

**Village of Lansing
Planning Board Meeting
March 29, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:31 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Alternate Planning Board Member John Piscopo; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis and members of the public.

Proposed Changes to Zoning Law Regarding Airport Combining District:

Hickey stated the first item to be discussed by the Board was a carry-over from a previous meeting which was not on the agenda. Dubow stated that pursuant to the last Planning Board meeting he had revised Proposed Local Law B to incorporate the Board's comments with regard to deleting any references to the Airport Combining District in the Zoning Law. He would like the Board to review the revised proposed law and adopt a recommendation for the Trustees.

Dankert moved to forward to the Board of Trustees the Planning Board's recommendation for approval of the revised Local Law B. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack and Stycos. Motion carried.

Public Comment:

Hickey opened the Public Comment period.

As there was no one who wished to speak, Klepack moved to close the Public Comment period. Seconded by Stycos. Ayes by Klepack, Brown, Dankert, Hickey and Stycos. Motion carried.

Public Hearing: Special Permit No. 2004, Rieger Home Occupation:

The first item on the agenda was a Public Hearing on Special Permit No. 2004, Robert Rieger, to operate a home occupation consisting of an office for his landscaping service in his home at 61 Highgate Circle in the Medium Density Residential District, Tax Parcel No. 47.1-5-38.

Robert Rieger stated he is starting a business centered around a large commercial landscaping truck which holds 60 cubic yards of mulch. The truck will be parked elsewhere but he would like to use his home as an office for the business.

Hickey then opened the Public Hearing.

Mary Sirois, 3 Highgate NE, asked the applicant if there would be any other vehicles involved in the business. Reiger stated he would have his personal vehicle which would be used for the business and occasionally there might be a delivery truck for small business related items and he would estimate there might be one or two people a week who might stop in. It is a seasonal business operating 6-7 months a year.

As there was no one else who wished to speak Klepack moved to close the Public Hearing. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Klepack asked about signage and Rieger responded there would be none.

Curtis stated he has received the Proof of Mailings.

The Board then reviewed the General Conditions for all Special Permits in Section 304.05 of the Zoning Law to confirm that General Conditions a through j have been met by the applicant. Moved by Dankert. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

The Board then reviewed the Additional Conditions for Special Permits in Section 304.06 of the Zoning Law for Home Occupations to confirm that the conditions have been met. Moved by Stycos. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Dubow noted that this action is a Type II action and exempt from SEQRA.

Stycos moved the following resolution; seconded by Brown:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2004 ADOPTED
ON MARCH 29, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit No. 2004, Robert Rieger, to operate a home occupation consisting of an office for his landscaping service in his home at 61 Highgate Circle in the Medium Density Residential District, Tax Parcel Number 47.1-5-38; and
- B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), 6 NYCRR Section 617.5, and Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. On March 29, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On March 29, 2005, in accordance with Section 725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby finds that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) all applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) all applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2004 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

None

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Doris Brown, Ned Hickey, Phil Dankert, and Carol Klepack

NAYS: **none**

The motion was declared to be carried.

Public Hearing: Special Permit No. 2005, Clark Home Occupation:

The next item on the agenda was a Public Hearing on Special Permit No. 2005, Donna and Alton Clark, to operate a home occupation consisting of a bed and breakfast in their home at 17 Wedgewood Drive in the Shannon Park Residential District, tax parcel No. 47.1-6-55.

Curtis stated he has received the Proof of Mailings.

Donna Clark stated she and her husband would like to operate a small bed and breakfast in their home using one or two bedrooms and bathrooms. These would be utilized primarily on weekends in conjunction with college events in the area. There would be no signage or advertising on the internet. Guests would for the most part come by way of referrals. Should the bed and breakfast become a problem for any of the neighbors, the Clarks would discontinue the project. Upon the sale of the property, the bed and breakfast would also be terminated.

Hickey stated the Clarks have circulated a petition in the neighborhood and 8 of the neighbors have signed it in support of the proposal.

