

**Village of Lansing
Planning Board Meeting
December 8, 2003**

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; Trustee Janet Beebe sitting in for Trustee Liaison Lynn Leopold; Village Attorney David Dubow; Code Enforcement Officer Ben Curtis; and John Wisor as a member of the public.

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Public Comment:

Hickey opened the Public Comment period.

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

L.E.A.P.E Presentation:

Before proceeding with the regular agenda, Hickey reported that he had arranged for the Cayuga Lake Watershed Network to present their L.E.A.P.E. workshop at the January 27 meeting. L.E.A.P.E. is the acronym for Locally-led Education and Action for Protecting the Environment. The workshop involves the use of GIS data and computer simulations to gain a better understanding of drainage, erosion control and water shed protection issues.

A light dinner will be provided at 6:00PM and the workshop will begin at around 6:30PM. There is limited space for up to 16 people because the workshop involves use of lap top computers provided by the Network and they only have so many. At least two Trustees are interested in attending and, as the workshop will be serving both the Village of Lansing and Cayuga Heights, there may be some people from Cayuga Heights. If there is room left, some of the people from neighborhoods that have expressed concern about drainage issues could also participate. The workshop will count as in-service training and will be the only item on the agenda for the regular meeting on January 27. It will be advertised just as any Planning Board meeting is advertised.

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Strategies for Preserving Open Space:

Hickey stated this agenda item resulted from a discussion Curtis had had with a potential developer in which some ideas emerged whereby the Village might have an opportunity to preserve open space in a way that has not yet been discussed in depth. The strategy would involve transfer of development rights and density bonuses, both of which have been mentioned in the discussion of open space but without any specific application for the Village.

In the case he was discussing, the applicant wants to construct a Multi-unit Residential Building (Condominiums) in a commercial district where that use is permitted. To make the project feasible he needs greater density than the minimum lot size of 6000sf/tenant permits. He owns adjacent land zoned for residential where Multi-unit Residential is not permitted. If he took the area of the residential lot and added it to the area of the commercial lot and divided that combined area by 6000sf/tenant, the project would be feasible. He would then cluster all of the development on the commercial parcel and dedicate the residential parcel as open space either for use by the tenants in the condominiums or for the public under ownership of the Village or a qualified not-for-profit, or any other arrangement acceptable to the Village for ownership of open space.

This strategy would constitute a transfer of development rights because the development rights on the residential parcel would be transferred to the commercial parcel. It would constitute a density bonus because the number of dwelling units being transferred from the residential property where 30,000SF is required for a single family and 40,000SF for two family (i.e. maximum density = 20,000SF/dwelling unit) is being converted to the maximum density for the commercial property where the maximum density is 6,000SF/dwelling unit. This would increase the total number of units that could be constructed by more than three times that which could otherwise be built on the residential parcel. On the other hand it concentrates those units on a commercial parcel and preserves open space in a residential district.

Curtis noted that there are a number of locations in the Village where some iteration of this approach could result in preservation of open space, particularly if it were not a requirement that the lots actually be connected. He stated further that he was not advocating for this strategy or this particular calculation of a density bonus, but was simply bringing these tools to the attention of the Planning Board.

Dubow stated that there are specific provisions for these approaches in New York State in the Village Law. Section 7-701 deals with transfer of development rights and Section 7-703 deals with incentive zoning under which density bonuses would fall. He distributed copies of these Sections for Board members to read if they decided to continue discussion of these approaches. He noted that these Sections strictly defined and regulated where and how these tools could be applied. There are specific requirements for sending districts from which the development rights are taken and also for the receiving districts where the development actually takes place. A Generic Impact Statement is required particularly to address environmental impacts that may result from increased development in the receiving district. Sending districts must also meet specific requirements and consist of natural, scenic, recreational, agricultural or open land or sites of special historical, aesthetic, cultural or economic value. Section 7-703 also establishes guidelines for incentive zoning and density bonuses which require that they result in community amenities and benefits, are calculated on a reasonable and consistent basis, etc. In any case adoption of either of these strategies must be in accordance with the Village's Comprehensive Plan.

Stycos distributed a memo in which she summarized her concerns that density bonuses result in more development than would otherwise be permitted and that more development results in more traffic, air pollution, etc. In Curtis' example, the increase would be by a factor of 5 to 3.3 times what would otherwise be permitted on the residential parcel. She felt that clustering already resulted in some benefits for the developer in terms of reduced infrastructure costs. If the ratio of the density bonus were less, like 10% instead of 5 to 3.3 times, there might be some basis for discussion. Dubow noted that the ratio is to be determined by the Village and that it is simply required to be reasonable and consistent. Hickey noted that clustering was only applicable for subdivisions and that in a case where only special permit approval was involved that tool would not be available.

The Board will review the materials distributed and continue the discussion at a future meeting.

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County Planning Department 239 Agreement:

Dubow reported that he had reviewed the proposed agreement which would exempt from 239 review by the County certain minor issues such as subdivisions resulting in fewer than five lots, certain area variances, home occupations, etc. He presented the matter to the Board of Trustees and they passed a resolution authorizing the Planning Board to execute an agreement with the County Planning Department exempting from 239 review such items as both agreed could be exempted without impairing the intent of the 239 review. Curtis noted that amendments to Planned Sign Areas should probably be added to the list of items suggested by the County. Hickey asked that Board Members and Curtis review the list from the County and be prepared to propose any additions or deletions at the next meeting.

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Approval of Minutes – Nov. 25

Klepack moved to approve the minutes of November 25th as revised. Seconded by Dankert. All aye.

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Reports:

Trustees: Stycos was unable to attend. Beebe and Dubow noted that at the last Board of Trustees meeting nothing of particular concern to the Planning Board had been discussed except the resolution regarding the 239 exemptions.

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Other Business as Time Permits:

Hickey distributed a letter from Shannon Park residents Peter and Joke Widmann expressing concern about the Hamlet plat approval after what they viewed as a cursory review by the Planning Board and the failure of the Planning Board to adequately consider their concerns about drainage, standing water, mosquitoes and tree removal. Hickey will respond in a letter and emphasize 1) that the approval was for a preliminary plat and that there will be another approval process for the final plat; 2) that preliminary plat approval included 17 conditions which were based in large part on the Board's and the Engineer's thorough review, and that a number of those conditions were intended to address

concerns raised by the Widmanns; and 3) that in the course of final plat approval the Widmanns will have another opportunity to address the Board regarding any concerns they consider to have been inadequately addressed to that point.

Adjournment:

Klepack moved to adjourn at 8:45 P.M. Seconded by Stycos. All aye.