

Village of Lansing
Planning Board Meeting
Minutes of Tuesday
September 24, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:00 PM by Lisa Schleelein

Present at the meeting: Planning Board Members; Mike Baker, Carolyn Greenwald, James McCauley, Monica Moll, and Lisa Schleelein; Alternate Member, Tony Ingraffea, Code Enforcement Officer, Mike Scott; Village Attorney, Natalie French; Village Trustee Liaison, Randy Smith; Dan Veaner, Lansing Star; Amy Friend, Valerie Reine, Mary Hudson, Mark Kirschbaum from NYSEG, Kyle Sherman and Justin Alexander from Tesla Inc., and 5 additional people.

Absent: None

Public Comment Period

Schleelein opened the public comment period at 7:02pm

With no one wishing to speak, Baker moved to close the public comment period.

Seconded by Moll.

Ayes: Baker, Greenwald, McCauley, Moll, and Schleelein.

Continue Public Hearing for Special Permit #4320 for a Home Occupation

Amy Friend, owner of 154 Burdick Hill Rd (Tax Parcel 42.1-1-53.41), is requesting a Special Permit to use her home for small group events. The property is owner-occupied year-round and they are Airbnb hosts. Most events are on weekends between May-September. The home owner serves no food and has parking for up to 15.

Schleelein read from the proposal and introduced Amy Friend as one of the owners of 154 Burdick Hill. Friend introduced her wife Valerie Reine and apologized for not being at the last meeting. Friend said she wanted to address the Planning Board to resolve the concerns of neighbors about the property and informed everyone what the property is being used for. Friend and Reine purchased the property and built the home back in 2012 and want to be good neighbors. Friend explained that they opened a childcare center in 2012 and worked with the previous Village Code Officer, Marty Moseley, who told them no special permit was needed due to State Law. Five years ago, after the childcare closed, they decided to use their home as an Airbnb. They operate during the busy season from May to October and work with the Chamber of Commerce.

Friend told everyone they get rated by their Airbnb guests and have always rented to individuals looking to just rent the house and not to people looking to have parties. Friend also made clear that she had asked the neighbors to bring any concerns or questions to them directly. Friend is aware that one of the times there was a party on the premises. Friend informed everyone that she met with Moseley regarding the Airbnb to make sure zoning requirements were met. Friend stated that her property assessment went up recently and she

48 needs to increase her income to offset the expense and wants to rent the home to individuals
49 for graduations, weddings or events.

50

51 Schleelein stated that in her opinion, holding weddings or events at the home does not meet
52 the requirements of a special permit for a home occupation. Schleelein said perhaps using it
53 as an Airbnb is currently allowed but there are Village Codes that need to be followed such
54 as noise, traffic, and disrupting the neighborhood.

55

56 McCauley said opening the home to outside weddings or events is an issue and is considered
57 a commercial use in a residential area.

58

59 Schleelein said that her understanding of the intent of a home occupation is conducting
60 one's livelihood or own business out of the home not holding weddings or events with fifty
61 people or more. Friend didn't know where the "event center" phrase came from. Schleelein
62 told her it came from an internet search. Schleelein stated there are actually some Airbnb
63 restrictions regarding parties for use of an Airbnb as well.

64

65 Reine stated that she hosts tarot readings at the home which can potentially have 20 people
66 on the premises and asked if that is considered a home occupation? Greenwald said that
67 tarot readings could possibly qualify as a home occupation pursuant to a special permit.
68 However, having weddings, graduations or events of 50 people or more is not a home
69 occupation

70

71 Scott agrees having your own or a family wedding at your residence is your right, but if
72 someone is paying you to host theirs, then that is considered a commercial business and not
73 allowed in a residential zone without a variance.

74

75 Greenwald thinks that one way to limit Airbnb's is to allow only renting that is otherwise
76 allowed in that particular zone, so if your Airbnb is in a single-family zone then only single
77 families should be allowed to rent. The Village has a noise ordinance as well and all homes,
78 including Airbnb rentals, need to abide to that. Friend asked what is considered as a noise
79 violation. Greenwald suggested after 9:00 or even 8:00 PM they shut down any noise for the
80 day. Greenwald stated again, hosting small events on the premises is not allowed without a
81 special permit and the special permit for a home occupation does not allow small event
82 rentals.

83

84 Friend indicated she felt only one neighbor had concerns. Schleelein stated that several
85 neighbors have complained which is why this situation is of special concern; the goal being
86 that neighbors are not even aware that a property is being used by anyone other than the
87 homeowners. Reine replied they want to do the right thing. Schleelein told Friend they can
88 consider the tarot readings or classes being run out of the home for a Special Permit but not
89 events.

