

Village of Lansing  
Planning Board Meeting  
February 8, 2016

1 The meeting of the Village of Lansing Planning Board was called to order at 7:00PM by Chairman Mario  
2 Tomei.

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4 Present at the meeting were Planning Board Members: Lisa Schleelein, John Gillott, Deborah Dawson, and  
5 Mike Baker; Code Enforcement Officer, Marty Moseley; Village Engineer, Brent Cross; Village Attorney,  
6 David Dubow; McDonald's owners, Courtney and Michael Feehan; Owen Speulstra from Boher engineering;  
7 Scott Buckley from McDonald's Construction Department; George Breuhaus; and Charles Lisa.

8  
9 Absent: None

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11  
12 **Public Comment Period**

13 Tomei opened the public comment period. With no one wishing to speak, Dawson moved to close the public  
14 comment period. Seconded by Baker; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

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16 **Public Hearing to Consider for 106 Burdick Hill Road:**

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18 Tomei opened the public hearing to consider:

19 *Special Permit #3059, KiaCo Ventures, to construct a 1653ft<sup>2</sup> addition onto their existing 1170ft<sup>2</sup>*  
20 *at 106 Burdick Hill Road, located in the Low Density Residential District, Tax Parcel Number*  
21 *42.1-1-52.22 Because the proposed construction will occur within 200' of the centerline of a*  
22 *stream, included in the Drainageway Conservation Combining District, Special Permit review is*  
23 *required pursuant to Section 145-48 of the Village of Lansing Code.*

24  
25 Moseley indicated that the overall square footage of the structure should be corrected on the application and  
26 in the document that was presented to the Board members to 2115 square feet, and the abutting zoning  
27 districts, on the special permit application, should also reflect the Low Density Residential District. Moseley  
28 presented the following report to the Board:

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30 *To: Planning Board*

31 *From: Zoning Department*

32 *Subject: 106 Burdick Hill Road*

33 *Date: January 28, 2016*

34  
35 **Special Permit 3059:**

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37 *Special Permit #3059, KiaCo Ventures, to construct a 1653ft<sup>2</sup> addition onto their*  
38 *existing 1170ft<sup>2</sup> at 106 Burdick Hill Road, located in the Low Density Residential*  
39 *District, Tax Parcel Number 42.1-1-52.22 Because the proposed construction will occur*  
40 *within 200' of the centerline of a stream, included in the Drainageway Conservation*  
41 *Combining District, Special Permit review is required pursuant to Section 145-48 of the*  
42 *Village of Lansing Code.*

45 **Report:**

46 *The applicant is requesting to construct a 1,653ft<sup>2</sup> addition on an existing single family house. The use of the property will still*  
47 *be single family residential. The applicant is proposing to remove two existing garages on the property. The total square footage of*  
48 *structures on the property is approximately 2,466 sq.ft. and the existing house with the proposed addition will be approximately*  
49 *2,283 sq.ft..*

50 *All of the existing buildings are located closer to the road than is allowed by the Villages current Zoning for front yard setbacks*  
51 *in the Low Density Residential district. The applicant has indicated that he will be utilizing part of the existing structure*  
52 *exterior walls and part of the existing foundation which would appear to allow for the current house to be left where it is in*  
53 *relation to the front yard setback, but the addition is proposed to be located in conformance with the appropriate front yard*  
54 *setbacks. The Village Zoning appears to indicate that the non-conformity of the structure would be allowed to be continued as*  
55 *long as the non-conformity has not been extended or enlarged.*

56 *In this scenario the non-conformity of the front yard setback will be reduced due to the existing garages being removed from the*  
57 *property. Also the existing curb-cut is not in compliance with the Village Zoning, but the proposed curb-cut would be in*  
58 *conformance with the current Zoning regulations. Based on the information above many of the current non-conformities will be*  
59 *remediated with the proposed layout.*

60 *This request has prompted a special permit due to the proximity to the drainage way, as indicated on the Village Zoning Map.*  
61 *The approximate distance from the existing house to the drainage way is approximately 64' 6", but the closest existing garage is*  
62 *approximately 13' 7" from the existing drainage way. The proposed addition on the house would reduce the distance to the*  
63 *drainage way to approximately 28' 10" at the closest point and 44' at the furthest point. By removing the existing garages on the*  
64 *lot the drainage way measurement would be increase by approximately 15' 3" measured to the closest point on the proposed*  
65 *addition to the existing drainage way.*

66 *The applicant has proposed to a silt fence to maintain erosion and control measures while under construction. The drainage way*  
67 *appears to be indicated as intermittent.*

68 **SEQRA** review is not required as this is a single family house and therefore is exempt.

