-18. A Special Permit is required because Section 145-20 A (1) of  
21 the Village of Lansing Code limits residential curb cuts to one per lot except that a second curb cut  
22 may be permitted by Special Permit. The applicant, Lisa Bonniwell, distributed photographs  
23 showing the house at 2 Bomax Circle and pointed out where the driveway and second curb cut  
24 were proposed. Hickey asked why she needed a second curb cut. Bonniwell replied that the  
25 circular driveway would allow her to more easily access the road without backing down the  
26 driveway. She added that her children were approaching driving age as well. Hickey opened the  
27 public hearing.

28 Hickey directed the Board's attention to the report from Village Engineer Brent Cross below:  
29

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31  
32 **VILLAGE OF LANSING**  
33 **ENGINEER'S REPORT**

34  
35 **DATE:** September 29, 2009

36  
37 **TO:** Planning Board

38  
39 **FROM:** Brent A. Cross, Village Engineer

40  
41 **RE:** 2 Bomax Circle

42  
43 **NOTE:** I have reviewed the Plot Plan as prepared by Larry Fabbroni, LS for a proposed second  
“curb cut” to allow a circular driveway. I have the following observations and comments:  
44

- 1           1. In general I do not foresee any negative impacts of the proposed extra driveway.  
2  
3           2. The proposed location is not specifically dimensioned. It looks to be about 10' parallel  
4           5 to the east property line.  
6  
7           3. The width of the driveway is not identified. It appears to be about 12' wide.  
8  
9           4. There is no apparent provision of drainage within the Village ROW. I believe that the  
10          Village prefers to have a minimum of a 15" culvert pipe in the bottom of the ditch line.  
11          I will have to confirm with John Courtney.

12  
13          Assuming that the above information can be verified, I recommend that this property be  
14          considered for approval of the special permit.

15  
16          Cross stated that he did not see a problem with the second curb cut on a cul-de-sac where only 5  
17          houses are proposed, but the drawings lacked dimensions and he was unclear about the exact size  
18          and location of the proposed driveway and what size culvert was being proposed. Hickey noted  
19          that the driveway could not be less than 10' wide nor more than 20'. Bonniwell responded that  
20          their intent is for the driveway to be aesthetically pleasing and that she thought it would be about  
21          12' wide. Bonniwell added that she would stipulate that the driveway shall be no wider than 12'.  
22          Curtis noted, with regard to the culvert, that the size, material, end finishes, etc. were all subject to  
23          approval by the Village Superintendent of Public Works for any curb cut in the Village. There  
24          being no comments from the public, Dankert moved to close the public hearing, seconded by  
25          Tomei, all in favor.

26  
27          Dubow noted that because the proposed driveway constituted the construction of a minor  
28          accessory/appurtenant residential structure, Curtis had determined that the action is a Type II  
29          exempt action under SEQRA, and he concurred. Curtis confirmed that he had received proof of  
30          mailing of supplemental notice to contiguous property owners. Hickey then reviewed Section 145-  
31          *59E, General Conditions required for all Special Permits.* Stycos moved that the proposed second  
32          curb cut met those conditions, seconded by Durst, all in favor. Discussion ensued regarding  
33          conditions that might be imposed with approval of the Special Permit after which Durst moved the  
34          following resolution, seconded by Tomei:

35  
36  
37          **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO.**  
38          **2403 ADOPTED ON SEPTEMBER 29, 2009**

39  
40  
41          **WHEREAS:**

- 42  
43          A. This matter involves consideration of the following proposed action: Special Permit  
44          No. 2403, Tim Bonniwell to construct a circular driveway and second curb cut for the  
45          house at 2 Bomax Circle in the Medium Density Residential District, Tax Parcel No.  
46          45.2-2-18. A Special Permit is required because Section 145-20 A (1) of the Village of  
47          Lansing Code limits residential curb cuts to one per lot except that a second curb cut  
48          may be permitted by Special Permit; and

