

**Village of Lansing
Planning Board Meeting
January 12, 2004**

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 Liaison Lynn Leopold; Attorney David Dubow; Code Enforcement Officer Ben Curtis; and John Wisor, a member of the public.

Public Comment:

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Dankert moved to close the Public Comment period. Seconded by Klepack. All aye.

Review of Subdivision and Special Permit Procedures:

Hickey stated the Board would be reviewing policies and procedures for various Board actions to better understand what steps they should be following and where changes might be appropriate based on the Board's actual experience. Hickey also distributed the goals of the Board for review and updates.

First the Board reviewed the Subdivision approval process. Hickey explained that he and Curtis had spent a couple of hours reviewing this and Hickey subsequently made a chart of the steps and time requirements. The time requirements under the Village's Subdivision Regulations are generally for the Planning Board and require action within a specific time for different steps in the approval process such as public hearing, final approval, etc. Dubow stated there are also time requirements for the developer such as that for Sketch Plans which states the developer must have the Sketch Plan submitted to the Planning Board 12 days prior to their regularly scheduled meeting. The Planning Board has no time constraints, however, limiting how long it has to review the Sketch Plan. For a Minor Subdivision, the Board must hold a Public Hearing within 45 days of the submission of the application including the plat. It must also act on the plat within 60 days after the submission of the plat. Hickey feels the submission date should be the date the application is complete. For a Major Subdivision preliminary plat, within 45 days there must be a Public Hearing and action taken within 15 days of the Public Hearing. Dubow noted there are discrepancies as to the time requirements for submissions, Public Hearings, and final approvals and these should be consistent. Curtis would like the Public Hearing to be held early in the process to allow the Board to consider public input as early as possible. The Board recommended that the 60 day timeframe remain but the Public Hearing be held sooner than the required 45 day timeframe. When the Board determines how it would like to handle these matters, Dubow will draft resolutions for amendments to the Subdivision Law for any proposed changes. For the Final Plat, the Board is allowed 45 days to hold a Public Hearing and 60 days after submission of the completed application to make a decision. With the proposed change already discussed, a Minor Subdivision, as well as Preliminary and Final Plat approval for a Major Subdivision, will allow for 45 days for a Public Hearing and 60 days for a decision after the application is complete.

For Special Permits, a decision must be made within 62 days of submission of a completed application during which time the Public Hearing must also be held. Hickey also noted that some actions also require Board of Trustees approval. Klepack questioned if Special Permit procedures should be amended to require the Public Hearing be held within 45 days to be consistent with the last discussion. Dubow noted that the Board is allowed 62 days to have a Public Hearing and another 62 days to make a decision.

Next, Hickey stated when he and Curtis met, they also discussed Board procedures in regards to subdivisions and special permits. First, the applicant receives a checklist from Curtis. Curtis then checks the application for completion. Curtis and Hickey will then hold an informal Developer's Conference with the applicant. If the application appears to be complete, the applicant then gets placed on the agenda and makes a presentation. The Board

