

**Village of Lansing
Planning Board Meeting
June 28, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Alternate Member Mario Tomei; Trustee Liaison Lynn Leopold; Attorney David Dubow; Code Enforcement Officer Ben Curtis and members of the public.

Public Comment:

Hickey opened the Public Comment period.

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

Lansing Trails 2 Setback Requirements:

Hickey moved this item to next on the agenda. Thomas LoTurco, Project Engineer for Clough Harbour & Associates, began the presentation stating that as the project progressed, the engineers began a review of the architectural layout of the lots. LoTurco is requesting the side yard setback requirement for the townhouses be reduced to allow for a better fit. LoTurco has sent a letter to Curtis dated 6-9-05 requesting the side setback requirement for the end units be reduced from twenty to fifteen feet. LoTurco stated the actual locations of the zero lot lines were to be determined once the building footings had been installed. LoTurco stated the request for reduced side yards would allow for more flexibility in the stakeout of the buildings and allow for larger hallways and better access to the first and second floors. Hickey asked for clarification as to where the additional 5 feet would be. Curtis stated it is only from the side property line. LoTurco also clarified that it would be 5 feet from each side of the entire cluster of townhouses rather than each townhouse.

Developer Ivar Johnson explained his request for the additional 5 feet on the sides. Each building is 28 feet wide with 4 feet stairwells in them as well as 20 foot garages. Additional space of 2 feet on one side can allow for a garage entrance on the side of the building so that all garage entrances do not directly face the road. The additional 5 feet will allow him more flexibility in the project. This will also allow him to keep the prices down. The 5 feet will allow the extra space on each end for the garage reconfigurations. This will allow for 4 garage doors on the front of each building rather than six garage doors as the end units will enter from the sides. Johnson stated he may not use the entire five feet but he would like the flexibility of the five feet. LoTurco stated the request would allow for 2 feet on each end to turn the garage as well as the 6 inches for the overhang. this would use up 5 feet out of the requested 10 feet for each clustered building. The additional 5 feet would be used for the interior of the building to assist with wheelchair accommodation. Curtis noted that only 11 of the cluster units would increase by 5 feet on each end as the others do not have side yards on both ends. Curtis stated the other units have ends which front on streets and must meet front yard setback requirements of 40 feet from the property line. For these units what is normally a rear yard becomes a side yard. Dubow stated since this is a cluster development the side yard setback requirements as otherwise provided in the Village Zoning Law need not apply. Setback requirements can be established which would apply to the cluster development. Hickey stated the Board would like to see the 40 foot setback apply to what would normally be considered a rear yard for all units.

Klepack stated she felt uncomfortable having approved the project with so many units and now the developer comes before the Board requesting changes to allow the units to be even larger. She is concerned that this would set a precedent. Hickey stated that no zoning laws would be violated and it would make for a better looking building. Klepack stated it will permit the buildings to be 10 feet closer to the neighboring building. Johnson stated it would soften the look of the buildings and would break up the row of garage doors. Johnson again stated he may not choose to use the five feet but would like the flexibility of using it. Klepack does not want to see more crammed onto the lots and pointed out that there is the possibility of placing five units on the site rather than six units. Johnson stated he is attempting to keep costs reasonable for buyers. LoTurco stated he is not asking for additional buildings but is trying to

make each building better. Johnson stated he is not positive that 6 units will fit with the side driveways and he may need to build only five units. Johnson stated he will not build what does not fit on the lot and which will not be workable. He is still working out the details of the project.

Klepack stated she would have preferred that Johnson requested this at the beginning stages of the project. Johnson stated he is refining the project as he goes along and this 5 feet would make the project much better and would allow for the 6 units to help keep the costs down for the buyer. Johnson is hoping the units would sell for about \$250,000 for a 2800 sf unit. There would also be space for an elevator for an additional cost of about \$15,000. Johnson stated there would be space for the elevator but not all units would initially have an elevator installed.

Tomei asked about the end units. Johnson stated they would have a shared driveway and the driveways would be plowed and maintained by the homeowner's association. Dubow stated they are separate lots and would therefore need to have agreements in place for a shared driveway.

Hickey moved the Board approve a 15 foot setback on the side yard for some of the cluster buildings conditional upon Johnson providing the Board with a letter confirming that the affected units would be only those specified at the meeting. Seconded by Klepack. Ayes by Brown, Dankert, Klepack, Hickey and Stycos. Motion carried.