- 1
- 2 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York
- 3 State Environmental Conservation Law - the State Environmental Quality Review Act
- 4 ("SEQR"), and 6 NYCRR Section 617.5, hereby determines that the approval of the
- 5 proposed special permit is a Type II action, and thus may be processed without further
- 6 regard to SEQR; and
- 7
- 8 C. The Village Code Enforcement/Zoning Officer has determined that the proposed action
- 9 is not large-scale and therefore is not subject to a full and extensive environmental
- 10 review under the Village of Lansing Zoning Law; and
- 11
- 12 D. On September 29, 2009, the Village of Lansing Planning Board held a public hearing
- 13 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the
- 14 materials and information presented by and on behalf of the applicant in support of this
- 15 proposed action, including information and materials related to the environmental
- 16 issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all
- 17 other information and materials rightfully before the Board, and (iii) all issues raised
- 18 during the public hearing and/or otherwise raised in the course of the Board's
- 19 deliberations; and
- 20
- 21 E. On September 29, 2009, in accordance with Section 725-b of the Village Law of the
- 22 State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of
- 23 Lansing Code, the Village of Lansing Planning Board, in the course of its further
- 24 deliberations, reviewed and took into consideration (i) the general conditions required
- 25 for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable
- 26 conditions required for certain special permit uses (Village of Lansing Code Section
- 27 145-60), (iii) any applicable conditions required for uses within a Combining District
- 28 (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed
- 29 necessary and/or appropriate;
- 30

31 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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33

- 34 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
- 35 information and materials submitted by the applicant and the details thereof are
- 36 reasonably related to the scope of the proposed project; (ii) waives the necessity for any
- 37 additional environmental information otherwise required; and (iii) finds that the
- 38 proposed project will not have a significant adverse impact on the environment; and
- 39
- 40 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
- 41 requirements, if any, set forth below) that the proposed action meets (i) all general
- 42 conditions required for all special permits (Village of Lansing Code Section 145-59E),
- 43 (ii) any applicable conditions required for certain special permit uses (Village of
- 44 Lansing Code Section 145-60), and (iii) any applicable conditions required for uses
- 45 within a Combining District (Village of Lansing Code Section 145-61); and
- 46

1       3. It is hereby determined by the Village of Lansing Planning Board that Special Permit  
2       No. 2403 is **GRANTED AND APPROVED**, subject to the following conditions and  
3       requirements:

- 4
- 5     1. **The driveway shall be no wider than 12'.**
- 6
- 7     2. **Applicant shall submit a dimensioned plan for approval by the Code Enforcement**  
8       **Officer prior to issuance of a Building Permit.**
- 9

10      The vote on the foregoing motion was as follows:

11      AYES: **Mario Tomei, Ned Hickey, Phil Dankert, Maria Stycos and Richard Durst**

12      NAYS: **none**

13      The motion was declared to be carried.

14      **Bomax Circle Name Change**

15      Hickey directed the Board's attention to a letter from Ivar Jonson, the developer of the Lansing  
16      Heights Subdivision, asking that the name of the street, Bomax Circle, be changed to Jon Stone  
17      Circle. Hickey reminded the Board that they had recommended approval of an earlier request to  
18      change the name to Heights Circle, but Jonson subsequently had a change of heart and now would  
19      prefer Jon Stone Circle. Tomei moved to recommend the name change to the Board of Trustees  
20      subject to approval by the 911 Center, seconded by Stycos. Hickey, Dankert, Durst, Stycos and  
21      Tomei voted in favor. The motion carried.