90

91 Ingraffea stated there are several issues at hand and they all seem to be overlapping. What
92 they are presenting seems to be a commercial business in a residential area. Friend asked
93 who ends up deciding what is allowed when your neighbors don't want you there.

94 Scott stated the Planning Board can't issue a special permit for paid events or weddings in a
95 residential area but, if they want to run an Airbnb out of their home, he can't stop them due
96 to the lack of regulations in the Village Code. The Planning Board is currently working on a
97 proposed law to monitor short term rentals.

98

99 Schleelein stated it could be used as a tourist home but, no events and the Special Permit
100 requested would not be allowed. Friend withdrew the request for the Special Permit

101

102 Schleelein asked the public if anyone wished to speak. Shawn Dollaway stated he doesn't
103 have a problem with the Airbnb but, if weddings, graduations, and events are held he will
104 have to pick up extra insurance in case someone gets hurt on his abutting property with a
105 small pond and sues. Shawn said that's a burden and extra costs he doesn't want to have to
106 take on.

107

108 Baker voiced concerns with the possibility of someone coming back to the Planning Board
109 several times for different special permits for each business someone wants to do out of their
110 home. Moll asked if the home occupation is to do business outside of their home.

111 Schleelein asked Friend to keep the Planning Board informed and up to date with what they
112 would like to do in the future with the home for future permits.

113

114 There being no further input from the public, Moll motioned to close the Public Hearing.
115 Seconded by Greenwald

116 Ayes: Baker, Greenwald, McCauley, Moll, and Schleelein

117

118 **Public Hearing for Special Permit #4332 for 134 Burdick Hill Road**

119 Mary Hudson, owner of 134 Burdick Hill Road (Tax Parcel # 42.1-1-53.5), is proposing to build
120 a new house on this lot. Because this structure is within 200' of the Drainage way Conservation
121 Combining District, a Special Permit is required.

122

123 Mary Hudson stated she owns a large lot at 134 Burdick Hill in the Village but her current home
124 is on the property located behind it in the Town of Lansing. Hudson wants to build a home on the
125 property in the Village--a two-story 1300 sq. feet home indicated on the diagram. Hudson said
126 she spoke with Scott and he informed her that she needed a Special Permit because the proposed
127 home construction site disturbance would be within 200 feet of the Drainage Conservation
128 Combining District. Hudson has decided to build as far west on the property as possible in case
129 she decides to subdivide in the future.

130

131 Scott stated he had proof of the mailings for the Public Hearing. Scott contacted Lynn Day, from
132 the Town of Lansing, due to the parcel abutting the Lansing Town line. Mr. Day had no problem
133 with the proposal. Scott received the GML239 and there is no negative impact. Scott told the
134 Planning Board the circumstances are similar to the 106 Burdick Hill Special Permit and
135 recommends the same conditions regarding the drainage way be stipulated for the Hudson
136 property. The conditions generally pertain to erosion control. Schleelein asked if any plant
137 buffering would be needed. Scott said there didn't seem to be a problem and a double silt fence
138 will take care of any possible runoff

139 .

140 The Planning Board went through the list of conditions and Baker stated “E” needs to be in
141 place. Schleelein agreed. Scott stated if everyone agreed on the conditions then the resolution
142 can be brought to the next meeting and the Special Permit can be voted on. Hudson asked if she
143 can start the Building Permit process. Scott said yes.

144

145 Schleelein stated the public hearing would remain open until the next meeting

146 .

147 **Public Hearing for Special Permit # 4331 for BESS at 20 Bomax Drive**

148 Tesla Inc. is proposing to install a 10’ x 30’ battery energy storage system (BESS) located at 20
149 Bomax Drive (Tax Parcel # 45.1-1-51.13). The BESS will be installed in the parking lot enclosed
150 by a 7’ tall chain-link fence and interconnected to an existing transformer onsite.

151

152 Schleelein clarified that the address is for the Trans Act business. Mark Kirschbaum from
153 NYSEG introduced himself and stated that he was at the Planning Board meeting last year
154 proposing two battery storage projects like the one they are presenting tonight. Kirschbaum
155 stated they installed three in the area last year and two were in the Village. NYSEG teams up
156 with customers to install the battery systems in order to reduce their electrical usage and thus
157 save them money.

158

159 Kirschbaum stated they have been working with Tesla Inc. to control the systems and discharge
160 the energy to the grid. Kyle Sherman and Justin Alexander presented a diagram of the battery
161 energy storage system (BESS) showing where it would be located and what it would look like.
162 They want to install the BESS on the southwest corner of the TransAct building enclosed by a 7’
163 chain link fence. The BESS would inter-connect to an existing transformer on site and will be an
164 “after the meter” installation.