Dankert asked about off-street parking and Clark responded that there is adequate parking on site.

Hickey then opened the Public Hearing.

Larry Robinson, 20 Wedgewood Drive, stated he likes the Clarks but feels he must speak against this proposal. He has concerns about additional traffic in the small cul-de-sac neighborhood. He is also concerned about there being other small bed and breakfasts in the area as well as about the property assessments and resale value of the properties in the area. Another concern for Robinson is that there are middle school aged latch-key children in the area and none of those parents have signed the petition.

Sachin Gupta, 11 Wedgewood Drive, expressed concerns about the volume of traffic and he would like actual numbers presented and perhaps limits on the number of car trips the business could generate in a year. He would also like to know what would constitute "a problem for any of the neighbors" that would lead the Clarks to discontinue the project. Thirdly, he would also like to see a time limit placed on the project. Hickey noted for the record that there are covenants for Shannon Park residents stating there shall be no businesses in the homes. This is, in part, what prompted the petition to gain input from the neighbors.

Klepack moved to close the Public Hearing. Seconded by Brown. Ayes by Brown, Klepack, Dankert, Hickey and Stycos. Motion carried.

Brown stated she has listened to the concerns and feels there are no problems with the project as others do the same thing in their homes on a small scale but do not call it a bed and breakfast and do not request approval for a home occupation. The Clarks have been up front with their intentions. Brown feels the Clarks will need to deal with the covenants which exist in Shannon Park, that is between the Clarks and their neighbors. Dubow stated the covenants are private property rights and will expire in 2010, and until they expire they govern the relationship amongst the Shannon Park residents. Dubow stated they are enforceable by those property owners and the Village can not require their compliance. As a condition for a Special Permit, however, the Board must determine if this action would be injurious to others in the neighborhood. Dubow stated there could be a condition placed upon the permit that if a lawsuit results from this action or there is a specific number of complaints, the permit could be returned to the Board for further action or even revoked. First the Board must determine if the General and Additional Conditions are met. Dubow stated the covenants cannot be amended by the Board but they can be amended by the residents. The Board just needs to be aware of the covenants when they make their determination.

Stycos asked about “word-of-mouth referrals”. Clark stated she knows many people who might want to use the service or who might recommend it to others, and others in her neighborhood who were supportive of her project have said they will spread the word for her.

Stycos asked about when the residence would be used as a bed and breakfast. Clark responded that it would be used during the weekends for events such as college weekends, sporting events, neighbors’ high school graduations, etc. Clark did not want to limit how often it would be used but it would be mostly on Fridays and Saturdays.

Hickey stated this is difficult because of the covenants and he feels protection of property rights is important in the neighborhood. Hickey stated some have shown support and others have not and this shows a difference of opinion in the neighborhood. One option might be to ask for an amendment to the covenants prior to action by the Board. Hickey stated he does not want to violate the covenants.

Dubow stated the Board has previously addressed the concern about covenants with the McLain property on Cayuga Heights Road where the covenants did not allow for three dwelling units on a single parcel. The application was subsequently withdrawn.

Dubow stated that currently he reviews covenants when they are included in new subdivision proposals to make sure they are consistent with the Village’s interests and obligations, but in the past covenants may have been recorded without the knowledge of or review by the Village. Dubow stated the Board can acknowledge covenants but can not enforce them.

Hickey stated the Board can approve the project with or without conditions or deny it. There was discussion on having the covenants changed or having Clark get the petition signed by more residents. Brown asked about the Shannon Park Homeowner’s Association and Dubow stated the residents have had the right to form one but is unsure if they have actually done so. Curtis stated there is a process whereby 75% of the homeowners could approve a change in the covenants.

Clark stated she was not aware of the covenants when she started this project, but requested a copy from a neighbor when she learned of them. She subsequently gave Curtis a copy of the covenants. Clark also stated there is no active Homeowner’s Association.

Klepack stated she agreed with Hickey and felt that when buying into a neighborhood the residents are also buying into the rights and obligations of any covenants that have been recorded for that neighborhood. Dankert also stated he was in agreement with that.