22      **2 Bomax Circle Boundary Line Adjustment**

23      Hickey directed the Board's attention to a plat plan in their packets showing a 817.85sf wedge of  
24      land which was proposed to be transferred from Tax Parcel 45.2-2-19 to Tax Parcel 45.2-2-18 also  
25      known as 2 Bomax Circle. Dubow explained that while technically this is a subdivision, Section  
26      125-34 of the Subdivision Regulations make provision for cases like this where one lot is being  
27      enlarged by the addition of land from an adjoining lot such that both lots still comply with all  
28      requirements of the Zoning Law and no additional lot is created. In such cases the Planning Board  
29      may waive other subdivision requirements and simply approve the change in boundaries as a lot  
30      enlargement. Curtis confirmed that the lots would still comply with the Zoning Law, noting that  
31      what appears as a deck very close to the property line is actually a concrete patio on grade which  
32      is not regulated by the setback requirement because it is less than 3' above grade. Dubow  
33      explained that approval of such enlargements are generally conditioned upon consolidation of the  
34      acquired land with the receiving parcel within some reasonable time as the Board can not  
35      otherwise create a lot smaller than that permitted in the Zoning Law. He also suggested that the  
36      Lansing Trails 2 Subdivision Plat be modified to reflect the boundary line change and the  
37      amended version be filed with the County Clerk so that the public is on notice of the new  
38      boundaries. He noted that the plat needs to be amended anyway to reflect changes previously  
39      approved by the Board eliminating Village Park Way. Durst moved the following resolution,  
40      seconded by Tomei:

1  
2       **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL**  
3       **PLAT APPROVAL OF THE HEIGHTS OF LANSING DEVELOPMENT, LLC -**  
4       **BONNIWELL MINOR SUBDIVISION/LOT ENLARGEMENT ADOPTED ON**  
5       **SEPTEMBER 29, 2009**  
6  
7

8       **WHEREAS:**  
9

- 10      A. This matter involves consideration of the following proposed action: Final Plat  
11     approval of The Heights of Lansing Development, LLC – Bonniwell Minor  
12     Subdivision/Lot Enlargement to add 817.85 square feet, currently being a portion of  
13     Lot 5 (Tax Parcel 45.2-2-19) of the Lansing Trails II Subdivision, to the adjoining Lot  
14     4 (Tax Parcel 45.2-2-18) of said Lansing Trails II Subdivision, pursuant to the  
15     provisions of Section 125-34 of the Village of Lansing Code, such lot enlargement  
16     being more specifically set forth on a Plot Plan entitled “Lansing Trails II, Lot 4,  
17     Bomax Circle, Village of Lansing, County of Tompkins, State of New York, dated 9-  
18     23-09 and prepared by L.F Fabbroni, L.S. #49682. The parcels are located in the  
19     Medium Density Residential District, Tax Parcel Numbers 45.2-2-19 and 45.2-2-18;  
20     and  
21  
22      B. On September 29, 2009, the Village of Lansing Planning Board, in accordance with  
23     subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the Plot  
24     Plan submitted with respect to this proposed action; (ii) classified the proposed  
25     subdivision as a minor subdivision; and (iii) determined that the proposed enlargement  
26     of Lot 4 (Tax Parcel Number 45.2-2-18) by the addition of 817.85 square from the  
27     adjoining Lot 5 (Tax Parcel 45.2-2-19) should be reviewed and acted upon in  
28     accordance with Section 125-34 of the Village of Lansing Code as the enlargement of  
29     an existing lot, thereby waiving any and all other Subdivision regulations under  
30     Chapter 125 of the Village of Lansing Code; and  
31  
32      C. On September 29, 2009, the Village of Lansing Planning Board, in accordance with  
33     Section 123-2 of the Village of Lansing Code, determined that the approval of the  
34     proposed minor subdivision is a Type II action, and thus may be processed without  
35     further regard to Article 8 of the New York State Environmental Conservation Law -  
36     the State Environmental Quality Review Act (“SEQR”); and  
37  
38      D. On September 29, 2009, the Village of Lansing Planning Board reviewed and analyzed  
39     (i) the proposed Plot Plan/final subdivision plat and accompanying materials and  
40     information presented by and on behalf of the applicant in support of this proposed  
41     action, including information and materials related to environmental issues, if any,  
42     which the Board deemed necessary or appropriate for its review; (ii) the proposed  
43     enlargement of Lot 4 (Tax Parcel Number 45.2-2-18) by the addition of 817.85 square  
44     from the adjoining Lot 5 (Tax Parcel 45.2-2-19) in accordance with Section 125-34 of  
45     the Village of Lansing Code, and the waiver of any and all other Subdivision  
46     regulations under Chapter 125 of the Village of Lansing Code; (iii) all other

