

**Village of Lansing
Planning Board Meeting
September 9, 2002**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Attorney Bill Troy; and Code Enforcement Officer Ben Curtis.

Public Comment:

Hickey opened the Public Comment. Mike Ward, 107 Oakcrest Road expressed his concerns about the traffic on his road and he feels that increasing the uses permitted in CLT will make matters worse. Ward also is concerned about the noise and lighting from Target at Pyramid Mall. Hickey stated the lights from Target will need to meet the requirements of the Village. Ward stated shielding the lights as was done at Tops would probably not help him because his residence is close to and much lower than the store.

Sy Smidt, 120 Oakcrest Road, spoke regarding the proposed change of usage or intensity for the CLT District. Smidt felt some of the uses such as warehousing are inappropriate. Hickey responded that there are three areas where change is being considered and all retail should be looked at by the amount of traffic generated. Smidt could not see the reason for adding retail to the parcel fronting Oakcrest Road. Smidt is also opposed to having a curb cut on Oakcrest Road. Smidt feels the CLT should remain a buffer.

There being no one else who wished to speak, Klepack moved to close the Public Comment period. Seconded by Brown. All aye.

Public Hearing - Special Permit No. 1759, Buchanan , single family residence:

The first item on the agenda was a Public Hearing for Special Permit No. 1759 (amended), Cynthia and Bradley Buchanan, to construct a single family residence at 88 Burdick Hill Road in the Low Density Residential District, Tax Parcel No. 42.1-1-50.282. Because construction will occur within 200' of the centerline of a stream included in the Conservation Combining District, special permit review is required pursuant to Section 202.12 of the Village of Lansing Zoning Law. The amendment to the original application moves the proposed location of the house approximately 100' further north from the front property line.

Since no one wished to speak, Klepack moved to close the Public Hearing for Special Permit No. 1759. Seconded by Dankert. All aye.

Curtis stated that where the house was originally approved it was approximately 135 feet from the stream and 40 feet from the front property line The applicant had intended, however, that the house be much further from the front property line and more in line with the houses on neighboring properties. They are now requesting to amend the previous approval and move the house back an additional 97 ft. or a total of 137.5 feet

from the front property line. That would locate the residence approximately 35 feet from the stream at its closest point. Mauro Marinelli, the builder, stated the Buchanans would like to push the house back because they have children and also to be in line with the neighbors' residences.

Klepack stated the Land Use Impact Analysis for the Village requires the residence to be 50 ft. from a stream. Klepack feels it should remain at 50 feet and not be closer unless there is an unusual circumstance. Stycos was in agreement with Klepack. Curtis stated the stream as shown on the map is a 20' wide drainage easement and the residence should be 50 ft. from the edge of the drainage easement and not the other line which is the Town boundary. Troy stated a surveyor can set a pin and then the residence must be 60 ft. from the centerline of the stream. For a final CO, Curtis will require a licensed survey of the lot with the locations shown of the residence and the stream. Curtis recommended that the residence be built back a few feet to be certain the 60 ft. requirement is met.

Dankert moved to approve Special Permit No. 1759, Cynthia and Bradley Buchanan, to construct a single family residence at 88 Burdick Hill Road, with the condition that no portion of the residence be closer than 60 ft. to the centerline of the stream. Seconded by Stycos. All aye.

CLT Uses:

Hickey summarized the discussion from the last meeting regarding CLT Uses and comments he has received. Hickey feels the Board is in agreement about the uses that the Board would like to see dropped from the CLT District. These will be given to Troy to draft as an amendment to the Zoning Law to be given to the Board of Trustees. Hickey listed the comments of Klepack from the last meeting and attempted to see how to resolve them.

Hickey discussed access to the 10 acre parcel west of the YMCA. Pyramid Mall is currently accessed by one private road, Graham Road, in addition to two public roads, Catherwood Road and Pyramid Drive, and this arrangement has served the mall well. Hickory Hollow is a public road and could be extended but there would be problems because of the cul-de-sac. One solution might be to place an access road behind Billy Bob Jacks which would connect directly from Oakcrest Road to Hickory Hollow Road and the CLT District. Hickey does not feel this would decrease the traffic much on N. Triphammer Road though. Hickey feels another independent traffic analysis is needed after next year when N. Triphammer Road is completed in the Town and Target is in business. Smidt recommended that the company doing the traffic analysis look at the document produced when the Board was considering Sun Downs Farm as the numbers for traffic generated was higher than anticipated by others. Brown would favor access from Oakcrest Road if it did not lead into Pyramid Mall. Hickey stated it could connect to Hickory Hollow Road. Hickey stated the 10 acres may be owned by the Butler Trust or may be owned by Pyramid and this will have an impact on where the road might be located. Hickey stated there might also be the possibility of extending Hickory Hollow Rd. north so it travels west of the Wilhelm residence and thus eliminate the necessity for some of the curb cuts on North Triphammer Road. Klepack would favor having individual business entrances onto Oakcrest Road and then extending Hickory Hollow Lane to access the larger parcel.