Dubow noted that this action is exempt from SEQRA as it is a Type II action.

The Board then reviewed the General Conditions for all Special Permits in Section 304.05 of the Zoning Law a through j to ascertain the conditions have been met by the applicant. The Board determined that the action did not meet conditions b and c because it was not “in harmony with the intended character of the neighborhood” as described in the covenants, and could be considered “injurious to the use and enjoyment of other property in the neighborhood” on the same basis.

Klepack moved the following resolution; seconded by Dankert:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2005 ADOPTED
ON MARCH 29, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Donna and Alton Clark, to operate a home occupation consisting of a bed and breakfast in their home at 17 Wedgewood Drive in the Shannon Park

Residential District, Tax Parcel Number 47.1-6-55. and

- B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), 6 NYCRR Section 617.5, and Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. On March 29, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On March 29, 2005, in accordance with Section 725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Planning Board hereby finds that the proposed action does not meet Requirements (b) and (c) of the General Conditions required for all special permits (Village of Lansing Zoning Law Section 304.05); and
- 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2005 is **DENIED**.

The vote on the foregoing motion was as follows:

AYES: **Maria Stycos, Doris Brown, Ned Hickey, Phil Dankert, and Carol Klepack**

NAYS: **none**

The motion was declared to be carried.

Public Hearing: Special Permit No. 2002, Pyramid Theater Addition:

The next item on the agenda was a Public Hearing on Special Permit No. 2002, Pyramid Company of Ithaca to construct an approximate 10,600 sf addition to accommodate the relocation and upgrade of the movie theaters in the existing enclosed shopping mall at 40 Catherwood Road in the Commercial High Traffic District, Tax Parcel No. 47.1-1-22. A special permit is required because the addition constitutes a change in configuration of a previously approved expansion.

Curtis stated he has received the Proof of Mailings.

Jim Tull, Pyramid Mall General Manager, spoke first. He stated Regal Cinemas would like to upgrade the movie facility at the Mall. Regal is willing to invest significant capital and resources to create a first class facility. Regal would move to the area where Ames used to be and there would be a 10,000 sf expansion. This would move the north face of the old Ames space about 25-30 feet in to the alleyway between Ames and Target. On the interior, the south end of the current retail space at Ames would be used to extend the Mall concourse and provide a couple of tenant spaces; the remainder would house the upgraded theater complex. This would result in a net reduction of about 590 sf.

of previously approved gross leasable area. The old Hoyts cinema space would eventually become retail space. This would result in a shift of parking from the rear and southwest corner near the residents to the rear and northwest corner of the Mall where there is currently much under utilized parking capacity. Entrance to the cinemas could be from either the parking area or the Mall interior.

Hickey asked about the seating capacity of the new theater and Eric Goetzmann, one of the Mall partners, stated it would be from 2600-2800 divided into 14 auditoriums. Hickey asked about attendance numbers because of parking concerns. Goetzmann stated the movies are staggered and it is not anticipated that such complexes will ever be occupied to full capacity, so it would be hard to determine.

Hickey opened the Public Hearing.

Sirois stated she welcomed the idea of less traffic moving late into the night near the residential area at the south end.

There being no one else who wished to speak, Klepack moved to close the Public Hearing. Seconded by Stycos. Ayes by Brown, Klepack, Dankert, Hickey and Stycos. Motion carried.

Leopold spoke about the movement of traffic around the mall and felt it might be a good idea to have less traffic utilizing Pyramid Drive.

Klepack asked about enlarging the footprint of the mall. Goetzmann stated the shaded area on the map showed the extent of the enlargement.

Curtis asked if there are islands defining the loop road and the west and north boundary of the parking lot. Tull stated there is one island that runs the length down the middle but there are no curbed end caps on the north side. Hickey noted a landscaping plan would be required. Handicapped parking was discussed as there are only 4 spaces and more will be required. Goetzmann stated this will be reviewed. Hickey also does not like painted islands as they are not effective in channeling traffic flows. Another pedestrian sign will be required at the north end of the sidewalk Hickey would also like trees in the islands with curbing. Hickey noted a lighting plan will also be required.