69 **GML 239 -l -m and -nn:** *The GML 239 -l -m and -nn responses have been submitted from the following entities: (i)*  
70 *The Town of Lansing Code and Zoning Office has indicated that the proposed project will not have any impact on the Town of*  
71 *Lansing. (ii) The Tompkins County Planning Department has responded and indicated that the Village should require the*  
72 *applicant to maintain a 50 foot riparian buffer on both sides of the intermittent stream, as measured from the edge of the stream*  
73 *bank. The measurement should apply to all buildings and impervious surfaces and wastewater treatment systems.*

74 **Floodplain:** *The proposed project is not shown within any flood plains.*

75 *Should the Planning Board approve this request, I would suggest that the typical language be incorporated for soil and erosion*  
76 *control measures as a condition of the special permit.*

77 Schleelein was concerned with the building's proximity to the stream. Dawson noted that the lot is difficult to  
78 build on with the stream. Gillott indicated that the stream could increase due to some storm events, like there  
79 has been in the past in the Village.

80  
81 Breuhaus indicated that there would only be a crawl space, which would reduce the impact of earth  
82 disturbance.

83  
84 Lisa indicated that the existing building has been undamaged by the creek and there has been no impact, that  
85 he can decipher, on the stream from the buildings.

86  
87 Gillott indicated that the design is appealing and would fit into the neighborhood nicely.

88  
89 Tomei indicated that there have been similar situations like this in the Village previously and that is why the  
90 Village Planning Board reviews each project independently and does not have a blanket buffering approach.

91  
92 Schleelein noted that she would like to see vegetation placed as a buffer along the stream.

93  
94 Moseley indicated that the overall project will slightly decrease the impervious area on the lot. Moseley added  
95 that historically, the flooding has affected a culvert on a neighboring property to 106 Burdick Hill Road and  
96 downstream at East Shore Drive. Moseley indicated that he was not aware of any houses that have been  
97 impacted by the stream during high flow events.

98  
99 Cross indicated that he was glad to see a silt fence on the plan and suggested that he make a site visit to verify  
100 that silt fence will be adequate for the soil and erosion technique in this situation. Cross questioned what  
101 would happen along the stream after the addition was constructed. Cross questioned the septic tank being in  
102 the driveway under concrete or asphalt.

103  
104 Lisa indicated that there would be grass, fencing, and other plantings. Lisa indicated that it is the intent not to  
105 have the septic tank in the driveway and explained that he would construct the driveway so that the septic  
106 tank is not located in it.

107  
108 Breuhaus indicated that the driveway and road connections would also be reduced for the property from their  
109 current state. Breuhaus asked if they were to riprap the stream would they need to come back to the Board  
110 for approval.

111  
112 Moseley indicated that if it were just maintenance, then they would not, but in the event that there was a  
113 diversion or reconstruction of the stream, then approval from the Planning Board would be needed.

114  
115  
116 Tomei read the the GML 239 -l -m and -nn responses, which are in the above report. Dawson moved to  
117 override the proposed recommendation from the Tompkins County Planning Department for a 50-foot  
118 riparian buffer along the stream. Seconded by Gillott; Ayes by Tomei, Baker, Dawson, Gillott, and  
119 Schleelein.

120  
121 Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special  
122 permit application against the required general conditions.

123

124 The Board determined that the general conditions have been met. Schleelein moved that all general  
125 conditions, in accordance with section 145-59E, have been met. Seconded by Dawson; Ayes by Tomei,  
126 Baker, Dawson, Gillott, and Schleelein.

127  
128 Gillott moved to close the public hearing. Seconded by Baker; Ayes by Tomei, Baker, Dawson, Gillott, and  
129 Schleelein.