will review the application and may hold a Public Hearing. Dubow stated the first presentation could be a more formal developer's conference to determine if additional information is needed and then a Public Hearing could be set. Discussion ensued as to when the clock begins and when and how it is determined that an application is complete. Curtis would like to see a scoping step become a part of the process. Hickey then reviewed what must be in an application. Article 500 of the Subdivision Law lists what is required for each type of submittal. Additional information might be required by the SEQRA process. A complete application might also include information about the site related to the Greenway Plan, a Recreation Land Plan, as well as an Open Space Plan. Hickey questioned whether an application is complete when the requirements of Article 500 are met or is it at any point further along the process. Dubow stated the Public Hearing should be held after the application is totally complete. Hickey suggested a public information meeting in the process during the initial review rather than relying only on the Public Hearing. The application could then be determined to be complete after hearing concerns raised by affected residents at the public information meeting and prior to the Public Hearing phase. Klepack thought she had learned in a workshop that the application can not be considered complete until the initial SEQRA determination is made. Dubow stated that subsequent SEQRA proceedings are normally completed along with the Public Hearing. After the Public Hearing, there would be another scoping review, possibly due to information gathered at the Public Hearing. Discussion ensued as to whether a SEQRA is performed after an application is submitted or after an application is complete. Curtis stated sections could be added under Article 500 of the Subdivision Law to add as information required for a complete application "...such other information as may be identified by the Planning Board in the course of their Sketch Plan review". Dubow stated some of the required information is obtained in the Sketch Plan phase prior to the submittal of an application. Dubow stated the Sketch Plan for a subdivision is like a Developer's Conference for a Special Permit and the public may be allowed to participate at this stage of the review via an informational meeting or a public hearing. This would all be done prior to the submission of an application and start of the clock for SEQRA review. The applicant has 6 months to submit a plat after the Sketch Plan approval. It was determined that the Sketch Plan is only a part of the final completed application. Curtis feels this process will work but he would like to see it structured such that actions such as Home Occupations, most Special Permits and simple Subdivisions could still be handled in a timely manner. Hickey recommended that the agenda include a public information meeting at Sketch Plan review stage. Curtis also stated that for a major subdivision the adjoining property owners should also be sent notice, but it would be needlessly cumbersome to require supplementary notice for Minor Subdivision sketch plan review. Minor Subdivisions are also exempt under SEQRA. Dubow stated separate documents are submitted for Sketch Plan, Minor Subdivision Plat, and Major Subdivision Plat applications. Hickey stated that meetings for Public Comment should be differentiated from Public Hearings. Other methods for informing the public would be through the Internet and Legal Notices in the Ithaca Journal. Stycos would like to see the notices placed in other locations. Notices used to be posted at A & P, P & C, Pyramid Mall, and other Triphammer mall locations but were often covered over or the bulletin boards removed. A recommendation was made to have notices posted at the Tops Markets and other locations in a glass case maintained by the Village.

In Summary, Hickey stated that for a Minor Subdivision, there be a Comment Period (without legal notice) for the Sketch Plan Review to gather information followed by a Final Plat Public Hearing. For a Major Subdivision, notices will be mailed to adjacent property owners for the Comment Period of a Sketch Plan Review, as well as legal notices. Dubow stated for a Major Subdivision, the application will be considered complete for each stage of the process (sketch plan, preliminary plat, final plat) when the requirements listed in Article 500 of the Subdivision Regulations are met. Hickey stated that the suggested changes made after tonight's discussion include: Comment Periods to obtain public input be included as part of Sketch Plan review, the phrase, "additional information as required by the Planning Board" be inserted as a requirement for a complete application under Article 500 for each stage of review, and the resolution to the time requirement that an application be submitted 12 days prior to the meeting and the need for Planning Board members to receive packets prior to the Friday of the scheduled meeting. Klepack can see the necessity of Curtis and the Engineer having info earlier in the process but feels the Planning Board does not need the additional time. Dankert feels sometimes only a weekend is not sufficient time to review the materials. Brown and Stycos feels the 12 days should be adhered to. Board members agreed that packets should be ready by the Wednesday prior to the meeting. Curtis stated that in some cases additional time might be useful, but in many others it would not be. If the Board feels it needs more time to consider an application or needs more information it can adjourn its discussion to a future meeting when it has what it needs to continue. In this way applications can be handled on a case by case basis. If a County 239 Review is required, the County Planning Department has 30 days in which to respond and in these cases Curtis recommends that the applicant submit their applications well ahead of time. Klepack noted

she would like to receive the review of the Village Engineer in the packet if possible rather than at the meeting. Curtis stated that materials must be in his office 7 days prior to the meeting in order for him to advertise the Hearing in the newspaper. Hickey recommended it be left to the discretion of Curtis, and Curtis recommended language be included in the law to reflect this. Hickey stated the 12 days will remain in the law and Curtis will determine the submission date. Dubow would encourage the Board members to review this again. Hickey will contact the Village Engineer to determine how much time he needs in order to complete a review so his report may be included in the packets. Decisions can also be postponed if Board members feel they have not had sufficient time to review a project or the materials provided.