Cross has reviewed the plans and noted that the loss of the alley will change the parking but should not have a significant impact on stormwater. Cross felt the road from the outer ring road to the front of the new cinema would be adequately wide with 15 foot lanes and is protected off the ring road on the northern end, but if you follow it to the Sears area it seems to disappear and dump into the parking lot. Cross felt this needs to be addressed. Hickey feels the parking area in the rear of the mall needs to be addressed as a whole. Cross would like to see drivers discouraged from driving across lots. Cross then spoke about the 60 ft. long drop off area in front of the new outside entrance and wondered if it is long enough. Tull stated it is comparable to the one for the existing theaters which has not been a problem. Hickey recommended signage. Cross also noted that the sanitary sewer notes indicate brick risers which are not allowed. Also the front side near Old Navy has a delineated inner road off the ring road and parking spaces have been striped on the road side of the end caps and he would not like to see them appear like that elsewhere in the Mall.

The Board then completed SEQRA. On Part I, Curtis stated for Item 9, "present use of land in vicinity of the project", "residential" should also be checked. For Item 7, the acreage affected should be listed as "existing". On Part II, A – No; B – No, but the County did provide a 239 determining the project has no negative inter-community or county-wide impacts; C1 – No, because there is no change in impervious surfaces or excavation that would result in exposed soil, and the traffic will be addressed with curbing and parking lot design; C2 – No; C3 – No; C4 – No; C5 – None; C6 – None C7 – None; D – None.

Klepack moved the following resolution; seconded by Dankert:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT
NO. 2002 ADOPTED ON MARCH 29, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2002, Pyramid Company of Ithaca to construct an approx. 10,600 sf. addition to accommodate the relocation and upgrade of the movie theaters in the existing enclosed shopping mall at 40 Catherwood Road in the Commercial High Traffic District, Tax Parcel No. 47.1-1-22. A special permit is required because the addition constitutes a change in configuration of a previously approved expansion; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- C. On March 29, 2005, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Carol Klepack, Phil Dankert, Ned Hickey and Doris Brown

NAYS: none

The motion carried.

The Planning Board then reviewed the General Conditions for all Special Permits in Section 304.05 of the Zoning Law. Klepack moved that that General Conditions a through j have been met by the applicant: seconded by Stycos. All aye.

The Board then discussed approval of the Special Permit and conditions that should be attached. Klepack moved the following resolution; seconded by Brown:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2002 ADOPTED
ON MARCH 29, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2002, Pyramid Company of Ithaca to construct an approx. 10,600 sf. addition to accommodate the relocation and upgrade of the movie theaters in the existing enclosed shopping mall at 40 Catherwood Road in the Commercial High Traffic District, Tax Parcel No. 47.1-1-22. A special permit is required because the addition constitutes a change in configuration of a previously approved expansion; and
- B. On March 29, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- C. On March 29, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On March 29, 2005, in accordance with Section 725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby finds that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) all applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) all applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2002 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 1. **Implementation of a lighting plan approved by the Lighting Commission.**
 2. **Implementation of a landscape plan approved by the Planning Board.**
 3. **Minimum 8 handicapped parking spaces.**
 4. **Islands shall be curbed rather than painted.**
 5. **Pedestrian sign at the north end of sidewalk.**
 6. **Parking lot plan approved by the Village Engineer.**

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Carol Klepack, Phil Dankert, Ned Hickey and Doris Brown

NAYS: none

The motion was declared to be carried.

Public Hearing, Special Permit No. 2006, Tompkins Trust Co. Drive Thru Lanes;

The next item on the agenda was a Public Hearing for Special Permit No. 2006, Tompkins Trust Company to construct two additional covered drive-thru lanes for their existing bank branch building at 2551 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.2.

Curtis stated he has received the Proof of Mailings.