165

166 Ingraffea asked if it was similar to the Dairy One BESS and if it has the same capacity. Sherman
167 stated each unit is 4 megawatt powered. Schleelein mentioned she does not like the aesthetics of
168 the chain link enclosure at Dairy One and would like to see some buffering of the bollards and
169 the chain link fence in this case due to the close proximity of the residential housing at East
170 Pointe. Baker agreed and said the proposed BESS is 25ft from the property line. Schleelein
171 asked Kirschbaum why they chose to go with the chain link fence instead of concrete board used
172 at the Brentwood installation. Kirschbaum stated it was due to cost and it is also because it is a
173 2-year demonstration project and after 2 years it can either be sold back to the customer, NYSEG
174 can keep it, or it will be decommissioned.

175

176 Baker told all of the presenters that the aesthetics are very important and a huge concern. The
177 Board unanimously agreed. Kirschbaum asked the Planning Board what would be suitable
178 besides concrete board as it is very expensive. Schleelein told Kirschbaum she wants to see an
179 attractive screening fence on the residential side. Kirschbaum told the Planning Board they will
180 work on a solution to address the aesthetic concerns and submit it to the Planning Board for the
181 next meeting. Scott stated the Planning Board is active about keeping the buffer of commercial
182 versus residential property from each other.

183

184 Schleelein asked that when they return in October the Planning Board would also like to hear the
185 progress report for the Dairy One and Brentwood Ave systems. Kirschbaum told everyone

186 informally that the savings have exceeded expectations and so the hope is to have four to five
187 more of them in place fully operational in the next year.

188

189 Schleelein asked if the training for fire and rescue was in place. Kirschbaum said yes, the first
190 responders and fire department were at the training and answered all of their questions and
191 concerns.

192

193 Scott stated he had the proof of mailings for the Public Hearing and the GML239 came back
194 with no negative impact. Schleelein asked if there were any other issues and Scott said no.

195

196 The Planning Board worked through the Short EAF and after a short discussion determined the
197 proposed action will not result in any significant adverse environmental impacts.

198

199 Greenwald moved to approve the EAF, indicating no negative impact. Seconded by McCauley
200 Ayes: Baker, Greenwald, McCauley, Moll and Schleelein.

201

202 Scott asked the Planning Board to look over the conditions of the Dairy One BESS Resolution he
203 provided. Scott recommends similar conditions for this Special Permit at the TransAct location;
204 the enclosure buffering to be added when a final design is approved. Scott told Kirschbaum the
205 final draft of the Resolution would be ready for the next meeting.

206

207 Schleelein stated the public hearing would remain open until then.

208

209 **Trustee Report**

210 Ingraffea reported on the Trustee meeting of September 16, 2019. Ingraffea stated they covered
211 three items and he was charged with reminding everyone to complete their sexual harassment
212 training. For a full report of the Trustees meeting see the minutes.

213

214 **Approval of Minutes**

215 August 27, 2019

216 Baker moved to approve the minutes of August 27, 2019. Seconded by Moll.

217 Ayes: Baker, Greenwald, Ingraffea, McCauley, and Moll

218 Abstention: Schleelein

219 September 9, 2019

220 Baker moved to approve the minutes of September 9, 2019 as amended. Seconded by Moll.

221 Ayes: Baker, Greenwald, Ingraffea, McCauley, and Moll

222 Abstention: Schleelein

223

224 **Other Business**

225 Scott wanted to discuss the Airbnb/short-term rental legislation more. Greenwald recommended
226 not limiting the number of days allowed; feels like this may bring up problems or issues with
227 current homeowners running an Airbnb that are already booked. Greenwald would rather discuss
228 enforcing other issues like noise or parking violations.

229

230 Greenwald states that short term rental permits should be revoked if any codes are violated. Scott
231 asked the Planning Board to email him all of their ideas on this topic.

232

233 Greenwald stated that in some places, homes are being bought just to create short-term
234 rentals/Airbnb's and this is something else to think about when drafting resolutions. Schleelein
235 said it's a possibility and this issue is not going to go away and needs to be addressed. The
236 Planning Board needs to put something in place soon and then fine tune it if necessary.

237

238 Brief discussion of prospective agenda for next meeting

239

240 **Adjournment**

241 Baker moved to adjourn at 9:17PM. Seconded by Moll.

242 Ayes by: Baker, Greenwald, McCauley, Moll, and Schleelein

243

244 Minutes taken by: Tina Freelove, PT Clerk