1 information and materials rightfully before the Board; and (iv) all issues raised during  
2 the course of the Board's deliberations;

4 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- 7 1. Based upon all of its foregoing review and action, it is hereby determined by the  
8 Village of Lansing Planning Board that (i) approval of the proposed The Heights of  
9 Lansing Development, LLC – Bonniwell Minor Subdivision/Lot Enlargement is  
10 **GRANTED**, subject to the conditions and requirements set forth below; and (ii) the  
11 proposed The Heights of Lansing Development, LLC – Bonniwell Minor  
12 Subdivision/Lot Enlargement is for the purpose of enlarging the existing Lot 4 (Tax  
13 Parcel 45.2-2-18) of the Lansing Trails II Subdivision by the addition of 817.85 square  
14 feet from the adjoining Lot 5 (Tax Parcel 45.2-2-19) of the Lansing Trails II  
15 Subdivision in accordance with Section 125-34 of the Village of Lansing Code, and  
16 accordingly, such lot enlargement is **GRANTED**, subject to the conditions and  
17 requirements set forth below, and together with a waiver of any and all other  
18 Subdivision regulations under Chapter 125 of the Village of Lansing Code;

19 Conditions and Requirements:

- 20 a. Conveyance by The Heights of Lansing Development, LLC, the record  
21 property owner of Lot 5 (Tax Parcel 45.2-2-19) of the Lansing Trails II  
22 Subdivision, of the proposed 817.85 square feet from said Lot 5 to Lisa and  
23 Tim Bonniwell, the record property owners of Lot 4 (Tax Parcel 45.2-2-18)  
24 of the said Lansing Trails II Subdivision, and consolidation therewith, all  
25 in accordance with Section 125-34 of the Village of Lansing Code and  
26 such other applicable procedures and requirements of the Village of  
27 Lansing and County of Tompkins, written evidence of such conveyance  
28 and consolidation to be provided to the Village of Lansing Planning Board,  
29 Village Clerk and Village Zoning and Code Enforcement Officer within  
30 four (4) months following the adoption of this resolution.
- 31 b. The amendment of the Lansing Trails II Subdivision Plat reflecting the  
32 approved lot enlargement and related boundary line adjustments for Lots 4  
33 and 5 of said Lansing Trails Subdivision, the execution thereof by the  
34 Planning Board Chairperson, and the filing thereof in the Tompkins  
35 County Clerk's Office prior to or concurrently with the conveyance of  
36 property as provided for in Condition A above.,
- 37
- 38 2 The Chairperson of the Village of Lansing Planning Board is hereby authorized and  
39 directed to sign the Plot Plan/Final Plat for the approved minor subdivision in  
40 accordance with subsection F of Section 125-6 and subsection A of Section 125-15 of  
41 the Village of Lansing Code.
- 42

1 The vote on the foregoing motion was as follows:

**3 AYES: Ned Hickey, Mario Tomei, Phil Dankert, Maria Stykos and Richard Durst**

## 5 NAYS: none

7 The motion was declared to be carried.

## **Homewood Suites Way-Finding Sign**

Hickey acknowledged Judie Ritter from Homewood Suites and explained the history of the requested signage. Homewood Suites has requested approval from the New York State Department of Transportation for ramp signs at the North Triphammer Road overpass over Rt. 13. NYSDOT will not approve such signage unless sufficient directional signage is posted on North Triphammer Road such that someone getting off Rt. 13 at North Triphammer Road can then easily find their way to Homewood Suites. NYSDOT determined that this would require a way-finding sign, matching the requested ramp sign, to be posted near the intersection of Sheraton Drive and North Triphammer Road to alert travelers that they must turn onto Sheraton Drive in order to get to the Homewood Suites. Dubow added that the Trustees have approved an amendment to the Sign Law specifically permitting such a way-finding sign, with Planning Board approval, where such signage is required by NYSDOT as a condition for approving ramp signs on Rt. 13. Dubow noted that the section of the Sign Law pertaining to these way-finding signs sets forth the criteria for approving them and the Planning Board must review these five criteria in determining whether to approve the sign. The only one which is at all problematic is the requirement that there be a State approved ramp sign as a condition for approving the Village way-finding sign whereas the State requires the Village sign as a condition for approving the ramp signs. Tomei suggested that the Board approve the sign, and then Ritter can inform the State of the Board's action and that will permit the State to approve the ramp signs. Ritter stated that it is not clear if the sign in the Village has to be installed or simply approved in order for the State to install the ramp signs. Curtis suggested that the Board might attach a condition requiring the State signs be installed within 30 days of the installation of the Village sign.

