

**Village of Lansing
Planning Board Meeting
February 14, 2000**

The meeting of the Village of Lansing Planning Board was called to order by Acting Chairman Halevy. Present at the meeting were Planning Board Members Brown, Dankert, Klepack, Waterman, Village Attorney Marcus, Code Enforcement Officer Curtis, and Trustee Liaison Leopold.

Public Comment

Waterman moved to close the Public Comment portion of the meeting as there was no one present who wished to speak. Seconded by Dankert. All in favor.

Special Permit #1511, YMCA

The issues remaining to be resolved from the last meeting are how the sidewalks should be configured, particularly with regard to how that might interact with the mass transit system, and the issue of the three curb cuts and how the parking lot might be reconfigured to make those curb cuts more workable. The YMCA has now submitted a revised site plan that includes a plan for the sidewalks to link to the bus stop, separating the parking lots, and provide for a safer traffic flow in the facility.

There is already a requirement from the Pyramid Mall sidewalk approval that a crosswalk across Graham Road West from the Pyramid sidewalk to the Butler Road sidewalk be striped for safety.

Dwight Mengel is waiting to see what Lansing plans for sidewalks before he decides whether to change the location of the bus stop. With the existing bus stop, passengers have to cross a parking lot to get to the facility. Curtis reported that the plan to add a traffic light at Graham Road and N. Triphammer Road made it more feasible for Mengel to run the bus down Hickory and back down Butler. The bus will still go in the entrance and around the flagpole to drop people off on request, but they don't want to make this a regular bus stop.

The Board conducted a SEQRA review on the short EAF. Waterman moved that the Planning Board find that the proposed action will have no significant adverse environmental impact. Seconded by Dankert. All in favor.

The Board reviewed the General Conditions Required for All Special Permits. Klepack moved that the Board find that the General Conditions have been met by the applicant. Seconded by Brown. All in favor.

Conditions of approval:

1. Review of the lighting plan by the Lighting Commission and approval by the Planning Board;
2. Drainage plan approved by the Village Engineer;
3. Sidewalks as shown on the revised site plan;
4. Landscaping plan reviewed by the Green Space Advisory Board and approved by the Planning Board;
5. Implement a mass transit stop approved by TCAT;

Dankert moved that the Board approve Special Permit #1511 for the YMCA addition with the conditions noted above. Seconded by Waterman. All in favor.

Special Permit #1515, Doug Sutton Home Occupation

Special Permit #1515, Douglas Sutton to operate a home occupation consisting of architectural and planning services at 24 Cedar Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-43.

Mr. Sutton was present at the meeting and told the Board that he plans to run his architectural and planning business out of his house. He now deals primarily with program and space planning as well as some residential. His business is changing over from architecture to primarily space planning. His only employee is his daughter who does not live with him. In terms of clients coming to the house, he said that since January, 4 people have come to the house; one of

which was a delivery. He anticipates only one or two deliveries per month. In the house he has a computer, a fax machine, and plotter/ printer. He has off-street parking. There is a small sign with an arrow installed low on the side of the garage to direct people to the house. Curtis said he would consider it a directional sign. He does not plan to expand the business or have any more employees.

Halevy opened the Public Hearing.

Barbara Faigin, 27 Cedar Lane expressed concern that the residential character and family friendly atmosphere of the neighborhood be maintained. They do not wish to have cars parked on the street every day. She noted that for the 2 weeks prior to the originally scheduled Public Hearing there were two strange cars parked at the top of 24 Cedar Lane every single work day. They do not wish to have additional traffic on the street and they have noticed a lot of UPS and Fed Ex delivery vehicles coming to 24 Cedar Lane. She said these trucks are always in a hurry and even if you can't see them you can hear them. They are also concerned about poor condition of the road and feel that increased traffic will accelerate the wear. They don't want to see a sign directing people to the office. Since there has been additional traffic already they are concerned that this office is already in operation in advance of obtaining the necessary permission. Cedar Lane has a steep hill with blind curbs, and there is a "Children at Play" sign just before the last 90 degree blind curve. She said that the residents of Cedar Lane are aware of the need to drive slowly but they can't be assured that vehicles coming to the business will be equally as cautious.

Dr. Evan Meltzer, 20 Cedar Lane, also expressed concern about increased traffic, blind curbs which are dangerous to those who are unfamiliar with them, the poor repair of the road, and the effect of this enterprise on property values. He feels strongly that people should work in one place and live in another. Cedar Lane is very residential and he wants to keep it that way. He asked what happens if the Board does not grant the permit. Curtis said that he would issue an Order to Remedy and if it isn't remedied in a reasonable period of time he would turn it over to the attorney. Marcus said that a Court Order would be needed to stop activity from happening.