LoTurco asked if the Board could review Schedule A. Hickey stated the Board could not do so tonight as they had too many agenda items. Dubow stated the two critical issues are the Engineer's approval as well as the Bob Dean issue regarding Bomax Drive. Dubow stated he was comfortable with the Homeowner's Association materials.

Forestry Regulations:

Hickey stated the Board has been dealing with this topic for many months. In the course of gathering information, Doris found A Municipal Official's Guide to Forestry prepared by the State which was sent out in the packet. It has some good guidelines, concepts and definitions, but also includes information about commercial logging which does not really apply to the Village. Most of this information also pertains to trees on private land. There may be an incentive program for acquiring woodlands as open space, but Hickey felt this might need to be set aside as it appears to deal more with towns, and the Village might have to wait to see what the Town and County are going to do. Hickey stated he does not know if the Town even has a forestry plan or an inventory.

Hickey stated the village should continue to deal with municipal trees. Brown has been reviewing ordinances in municipalities and finds some very difficult to read. Brown feels additional information is needed and the question is what happens when a tree is cut down or damaged. Dubow stated if someone takes down a tree on their own property that is one issue. There is also the issue of what happens when a tree is removed on a neighbor's property or municipal property. Brown is concerned about the municipality removing trees on its own property. Dubow felt the Board might want to set up a policy rather than a law. Brown would like to see self governing of the Village by the public works department. Hickey stated the Board reviewed the municipal tree program in 2002 and it has since been buried. He distributed copies to the Board. It gives introduction and purpose, tree removal, tree planting and maintenance and removal, etc. This was completed after the tree inventory was compiled. Hickey stated the Board might want to review this and bring it up to date. Hickey would then like to see this adopted as Village policy. This policy would include a review of municipal trees by a forester every 3-5 years. Hickey stated when the first inventory was done, trees were identified on Graham Road which required trimming or removal and this was accomplished.

Hickey stated he ordered a book entitled Development Definitions for use by the Board and found it a handy reference. Hickey read the definition of forestry and the Board discussed forests within the Village. Curtis stated a fly-over might be done in the near future which would indicate the location, size and density of woodlands in the Village.

The Board decided to review the 2002 municipal tree program document and Hickey will clean it up prior to the next meeting.

Parking Requirements - Crystal's Spa and Salon:

Klepack felt the letter dated 6-14-05 from Hickey to the Board of Zoning Appeals was well written. Hickey stated he

signed it but it was actually written by Curtis. Dubow stated the letter was very helpful to the BZA in reviewing and granting the variance. Dubow stated the debate has always been whether to approach the BZA or the Planning Board first. The issue became confused because of the requested increase in parking spaces after the Planning Board granted Special Permit approval, but is now resolved. Dubow stated some BZAs ask for recommendations by the Planning Board prior to BZA review.

Parking Requirements - continued discussion:

Curtis stated many uses are lumped into the Office/Studio/Service category. Upon reviewing the application for Crystal's Spa and Salon, it became apparent that the use is very different than that of an attorney or real estate office. The parking ratio for this category does not always work for all the different uses. Curtis stated the law intends to make sure there is enough parking spaces for a business and to make sure there is not a lot more parking than required. Curtis felt the law failed in the case of Crystal's Spa because it limited her to fewer parking spaces than the number it was very clear she would need. Curtis stated it might be a good time to look at the parking requirements in the Village Zoning Law. Curtis has borrowed and reviewed a book from Dr. Fernando De Aragon, director of the Ithaca-Tompkins County Transportation Council. Curtis provided materials to Board members for their review. Curtis stated that specific uses in the Village are not clearly identified, but are instead lumped into general categories. The manual establishes a parking ratio for malls, but our parking requirements entail analyzing malls by each type of business they contain, which is constantly changing. This is just one of many examples of instances where our requirements should be reviewed and improved.. Curtis feels the Village has not thoroughly reviewed the parking section of Village Zoning Law in the 15 years he has been here.