Hickey led the Board through the five requirements for a local tourist-oriented directional sign from Section 115-72A3 of the Sign Law. Dankert moved that the proposed signs met all of the conditions, seconded by Stykos, all in favor. Discussion ensued regarding possible conditions of approval after which Tomei moved the following resolution, seconded by Durst:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR APPROVAL OF  
LOCAL TOURIST-ORIENTED DIRECTIONAL SIGN ADOPTED ON SEPTEMBER

29, 2009

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Approval of Homewood Suites local tourist-oriented directional sign to be located on North

1 Triphammer Road, such approval being required pursuant to the Village Sign Law and  
2 specifically Section 115-7.2 of the Village of Lansing Code; and

- 3
- 4 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York  
5 State Environmental Conservation Law - the State Environmental Quality Review Act  
6 ("SEQR"), and 6 NYCRR Section 617.5, hereby determines that the approval of the  
7 proposed local tourist-oriented directional sign is a Type II action, and thus may be  
8 processed without further regard to SEQR; and
- 9
- 10 C. On September 29, 2009, in accordance with Section 115-7.2 of the Village of Lansing  
11 Code, the Village of Lansing Planning Board, in the course of its deliberations with  
12 respect to the proposed action, reviewed and took into consideration (i) all of the  
13 requirements for the proposed local tourist-oriented directional sign provided for in  
14 Section 115-7.2 of the Village of Lansing Code, including, but not limited to, those set  
15 forth in subsection A.3. thereof, and (ii) all of the requirements for the proposed local  
16 tourist-oriented directional sign provided for in Section 115-9 of the Village of  
17 Lansing Code;
- 18

19 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

20

- 21
- 22 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and  
23 requirements, if any, set forth below) that the proposed action meets (i) all of the  
24 requirements for the proposed local tourist-oriented directional sign provided for in  
25 Section 115-7.2 of the Village of Lansing Code, including, but not limited to, those set  
26 forth in subsection A.3. thereof, and (ii) all of the requirements for the proposed local  
27 tourist-oriented directional sign provided for in Section 115-9 of the Village of  
28 Lansing Code; and
- 29
- 30 2. It is hereby determined by the Village of Lansing Planning Board that approval of the  
31 Homewood Suites local tourist-oriented directional sign to be located on North  
32 Triphammer Road is **GRANTED**, subject to the following conditions and  
33 requirements:
- 34
- 35 1. **Ramp signs on New York State Rt. 13 shall be installed within 30 days of  
36 the installation of the tourist-oriented directional sign on North  
37 Triphammer Road.**
- 38
2. **Authorization by the Village of Lansing Board of Trustees to locate the  
39 tourist-oriented directional sign on Village property.**
- 40
3. **Approval of the final location, height and hardware for the tourist-oriented  
41 directional sign by the Village of Lansing Superintendent of Public Works.**
- 42
- 43
- 44
- 45
- 46

1 The vote on the foregoing motion was as follows:

2

3 **AYES: Ned Hickey, Mario Tomei, Maria Stykos, Phil Dankert and Richard Durst**

4

5 **NAYS: none**

6

7 The motion was declared to be carried.

8

9 Dubow will present the matter of authorization to the Trustees at their next meeting and such  
10 authorization could be forthcoming at that meeting or at their noon meeting shortly thereafter at  
11 which both Curtis and the Superintendent of Public Works will be present.