Regarding the buffer, Hickey stated the width and type of screening is in the hands of the Planning Board. Klepack was concerned about the maintenance of the buffer. Brown felt the brush type of natural vegetation provides a good and natural looking barrier.

Regarding retail, Hickey felt objective criteria should be used to identify low traffic generators to determine what should or should not be allowed in this area. Hickey feels some retail, such as Talbots, are not high traffic generators but are retail and should be allowed in this area. Hickey recommended not having a list but using the transportation engineer's book which lists traffic generation for many types of business based on square footage of the business, number of parking spaces, etc. Hickey feels objective criteria to keep out high traffic generators would work.

Hickey presented questions to be considered and discussion followed. 1) Has the sewer moratorium been the primary cause for the lack for development in the CLT rather than the permitted uses? Hickey stated a sit down restaurant is permitted but it would not be visible from Route 13 or N. Triphammer Road. 2) Have the owners of vacant properties failed to aggressively market their properties? Smidt has been approached numerous times by the owners for high traffic uses only. Hickey, in the past, has spoken with other developers who have suggested that the property could have been more aggressively marketed. 3) Does the Sear-Brown traffic analysis limiting Pyramid to 150,000sf effectively prohibit additional retail development along the North Triphammer Road commercial corridor? Hickey stated this is unclear whether the undeveloped properties along N. Triphammer Road were included in this study so it would be beneficial to have another traffic study done. 4) Are additional retail uses in the public interest? Troy recommended the Board look at the uses which they would *not* like to see included in this area. Hickey stated the Board could set criteria for what is desired as well as those which would not be permitted. 5) Has the size & location of Target had a negative impact on the vacant properties along the south side of Oakcrest Road? Klepack stated the property would not be as desirable for those type of businesses which pull traffic off the road, such as a sit-down restaurant, but would be fine for a senior complex or an insurance or doctor's office. Stycos stated even after the discussion she cannot see the reason for inviting more retail to this area. Hickey would like to see all commercial property within the Village developed and Stycos would prefer to wait. Smidt stated that as long as the property on the south side of Oakcrest Road remains undeveloped, the land to the north of Oakcrest Road would probably also remain undeveloped due to the uncertainty of the property across the road. Hickey feels additional sewer permits will

play an important part in this development. Troy mentioned the possibility of eminent domain for a 20 ft. strip along Oakcrest Road which might solve the problem because a berm could be created and there would be no curb cuts on Oakcrest Road. Hickey felt the Village can not maintain the property it currently owns. Hickey stated one of the prior plans included a 150 ft. strip from the Ballantyne residence to Billy Bob Jacks that would be given to the Village by Butler but this never came to fruition. Hickey stated one possibility might be to have businesses with frontage and sidewalks on Oakcrest Road and parking in the rear to face Pyramid Mall. Hickey is also adamant about a buffer along Oakcrest Road when the 10 acre parcel is developed. Hickey will pursue this by gathering additional information to present his case for retail. 6) Will developing this parcel with retail harm the existing malls in the Village?

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Visual impact Assessment, Garner:

Klepack felt it was discussed at the last meeting and deemed to be a useful tool. Hickey will provide additional copies to Board members.

Planning Board Goals:

Hickey stated he distributed goals to the Board previously and they were never formally adopted by the Board. This will be placed on the next agenda.

Residents Concerns Regarding Property on N. Triphammer Road & Bush Lane:

Hickey stated he has spoken with Mr. Tomei regarding the Stanbro house on North Triphammer Road. Curtis stated they ran into bedrock when they were building the house but it still remains within the Zoning Law height limitation of 35 ft. Those concerned might contemplate the purchase the air rights or may seek to have the land in question donated to the Village and might call it Gibbs Sunset Park.

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Zoning News:

Hickey reviewed the article on garages found in the Zoning News dated August 2002. Hickey noted the Village Zoning Law allows garages under 200 sf and 15 ft. in height to be regulated as accessory buildings. As Hickey reads the law, a principal building can not be built on a residential lot. Curtis stated a residence is a principal building as would be a garage that exceeded the 200 sf or the 15 ft. height limit. Curtis and Hickey will talk about principal buildings and residence requirements with reference to the Zoning Law.

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CLT Uses:

The Board reviewed the Permitted Uses in CLT so Troy can draft a law. 1) Delete No. 30 - warehousing/storage/distribution 2) Add No. 32 - commercial assembly of soft goods, with additional conditions such as no loading dock, no tractor trailers 3) Add No. 34 - research/design/prototype production 4) No action on No. 25A regarding retail sales 5) Rewrite sales/repair/maintenance. Troy will draft a resolution for No. 1) above and the Board will review it and then recommend approval to the Board of Trustees so a Public Hearing can be held. Hickey and Curtis will meet to discuss research/design/prototype production. Klepack will attempt to rewrite sales/repair/maintenance.

Approval of Minutes – June 25:

Klepack moved to approve the June 25 minutes as revised. Seconded by Brown. All aye.

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Adjournment:

Klepack moved to adjourn the meeting at 9:15 P.M. Seconded by Dankert. All aye.