Hickey stated there is an intent section for every law and in the case of parking it should be to provide adequate parking for any permitted use and to discourage paving more area than will ever be needed for parking. Crystal Mullenix noted that if adequate parking was not provided for her commercial use, then customers might park on N. Triphammer Road or on her lawn. It is clearly the intent of the law, or should be, to avoid this outcome. Hickey stated the Board needs to be attentive to these types of needs and he would prefer to give more parking rather than less to alleviate possible situations like this occurring. Hickey stated laws are often obsolete soon after written and the Board needs a mechanism like the 20% reduction in parking to modify requirements for individual situations where warranted. Hickey would like to see this authority given to the Planning Board rather than require the applicant to go to the BZA when clearly the requirement is the problem. Hickey stated this authority could allow for either more or less parking spaces after review and findings by the Planning Board. Dubow stated although there are more steps involved by going to two Boards, the Board might want to just look at today's uses and fix the small discrepancies rather than allow too much discretionary power to the Planning Board. The Board discussed how parking for a doctor's office is much different than previously with the addition of nurse practitioners and this seems to be the trend. Curtis stated the Village Zoning Law intends to require adequate parking but in the case of Crystal's Spa there was less than adequate parking for the business. The Board discussed the varying methods of determining the number of parking spaces in the Village and other municipalities based on the type of business. Dubow again stated the Board might want to extract some of the uses from Office/Studio/Service and redefine them and revise their parking requirements.

Klepack stated that if Crystal's Spa and Salon were to revert to a lawyer's office there would be an excess of parking on the site. Hickey again stated he does not want to see excess parking, but prefers that onsite excess parking to overflow parking on adjoining roads. Hickey stated all roads are not designed for on-street parking. Board members discussed parking on various Village streets, roads and businesses.

Hickey reiterated the Board would review the uses as well as the number of parking spaces required for each use. Dubow stated their might be a generic category for spa or beauty parlor/spa which would have a different ratio for parking requirements as is the case with medical and related offices. Curtis stated the intent of providing adequate parking should govern the parking requirement. Hickey stated the materials from Normal Illinois has a good first paragraph for intent and could be reworked for the Village. The Board also looked at other documents regarding parking options. Curtis will contact Dr. De Aragon and will continue to pursue parking requirements with the help of Hickey.

Reports:

Board of Trustees: Dankert stated Hickey was present at the meeting and introduced new alternate member Mario Tomei to the Board of Trustees. Also, the BZA is going through changes and the new permanent member is David Newman and the new alternate member is John Wisor. Dankert stated the Sewer Committee has met three times but he had not been informed, but he is now on the mailing list and will be attending in the future. Dubow also noted that BZA members will be compensated in the future. Dubow also stated that John Bailey reviewed the Village's coverage for insurance.

Other Business as Time Permits:

Hickey asked about codification and Dubow stated that confirmation is needed that Willard has added additional laws passed by the Village to date.

Hickey stated the Millcroft Subdivision Phase I roads and concrete gutters have been installed and look nice. Hickey stated Developer Miller agreed to maintain the trails which would be private but the problem is that a portion of the trail is in the Village's road right-of-way. Hickey stated that Miller wants to put in a stone dust and gravel path, but if it is in the Village right-of-way and the Village needs to maintain it, then it must be a hard surface and this issue must be resolved. Curtis stated the trail has always been proposed in the road right-of-way in parts of the subdivision, but in other areas it is separate from the road and appears more like a typical Greenway trail. Board members discussed various trails and surface materials.

Hickey recommended the Board members look at the proposed sidewalk area and what appears to be a steep sidewalk design near Applebee's Restaurant on N. Triphammer Road. Hickey stated grass will probably not stabilize the slope and burlap will be required along with bushes.

Dankert stated the landscaping and grading at the Reformed Temple on N. Triphammer Road looks nice.

Klepack asked about the cell tower at the County jail. Hickey responded that the Village has received a letter dated 6-28-05 from Mikel Shakarjian in the County Administrator's office indicating a new site has been located. Board members noted there seems to be a level of cooperation which did not exist in the past. Board members were unaware of the unsafe situation on the tower. Curtis stated the Village had only approved Verizon for the tower but apparently T-mobile is also on the tower although he is unaware of when it was installed. Dubow stated the local law on telecommunications states the structure must be designed to accommodate at least two additional providers. Dubow stated with the 911 Project, the County had compelling reasons related to security for limiting access to their tower. Cell tower providers with no public function must comply with the regulations of the local municipalities for the most part. Curtis stated if and when the new tower is constructed, options will open for the providers.

Adjournment:

Klepack moved to adjourn at 9:25 P.M. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.