12

13 **Bolton Estate Subdivision Covenant Amendment**

14 Dubow explained that the Covenants for the Bolton Estate Subdivision included a restriction that  
15 only one primary residential structure could be built on a lot. The Village Zoning Law permits an  
16 *additional residential building on a single lot* with a Special Permit and General and Additional  
17 Conditions. The developers of the Bolton Estate Subdivision have had inquiries from potential  
18 buyers who would like an additional residential building. The developers are now proposing to  
19 amend their Covenants to permit an additional residential building as is permitted in the Village of  
20 Lansing Code. Because the Village is party to the Covenants, the Village must approve any such  
21 amendment. Dankert moved to approve the proposed amendment, seconded by Tomei, all in  
22 favor.

23

24 **Generic PDA**

25 The next item on the agenda was continued discussion of a generic PDA. Hickey reviewed the  
26 discussion to date. On July 7, Triax Management Group submitted a request for rezoning of their  
27 approximately 11 acres of land behind the YMCA and fronting on Oakcrest Road. One way to  
28 approach such a rezoning is by way of a PDA to which the request referred. The Mayor, Hickey  
29 and another Planning Board member and Curtis met with Eric Goetzmann and Jim Bold from  
30 Triax Management Group who presented a concept plan for the parcels. The plan included a big  
31 box store with parking adjacent and connected to the Mall ring road, senior housing fronting on  
32 Oakcrest Road and some trails, park and wetlands around the housing. The Army Corps of  
33 Engineers has advised them on how to preserve, protect and relocate wetlands on the property.  
34 The Mayor instructed the Planning Board Chairman to review the old PDA provisions which were  
35 deactivated in 1993 to determine if this was a viable approach to considering a proposal such as  
36 that of Triax Management Group. The Planning Board has been reviewing those provisions which  
37 now comprise Appendix A of the Zoning Law and considering revisions that might make it a  
38 viable tool for considering the Triax proposal. If the provisions can be so revised and the Trustees  
39 amend the Zoning Law to reactivate the PDA provisions thus revised, then the Triax Management  
40 Group can submit their proposal as an application for a PDA.

41

42 Hickey then asked if anyone in the audience had any questions or comments. Sorrel Gottfried  
43 asked if the process of approving a PDA would include provision for a public hearing before the  
44 Planning Board sent its recommendation to the Board of Trustees. Hickey replied that that was an  
45 issue the Board is considering. The final decision is made by the Board of Trustees and they are  
46 required to hold a Public Hearing. Rather than holding two public hearings, the Planning Board

1 might instead have a more informal information meeting with the developers present to explain  
2 their project and help answer questions and at which members of the public could ask questions  
3 and express opinions. Gottfried stated that she objected to resurrecting the PDA provisions  
4 because those provisions had proved problematic in the past and the decision to therefore  
5 deactivate the provisions had been thoroughly discussed at the time and the decision made to  
6 deactivate them. These provisions can be used to change the basic Zoning Law for individual  
7 projects and can be applied anywhere in the Village which undermines the Zoning Law as a  
8 whole. Hickey noted that in the case at hand the PDA was being proposed as a method for  
9 permitting retail in the Commercial Low Traffic District where it is not otherwise permitted and to  
10 offset the increase in intensity of use by placing a residential use along Oakcrest Road where it  
11 would not otherwise be required. Dubow added that this PDA tool would allow a developer and  
12 the Planning Board, and ultimately the Board of Trustees, to develop a plan collaboratively which  
13 in the final analysis each of them agreed made sense. That agreement becomes the basis of a  
14 rezoning, a PDA. If no agreement can be reached then the Planning Board and ultimately the  
15 Trustees can simply determine that they do not believe it to be in the Village's interests to rezone  
16 the land.