Ned Ferguson, 21 Cedar Lane, attended the meeting to make sure that Thomas Hartshorne's letter was read. The letter is on file and Board members had a copy in their packets. Hartshorne refers in his letter to the cutting down of almost an acre of mature trees on his property by Mr. Sutton in 1995, and to a sideyard setback which is not in compliance.

Marcus said that in considering a request for Home Occupation, the Board needs to focus on the issues provided for in the Law, e.g. increased traffic, signage, noise, etc.

Mr. Sutton said that the cars that Mrs. Faigin referred to were workers who were building an addition onto his house - dry wallers, masons, plumbers, electricians, etc. The addition wasn't put on because of his business.

Klepack said that if a resident is not aware of the permissibility of Home Occupation in their neighborhood, it doesn't change the fact that it is permitted. Marcus added that the home occupation section has always been part of the Zoning Law but went through major changes at one point. Waterman said that the intent behind the law was to allow people to work out of their homes using a computer and not anyone can operate any kind of business. Halevy said that his understanding of Home Occupation is that from the street no one is supposed to know that a business is going on - no signs, noise, odors, etc. Everybody has a right to come and ask for this, and if Mr. Sutton complies with the various regulations the Planning Board has no choice but to approve it. The problem is the traffic, and if that is a problem the Board will not approve it. However, an increase in traffic would be difficult to document in this case as there have been no traffic counts done on this road in the past. Waterman felt that this street is very different from Dart Drive for example because it is a dead end street and very residential. Curtis asked for clarification of the application regarding deliveries. Sutton checked No and the correct answer would be Yes, but very occasional (maximum of twice/month).

In response to questions by Waterman and Klepack, Marcus explained that Mr. Hartshorne's letter refers to an addition put on the south side of the house several years ago. The piece of land in question which was necessary for Mr. Sutton to have adequate side yard setback for that addition was in fact never conveyed to Mr. Sutton. As a result that structure is out of compliance. Sutton explained the circumstances leading up to this

Marcus said that the Board will need to approve the General Conditions for all Special Permits as well as additional conditions for Home Occupancy. One of the General Conditions (i.) states that "the requested use or facility conforms in all other respects to the applicable regulations in the district in which it is located." Marcus' reading of this is that the Board is not to grant somebody the special permit in the situation where there is some other lack of compliance. Curtis commented that he had interpreted this condition as applying only to the *requested* use or facility not the property as a whole. Waterman said that she would not vote on a facility in violation and that issue will need to be resolved before any other issue is reviewed. Waterman, Dankert and Brown felt the application needed to be deferred.

Marcus reported that Mr. Sutton's attorney delivered a letter to his office regarding the transfer of the property in question from the Hartshornes to Mr. Sutton. Marcus responded that he has not represented Mr. Hartshorne since a law suit over the cutting of the trees ended over 2 years ago and he does not consider himself to be their attorney. Further he responded that he intends to represent the Planning Board and if there was going to be a transaction between Mr. Sutton and Mr. Hartshorne it's not something that he is aware of.

Marcus said that the issue of an existing structure not having adequate sideyard setback can be dealt with in one of two ways. One is to acquire more side yard property and the other is to get a variance before the BZA. Mr. Sutton's first request to the BZA was before the building was built and at that time the BZA suggested that he try to acquire the additional land needed. Curtis said that he has been in contact with Mr. Sutton and his attorney regarding the inadequate sideyard setback, but things have moved slowly. Curtis said that he can force the issue by sending a notice and giving Mr. Sutton the option of tearing it down or going to the BZA. This assumes that the deficiency won't be resolved by the confirmation of the subdivision (acquiring the property necessary to adequate side yard setback), in which case it would not be necessary to obtain a variance.

Marcus said that by deferring action no legal precedent will be set and it would not constitute waiving some rights or creating some rights by the Board's action. Once the Public Hearing is closed, the Board is legally bound to make a decision within 62 days. Mr. Sutton can obtain an extension from the Board however if it takes more than 62 days to resolve the subdivision/ issue. In the interim, Marcus said that if Sutton continues operating his business without the Special Permit for home occupation it won't affect the Planning Board's process. Curtis added that Sutton could also go ahead and apply for a variance now if he did not feel that that would unduly prejudice his case with regard to the acquisition of the adjacent land.

Waterman moved to close the Public Hearing. Dankert seconded. All in favor.

Waterman moved that the application be tabled until the item (i) under General Conditions is resolved. Seconded by Brown. All in favor.