Peter Trowbridge of Trowbridge & Wolf Landscape Architects gave a brief overview of the project. The current existing parking on the north side has been a problem as customers must transverse the driving lane to access the bank. The new proposal would move the parking so those parking in the most utilized spaces would not need to cross traffic. Some curbed island area would be removed and three drive-thru lanes installed. This would not result in a reduction of total parking spaces. Signage would be installed for turning lanes to assist drivers as they exit with right hand turns only being permitted onto Substation Alley. Surface striping would also be utilized as well as flexible bollards during business hours to maintain a free through lane. Trowbridge stated there would be two traffic lanes, one for cueing or stacking and one for exiting. Trowbridge stated there would be a relocation of two light poles and a small canopy removed and a larger "open" canopy erected. The proposal will include an existing ATM machine and two teller windows. Affected trees would either be relocated or replaced with the total number remaining the same; some shrubs would be added.

Hickey opened the Public Hearing.

Richard Thaler, Triphammer Mall owner, spoke first. Thaler stated that for safety reasons signs stating no left turn permitted would need to be installed for all exiting traffic. Thaler also felt the driveway into the shopping center needs to be posted with signage indicating it as a private driveway so traffic does not enter from the bank in order to exit at the traffic light without utilizing the mall.

Daniel Homik, Clarion Inn owner, spoke next. Homik feels this proposal would significantly impede the visibility of his hotel. Homik provided Board members with pictures.

There being no one else who wished to speak, Dankert moved to close the Public Hearing. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Cross had shared his comments previously with Trowbridge and his concerns have been addressed. Cross still feels delineating the two lanes will be a challenge and temporary daytime posts sound okay, but inquired about the winter months. Cross is also concerned about the queuing and exiting of three lanes where there is only one now. David Taube of HOLT Architects stated that the temporary bollards would prevent traffic from switching lanes and blocking the exit lane. Hickey visited the site last week and noted there was a Sam Peter's furniture truck in one of the southern parking spaces and this special situation on this tight site made exiting difficult and this situation must be addressed. Hickey would recommend "no trucks allowed" signage so exits are not blocked. Cross feels if there has been an underestimate of the number of cars that will use the drive-thrus there might be problems. Hickey is also concerned about the impact on the intersection of Sheraton Drive and North Triphammer Road at peak times. Brown is concerned about the through traffic on Uptown Road/Cinema Drive/Sheraton Drive meeting cars utilizing the bank. Brown feels the unknown amount of traffic may be a problem. Brown would like to see the exiting traffic from the bank be able to use the light at Triphammer Mall. Taube feels the amount of traffic will not change as those who will now use the drive-thru are the same customers who used to park and walk into the bank.

Hickey would like to see the following: Proposed Signage, Lighting Plan for the entire site, some effort to address Homik's concern about visibility. Hickey would recommend Homik approach the Board about additional signage for the northwest corner of his hotel for better identification. Homik is still concerned that the overhead canopy will block him out and he would prefer to see no canopy. Taube stated the canopy is relatively open.

Curtis noted that the handicapped parking aisles are required to be 8 feet wide and are 5 feet on the drawing..

Leopold asked about the landscaping. Trowbridge stated that none of the plantings around the building would be changed. Additional plantings will be added and some will be either moved or replaced.

Hickey polled Board members. Klepack stated the intersection is problematic but needs to be addressed with road construction rather than being made the bank's responsibility. Dankert agreed with Klepack and feels traffic is an unknown and he is not overly concerned. Brown has traffic concerns but thinks they can be addressed by Cross. Hickey would like to see a sketch of how bollards are to be placed. Cross feels the Sheraton intersection has been addressed by Rich Brauer of Fisher Associates in a letter dated 3/11/05 and he does not feel it is a big concern.

Next, the Board completed SEQRA Part II. A – No; B- No; C1 – Not applicable; C2 – Not applicable; C3 – None; C4 – No, not an increase in intensity of use but rather an arrangement in use; C5 – None; C6 – None; C7 – None; D – No.