17  
18 Gottfried stated that the PDA provisions undermined the Zoning Law because residents lacked  
19 confidence in the law if it could be changed on a case by case basis. Under those circumstances  
20 people did not view the Zoning Law as a real law. It does not provide the security that people are  
21 looking for when they invest in a home and in a community. She reviewed the record from the  
22 time when the PDA provisions were deactivated and the concerns expressed then. She noted that  
23 Randy Marcus who was the Village Attorney at the time, wrote in 1991 that the Village had no  
24 obligation to rezone a parcel to maximize its value for the property owner. Hickey asked whether  
25 the Village should consider rezoning if it not only maximized the value for the property owner,  
26 but also benefited the Village as a whole. Gottfried replied that she did not think another big box  
27 store benefited the Village, and due primarily to the sales tax distribution formula, retail is actually  
28 a net cost to the Village. Dubow explained that this is exactly what the PDA review process is  
29 intended to determine – the potential impacts and benefits to the Village. If the Planning Board  
30 and subsequently the Trustees determine that the proposed PDA is not a net benefit for the  
31 Village, then they can turn it down. Gottfried responded that it took the Village three years of  
32 difficulty and effort to turn down the Sun Downs Farm PDA and that is why the Village decided,  
33 after thorough discussion, to deactivate the provisions. She does not think it a good idea to now  
34 reopen the issue.

35  
36 Larry Bieri who lives on Oakcrest Road not far from the proposed Triax development asked what  
37 the zoning is where the senior housing is proposed. Curtis responded that all of the land in the  
38 proposed Triax development is zoned Commercial Low Traffic. Hickey noted that, were it to be  
39 approved as a PDA, part of the land would not be zoned residential and the rest Commercial High  
40 Traffic. Instead, the land would become its own zoning district with its own area and use  
41 regulations, just as the Shannon Park PDA is a separate zoning district.

42  
43 Gottfried asked, with regard to the 15 units of senior housing proposed, whether there would be  
44 provisions to ensure that occupancy is limited to the elderly. Hickey responded that this is the type  
45 of detail that the Planning Board would require in a final proposal for a PDA assuming that the  
46 Village and the developer could arrive at an agreement that both determined was beneficial to their

1 interests. Curtis added that one approach would be for the developer to designate a third party like  
2 Better Housing, accountable in part to the Village, to manage the property and ensure that  
3 commitments to the Village with regard to age or income of residents are met. Gottfried noted  
4 that, in addition to increasing housing options for seniors, the Comprehensive Plan also promoted  
5 other objectives like increased diversity and housing options for young families. Curtis noted that  
6 the housing being built now is mostly \$500,000 and up, and that housing starts seem to be market  
7 driven. Stycos asked about the workforce housing the Board had discussed earlier in the year.  
8 Hickey responded that Cornell owns land off Warren Road south of Rt. 13 that was being  
9 considered for workforce housing, but with the change in the economy, the momentum for such  
10 housing seems to have died down.

11  
12 Moving on, Hickey noted that some work needed to be done on Sections 4 – 13 of Appendix A  
13 with regard to the process of reviewing and approving a proposed PDA, but he suggested that he  
14 and Curtis meet with Dubow and rough in proposed changes and bring those back to the Board  
15 rather than getting into a protracted discussion now. Those changes and the ones to which the  
16 Planning Board has already agreed can then go to the Trustees for their consideration. If the  
17 Trustees agree that the PDA should be reactivated as amended Dubow will draft a proposed local  
18 law to accomplish that purpose. That local law would restore the PDA as a tool by which to  
19 consider proposals such as that of Triax Management Group, and Triax could formally submit its  
20 proposed PDA at that time. PDAs are rezonings and as such are purely discretionary meaning that  
21 the Trustees are under no obligation to approve or even consider a PDA if they determine for  
22 whatever reason that it would not be beneficial for the Village.  
23