Greenspace Advisory Committee - Joint Discussion

Halevy welcomed Green Space Advisory Committee (GAC) members Walter Wietgreffe, James Orcutt, and Mike Aulback, to the first joint meeting of the GAC and the Planning Board. Halevy said that he would like to concentrate the discussion on the budget that they submitted on December 20th. Halevy had extracted from their minutes all their recommendations and listed them. At the next meeting on the 29th the Planning Board will review the budget items and pass them along to the Mayor. Halevy explained that GAC makes recommendations and if accepted the funds will be put aside in other budgets, mostly in the budget for the Supervisor of Public Works. The Board reviewed the GAC's list

- *Greenway trails:* Reinhart, Supervisor for Public Works, will handle separately;
- *Purchase of property:* GAC should prioritize properties and make a recommendation which will then go to the Trustees who would then be responsible for checking out availability, cost, etc.
- *Tree planting guidelines:* Supervisor for Public Works will handle separately;
- *Water jackets:* Reinhart thought it was good and will give GAC a cost figure for the budget.
- *Surface materials for Greenway paths:* Reinhart and the Trustees are presently discussing this;
- *Signage:* Reinhart will advise on cost. GAC should decide which signs are needed and where.

- *Double-side sidewalks*: GAC should get estimates from Reinhart.
- *Tree planting program*: GAC suggested that one of the things that might be considered in addition to the traditional tree planting program is a transplanting service through the Soil Conservation Service where you can get 10 times as many trees for a fraction of the cost. They'll be in the small stage, but will be diverse, and could be planted in a random fashion so you will have a park like atmosphere in the future.
- *Purchase of Arcview GIS software*: Curtis talked to the Trustees about that and they are generally supportive to the extent that the existing equipment is adequate for the requirements of the software.
- *Litter barrels*: Leopold said that this would get the Village into the garbage collection business. Wietgreffe spoke about things that could be done to address litter issues, such as simply bringing problem areas to the attention of those responsible and asking them to try to rectify the situation.
- *Bench*: Reinhart will give them a cost figure;
- *Replacement of trees*: Reinhart will give them a cost figure;
- *Grills and picnic tables*: Lansing trails turned it down; they would prefer a play ground there.
- *Cut path from Village park to Bush Lane*: that's being done right now;
- *Continuation of white striping*: Reinhart will provide cost; Reinhart thought maybe they would want to extend shoulders as well.
- *Trail in NYSEG right of way from Dankert Park to Warren Road*: Discussion item
- *Logo*: discuss with sign discussion

Members of the GAC expressed frustration about the lack of direction and communication. Hickey has been the liaison between the GAC and the Mayor. Halevy said that Hickey has some definite ideas regarding this issue and suggested that questions about communications be held until he returns. Curtis added that some items, such as GIS software, can move ahead before then. Marcus added that there are line items in the current budget that relate to some of the things on the list, for example, trail improvement and tree planting. The Trustees have said they want to do some of the things on that list and have already allocated money for some of those things.

Street Numbers for Pembroke Lane

Curtis said that he suggested numbering future houses 1, 5, and 9 on the odd (north) side and 2, 6, and 10 on the even side. He checked with Fire Control. They put a 15 limit on this road so any number between 1 - 15 is acceptable. Klepack moved. Waterman seconded. All in favor. This is an exempt action under SEQRA.

Commercial Low Traffic Study Update - Klepack

Klepack reported that the second Focus Group meeting was disappointing in that EDR does not seem to have understood what the Village is looking for. It did not appear that they heard what had been communicated at the first Focus Group meeting nor that they understood that the Planning Board was not interested in changing the uses for the district. It was finally made clear to them at the last meeting that this is not the direction that we had communicated to them, and they responded that they felt we were headed in the wrong direction. Their development plan seemed very preconceived - to develop the community center along the lines of Skaneateles. Klepack asked for some direction from the Planning Board as to how to respond to them.

Marcus added that they were specifically told at the outset what was planned for this area in the reconstruction phase, including bike lanes. Marcus suggested that Klepack communicate to them that the Board does not feel that anything they have done so far has any relationship to what the Board has asked them to do, and that the Board has gone so far as to discuss discontinuing their relationship with them. It was noted that the Village had not yet signed a contract with EDR. Marcus explained that if the Board were to decide to discontinue the relationship in the absence of a signed contract, then a termination agreement would have to be negotiated.

After further discussion the Board asked Klepack to convey their concerns to the consultant and suggest that they respond at the February 29 meeting.

Adjourn

Waterman moved that the meeting be adjourned at 10:25 PM. Dankert seconded. All in favor.