County Planning Dept. 239 Agreement:

Hickey stated Board members have received the County Planning Dept. 239 Agreement information and he recalls a suggestion to add amendments to planned sign areas to the list of actions exempt from 239 review. Curtis wondered if the County would also include actions exempt under SEQRA as another category exempt from 239 review. Dubow suggested Curtis or Hickey call County Planning Commissioner Ed Marx and ask about this possibility.

Planning Board Goals Update:

Board members reviewed their goals. 1) Complete the review of the Village's Comprehensive Plan. Still being worked on. Goal remains. 2) Develop a process for assessing impacts on visual environment. Working on open space plan. No definition for visual environment. Refers to valuable viewsheds, but there is no definition of a viewshed. Includes SEQRA checklist. Goal remains. 3) Review Section 603 of Zoning Law for permitted uses in CLT District. Goal has been completed so it will be dropped. 4) Investigate feasibility of enhancing architectural standards of CLT Design Guidelines. Goal is difficult to achieve. Continue to work on this. 5) Prepare conceptual plans for redesigning intersection of Cayuga Heights, Burdick Hill Rd. and Route 34. State has ultimate control and has determined that no action is warranted so delete goal. 6) Evaluate need for traffic calming measures on Dart Drive and future extension of Janivar Drive. Village has 3 traffic calming manuals from conference. Wait until Board of Trustees decides to act on Dart Drive. Planning Board to provide input on traffic calming and sidewalks at that time. Delete goal for now. 8) Develop guidelines for large parking areas in CHT District. Already completed. Might need to be adopted. Hickey to check. New goals: 1) Review and clarifying Planning Board procedures. 2) Innovative ways to obtain open space.

Reports:

Open Space Strategies: Hickey & Stycos

Hickey stated that he and Stycos have met with Mayor Hartill on open space. Transfer of development rights and incentive zoning were discussed. Dubow has been asked to research this for Mayor Hartill. A Public Trust Fund solely for the purchase of open space was also discussed. Dubow is also researching this. Hickey felt the incentive zoning and a Public Trust Fund would be possibilities. In response to comments by Brown to make clustering mandatory, Klepack recommended other Board members could approach the Board of Trustees about mandatory clustering as another option to obtaining open space. There was a lengthy discussion on mandatory clustering. Provision for incentive zoning coupled with mandatory clustering may be a possibility but must be reviewed. Hickey stated the Board would need to review and rewrite any Village law on open space to permit mandatory clustering. The Village currently has approx. 1000 acres of open land which is undeveloped. This includes the 58 acres in Millcroft Subdivision, 343 acres in Sun Downs property, 128 acres in Bolton Point, 39 acres in Butler property and 70 acres in Dart property. Hickey noted that mandatory clustering, an open space plan and protected land could impact these properties. Dubow reminded the Board that since his firm represents the owner of the Sun Downs property, he will refrain from discussions like this and the Village may need to seek outside counsel. Dubow stated that, in general, open space land identified by the Village for mandatory clustering or any other Zoning or Subdivision restrictions should not target any one parcel of land. Hickey noted that letters would also need to be sent to those owning the open space parcels that might be affected by mandatory clustering.

Approval of Minutes – December 8th:

Klepack moved to accept the minutes of December 8th as revised. Seconded by Stycos. All aye.

Reports:

Trustees: Stycos

Stycos attended the Dec. meeting. First there was a Public Hearing regarding the Ithaca Wastewater Project. The Sewer Agreement was also discussed and all affected municipalities have signed it. Dubow stated there are additional agreements which are outstanding and must be signed by the Village and others. Stycos also stated that the Mayor reported that the auditors were satisfied with Village records.

Other Business as Time Permits:

Stycos noted the new Zoning Map. Curtis stated it has been placed on the web by Trustee Fresinski and it has a zoom function and that enlarged maps of specific areas can be printed.

Adjournment:

Dankert moved to adjourn at 9:46 P.M. Seconded by Stycos. All aye.