24 Stycos suggested that before the Planning Board sends their recommendation to the Trustees, they  
25 should give the public an opportunity to speak either through a public hearing or some sort of  
26 public information meeting. Dubow noted that regardless of what the Planning Board did, the  
27 Trustees are obligated to hold a Public Hearing in the course of adopting a proposed local law.  
28 Gottfried suggested that having more details about the proposed Triax PDA might facilitate a  
29 more informed discussion. Bieri noted, however, that the Planning Board was considering the  
30 generic legislation to permit consideration of PDAs in general and that only were such legislation  
31 to be adopted would the Board consider the Triax PDA in particular. It would be hard to separate  
32 the discussion of whether the Triax PDA is a good proposal from the discussion of whether the  
33 PDA concept is a useful planning tool and, if so, how to structure the enabling provisions so that  
34 the tool is not a liability for the Village. Hickey added that having the Triax proposal on the table  
35 is useful as it supplies a concrete example of how the provisions might be used. Dubow stated that  
36 ultimately the PDA is simply a tool that allows the Village to rezone within certain parameters, but  
37 each application of the tool must be considered on its own merits. Developers can already come to  
38 the Village and request that land be rezoned and the Village can rezone that land. The PDA simply  
39 adds to that authority a process whereby the Village can enter into a collaborative process whereby  
40 both parties can achieve benefits that might otherwise be unattainable. Because a PDA is rezoning,  
41 the Village, at its sole discretion, can decide to approve or not approve a PDA just as it would  
42 exercise that sole discretion in approving or disapproving any rezoning request.  
43

#### 44      **SEQRA Sequencing Process**

45 Moving on, Hickey asked Dubow to explain the issue with regard to SEQRA raised by recent case  
46 law in New York State. Dubow stated that he had included an article in the Board packets as a

1 follow up to his report at the August 25 meeting about a recent court decision in New York State  
2 confirming that an application is not technically complete until a SEQRA determination has been  
3 made, and that a public hearing may not be held until an application is complete. Therefore a  
4 SEQRA environmental assessment must proceed before the public hearing. Most boards in New  
5 York State, however, hold their public hearings before doing the environmental review in order to  
6 have the benefit of public input in doing that review. This approach works very well and the  
7 Court's decision seems counterintuitive. Municipal attorneys around the State are trying to figure  
8 out how best to apply the Court's decision. Technically, SEQRA does not require a public hearing,  
9 but most agree that the process benefits significantly from public input. The answer might lie in  
10 holding two public hearings – one for SEQRA and another for the approval, or possibly a hybrid  
11 with a two part hearing – one part focussing on environmental issues leading to a SEQRA  
12 determination, and then resuming the hearing for issues not covered by the SEQRA review, but  
13 germane to the approval process for the action under consideration. Even this is a little tricky as a  
14 board is required to complete the SEQRA review prior to even scheduling the public hearing for  
15 the action.

16  
17 Hickey suggested the Board turn to page 5 of the Article Dubow had included in their packets.  
18 Section 8 there lists four possible solutions. Hickey noted that the third solution, *Best of Both*  
19 *Worlds*, is not unlike what the Board already does and adopting that solution would probably not  
20 have much effect on the way the Board does business. Dubow suggested that in the short term the  
21 Board will probably continue doing business as it always has, but as the impact of this court  
22 decision becomes more clear, the Board may need to consider options to bring its procedures more  
23 into accordance with the general understanding of that decision. Hickey suggested that the Board  
24 review the four solutions in the article and decide which they prefer for discussion at a future  
25 meeting. Dubow will continue to follow the matter and keep the Board informed as municipalities  
26 around the State try to make sense of the ruling and adapt accordingly.

27  
28 **Approval of Minutes**  
29 Curtis reported he is getting caught up, but that the minutes were still not ready for the Board's  
30 review.

31  
32 **Reports**  
33 Trustees – Dubow reported that Cornell had applied for permits for a controlled hunt on two of  
34 its properties including the undeveloped land next to the Parkview Health Care Campus. There  
35 have been additional delays in the water tank projects.

36  
37 **Other Business as Time Permits**  
38 Hickey noted that four hours of training is being offered in Dryden on October 22. An  
39 announcement is in the packets and it sounds like it might provide some useful information.  
40 Stycos would like to go particularly if others plan to go and they could car pool. Hickey suggested  
41 that some might want to attend a couple of the sessions, but not all four hours.

42  
43 **Adjournment:**  
44 Stycos moved to adjourn at 9:25 P.M. Seconded by Tomei. Ayes by Hickey, Dankert, Durst,  
45 Tomei and Stycos. Motion carried.