Klepack moved the following resolution; seconded by Stycos:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT NO. 2006 ADOPTED ON MARCH 29, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2006, Tompkins Trust Company to construct two additional covered drive thru lanes for their existing bank branch building at 2251 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.2; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- C. On March 29, 2005, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:

2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Carol Klepack, Phil Dankert, Ned Hickey and Doris Brown

NAYS: none

The motion was declared to be carried.

The Board then reviewed the General Conditions for all Special Permits in Section 304.05 of the Zoning Law to confirm that General Conditions a through j have been met by the applicant. With regard to Item b, Hickey suggested Homik request additional signage. Dankert moved that the applicant has met all the General Conditions for Special Permits. Seconded by Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Klepack moved the following resolution: seconded by Dankert:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2006 ADOPTED
ON MARCH 29, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2006, Tompkins Trust Company to construct two additional covered drive thru lanes for their existing bank branch building at 2251 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.2; and
- B. On March 29, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- C. On March 29, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On March 29, 2005, in accordance with Section 725-b of the Village Law of the State of New York and

Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby finds that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) all applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) all applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2006 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 1. **Implementation of a lighting plan approved by the Lighting Commission.**
 2. **Implementation of a sign plan approved by the Planning Board.**
 3. **No left turn signs as required by the Village Engineer.**
 4. **Approval by Board of Zoning Appeals of all required variances**
 5. **Interior traffic circulation plan approved by the Village Engineer.**

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Carol Klepack, Phil Dankert, Ned Hickey and Doris Brown

NAYS: none

The motion was declared to be carried.

Human Health Service District – Proposed Zoning Change:

Herman Sieverding of Integrated Acquisition & Development spoke first. The request is for a zoning change to extend the boundaries of the Human Health Services District approximately 80 feet to the north with land taken from the B & T District which equates to about 2 acres. This proposal would clean up the boundary line which divides the two adjoining districts and would extend across Warren Road. This expansion would permit 36 additional parking spaces to be constructed for the Parkview Health Care Campus. Hickey stated the Board must decide whether to recommend this change to the Board of Trustees. Dubow has prepared a draft of Proposed Local Law C to address this request.

Curtis noted there was a County 239 review and they determined there is no negative inter-community or county-wide impact. Curtis also stated the Cayuga Medical Center at Ithaca sent a letter in support of the proposal.

Cross asked if the northerly property lines of the Convenient Care, 22 Arrowwood Drive and 10 Brentwood Drive parcels would be pushed up to coincide with the new district line. In the 80 foot area, there is a significant drainage feature for the property of 22 Arrowwood as well as a utility easement for NYSEG. Sieverding responded that there is a 80 foot drainage easement for the detention pond for buildings 1 & 2. Dubow stated when the special permit for the extension of the parking comes before the Board that will trigger the issues of drainage issues. Cross does not want to see land-locked parcels created. Dubow stated it is all Cornell property.

Klepack asked about the parking. Sieverding stated the buildings were built in phases and the practices have become so successful that the number of employees has increased from 118 to 162 and only leaves 77 parking spaces available for the patients rather than the 112 spaces previously available. This has subsequently created a shortage of patient

parking. Sieverding stated there was originally enough parking according to the Zoning Law requirements and in fact Cornell originally went beyond the required number of parking spaces, but this has not kept pace with the evolution of the businesses in the park.

Klepack moved to recommend approval of the zoning change proposed in Local Law C to the Board of Trustees. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

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Approval of Minutes – March 14:

Stycos moved to approve the minutes of March 14th as revised. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Minutes approved.

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Other Business as Time Permits:

Hickey stated that Alternate Planning Board member John Piscopo would be leaving the Board as he will be moving to Albany. Piscopo distributed his resignation to the Board members. Sorel Gottfried, on behalf of the Community Party, thanked Piscopo for his service.

Hickey stated the Board has a book entitled Dictionary of Terms for their library.

Adjournment:

Stycos moved to adjourn at 10:00 P.M. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.