130  
131 Gillott moved the following special permit resolution:

132  
133 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**  
134 **APPROVAL ADOPTED ON FEBRUARY 8, 2016**

135  
136  
137 *Motion made by:* \_\_\_\_\_ John Gillott

138  
139 *Motion seconded by:* \_\_\_\_\_ Deborah Dawson

140  
141 **WHEREAS:**

142  
143 *A. This matter involves consideration of the following proposed action: Special Permit #3059, KiaCo Ventures, to*  
144 *construct a 1653ft<sup>2</sup> addition onto their existing 1170ft<sup>2</sup> at 106 Burdick Hill Road, located in the Low Density*  
145 *Residential District, Tax Parcel Number 42.1-1-52.22 Because the proposed construction will occur within 200'*  
146 *of the centerline of a stream, included in the Drainageway Conservation Combining District, Special Permit review*  
147 *is required pursuant to Section 145-48 of the Village of Lansing Code; and*

148  
149 *B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental*  
150 *Conservation Law - the State Environmental Quality Review Act ("SEQR"), and 6 NYCRR Section 617.5,*  
151 *hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed*  
152 *without further regard to SEQR; and*

153  
154 *C. The Village Code Enforcement/ Zoning Officer has determined that the proposed action is not large-scale and*  
155 *therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law;*  
156 *and*

157  
158 *D. On February 8, 2016, the Village of Lansing Planning Board held a public hearing regarding this proposed*  
159 *action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on*  
160 *behalf of the applicant in support of this proposed action, including information and materials related to the*  
161 *environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other*  
162 *information and materials rightfully before the Board (including, if applicable, comments and recommendations, if*  
163 *any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law*  
164 *Sections 239-l, -m and nn), and (iii) all issues raised during the public hearing and/ or otherwise raised in the*  
165 *course of the Board's deliberations; and*

166  
167 *E. On February 8, 2016, in accordance with Section 725-b of the Village Law of the State of New York and*  
168 *Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing*  
169 *Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general*  
170 *conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable*  
171 *conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable*  
172 *conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any*  
173 *environmental issues deemed necessary and/ or appropriate;*

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**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. 3059 is **granted and approved**, subject to the following conditions and requirements:*
  - A. *Required permits, approvals, consents and other authorizations from all applicable Federal, State, County and local governmental and regulatory agencies shall be obtained, maintained and complied with for all permitted improvements, operations and activities as authorized by this special permit approval, and such improvements, operations and activities shall at all times comply with all applicable Federal, State, County and local laws, codes, rules and regulations.*
  - B. *Soil and Erosion control measures shall be implemented, coordinated, and approved by either the Village of Lansing Code Enforcement Officer and/or the Village of Lansing Engineer.*
  - C. *In the event that the septic tank is covered by an impervious surface (asphalt, concrete, etc.), approval from the Tompkins County Health Department shall be provided to the Village indicating that the septic tank is allowed to be covered and is structurally able to be placed for the above use.*
  - D. *A Planting/stream buffering plan shall be submitted to and approved by the Planning Board prior to the issuance of a Certificate of Compliance from the Code Enforcement Officer.*
  - E. *The installation of a second silt fence approximately six feet behind the proposed silt fence shall be required due to the proximity to the mapped stream.*

*The vote on the foregoing motion was as follows:*

*AYES: Mario Tomei, Mike Baker, Lisa Schleelein, Deborah Dawson, and John Gillott.*

*NAYS: None*

*The motion was declared to be carried.*

**Classification and Possible Consideration for Alteration to an Existing Special Permit: Special Permit #1501 for the McDonald's Corporation to originally construct a 3,791 square foot restaurant.**

Tomei noted that the following changes have been made to the plans, which were discussed as the Planning Board meeting on December 14, 2015.

1. There are now 52 parking spaces being proposed, which is still acceptable in accordance with the Village Zoning regulations.

- 224 2. The parking spaces are proposed to be angled at approximately 60 degrees.  
225 3. There is now a bollard next to the dumpster enclosure.  
226 4. There is a proposed stop bar to be painted prior to the pedestrian walkway on the east side of  
227 the restaurant.  
228

229 Speulstra indicated that there will also be *yield to pedestrian* and *stop* signs for pedestrian safety in the proposed  
230 walkways.  
231

232 Tomei noted that there is also proposed parking along the south portion of the parking lot, which would  
233 need a variance from the Board of Zoning Appeals, due to the proposed bus parking being in the parking  
234 side yard setback area.  
235

236 Speulstra indicated that they are currently working with Moseley through the variance process. Speulstra  
237 added that they changed the site layout because of Cross's proposal. Speulstra noted that they would be  
238 slightly decreasing the impervious area with the addition of the grass island, which will house the ordering  
239 board.  
240

241 Cross noted that the proposed sidewalk from the existing municipal sidewalk to the McDonald's building was  
242 a new amenity as well. Cross added that when working with Speulstra he was not aware that his proposal for  
243 the bus parking would require a variance.  
244

245 There was discussion about adding rumble strips to the site to make drivers more aware where pedestrians  
246 would be walking, but the decision was made that they would not be necessary because of the added painted  
247 cross walks and pedestrian signage.  
248

249 The Planning Board reviewed the information provided and determined that there would be no or minimal  
250 impact on the impervious area, no or minimal impact on vehicle trips, and there would be no need for a new  
251 or amended SEQRA form.  
252

253 Dawson moved that the proposed change - be classified as a minor change to existing special permit #1501.  
254 Seconded by Schleelein; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.  
255

256 Gillott moved to approve the proposed changes subject to the following conditions:

- 257 1. Approval of the sidewalk connection, where the proposed connection will join to the municipal  
258 sidewalk, by the Superintendent of Public Works.  
259 2. Approval from the Lansing Fire Chief on the maneuverability of the newly proposed parking lot  
260 arrangement.  
261 3. Approval from the Board of Zoning Appeals for the proposed bus parking on the south side of the  
262 existing property, due to an infringement on the side yard setback for parking.  
263 4. Approval from the Village Engineer on the angular parking as proposed.  
264 5. A maintenance agreement shall be submitted to and approved by the Village Attorney, Village  
265 Engineer, and Village Stormwater Management Officer pertaining to the stormwater facilities that are  
266 currently on site.  
267

268 Seconded by Dawson; Ayes by: Tomei, Baker, Dawson, Gillott, and Schleelein.  
269

270 **Approval of Minutes:**

271 *None*  
272  
273  
274

275 **Trustee Report:**

276 Tomei reported on the Trustee meeting for February 1, 2015. For a complete report of the meeting please see  
277 the Trustee minutes.

278  
279 **Other Business**

280 Moseley indicated that he forgot to note that the Village has received the proof of mailings for the special  
281 permit at 106 Burdick Hill.

282  
283 Tomei noted that the New York State Planning Federation annual conference is from April 17-19 and  
284 encouraged Baker to attend if he could.

285  
286 Schleelein asked if the Trip Hotel was still open and operating. She added that it does not look very appealing  
287 and is in need of some aesthetic improvements. Schleelein asked if the owner had made any of the  
288 improvements that had been approved via a special permit some years ago.

289  
290 Moseley indicated that the Trip Hotel, to his knowledge, is still open and operating. He added that they have  
291 not approached the Village to continue with the improvements as previously submitted and approved by the  
292 Planning Board.

293  
294 Moseley noted that the Commercial Low Traffic District (CLT) front yard setback requires 75 feet minimum,  
295 where the parcel is not fronting North Triphammer Road, and the Commercial High Traffic District (CHT)  
296 requires a 75-foot front yard setback in all areas. Moseley noted that previously he had suggested a change to  
297 the Village Zoning allowing both CLT District (not along North Triphammer Road) and CHT District to  
298 have a front yard setback minimum of 25 feet instead of 75 feet. Moseley added that, he felt by allowing the  
299 developers to have an option to place the building closer to the road, and allowing for the parking in the rear  
300 of the building, it would be more appealing for the Village in all areas. Moseley added that the parking in the  
301 rear of the building could be buffered with vegetation and fencing to shield vehicle head lights and some of  
302 the development where commercial districts are contiguous to residential districts. Moseley indicated that he  
303 has been approached by a developer wishing to place a building closer to the street and have the parking in  
304 the rear in the CLT District. Moseley asked if the Board would be willing to consider changing the current  
305 zoning standards to allow for a minimum 25-foot front yard setback in the CLT District (not along North  
306 Triphammer Road) and a minimum front yard setback of 25 feet for the CHT District.

307  
308 The Planning Board had a brief discussion and agreed that a reduced front yard setback in both the CLT  
309 District (not along North Triphammer Road) and in the CHT District would be more appealing. They  
310 indicated that they would place this on a future agenda to discuss.

311  
312 **Adjournment**

313 Schleelein moved to adjourn at 8:41 PM. Seconded by Dawson; Ayes by Tomei, Baker, Dawson, Gillott, and  
314 Schleelein.