

**Village of Lansing  
Planning Board Meeting  
July 11, 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, and Carol Klepack; Alternate Member Mario Tomei; Trustee Liaison Lynn Leopold; Attorney David Dubow; Code Enforcement Officer Ben Curtis and members of the public.

Hickey appointed Mario Tomei to serve as an acting member of the Planning Board tonight in the absence of Maria Stycos.

**Public Comment:**

Hickey opened the Public Comment period.

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

**Municipal Woodlands** - Continued Discussion:

Hickey made a few modifications to the draft *Village of Lansing Municipal Tree Program* he had distributed at the previous meeting, and added an Item No. 6 under "Tree Removal". Hickey was concerned about the 100+ trees which are to be planted along N. Triphammer Road. Dubow, as well as other members made slight revisions to the draft document. It was suggested that no tree or shrub on municipal land should be removed without being replaced. Hickey wondered whether this becomes a policy or law. Dubow stated it could be adopted either way. Hickey will forward the draft document to Superintendent of Public Works John Courtney for his review prior to forwarding it to the Board of Trustees. Dubow stated most of the draft document is self regulatory regarding the Village's handling of trees on its own property and therefore could be policy rather than law, but the final determination will be at the discretion of the Board of Trustees.

Hickey stated a forester should inspect the municipal trees on a regular basis. Previously when trees were identified as needing removal because they were hazardous they were removed. The draft municipal tree program states the inspection should be done every three years and Board members felt this was a good guideline. Hickey stated there are lots of branches overhanging the roads that also need to be addressed.

Tomei asked how residents and others would know about the law. Hickey responded that such information would be on the website. Dankert stated there would also be an article in the Newsletter. Dubow stated additionally there would be a Public Hearing before a law is adopted.

**Parking Requirements - Separating Office/Studio/Service Uses:**

Hickey stated he and Curtis met and reviewed the Office/Studio/Service category and attempted to define and narrow it down. Hickey stated medical/dental/vet could be separated from other office uses. Hickey also stated that a personal spa could be a separate category such as "Personal Service". Hickey stated a beauty/barber shop could require something like 3 parking spaces per chair rather than being based on square footage .

Klepack asked if the Board is attempting to identify a maximum or a minimum parking requirement. Hickey stated it would be a minimum, but the applicant is entitled to an additional 20% parking spaces which in turn constitutes the maximum. Klepack would like to see the applicant request a specific number of parking spaces to accommodate their needs and each case be treated individually and the number of spaces set according to the need requested and documented. Curtis noted that the Village currently regulates parking requirements for the Malls based on the mix of individual uses which is constantly changing. The Parking Manual reviewed by Curtis treats malls as a separate category with a certain number of spaces per area of Gross leasable area. Interestingly, in calculating required parking

for Pyramid Mall both ways the two answers are within 100 spaces of each other. The approach in the Manual is easier, simpler and clearer. Hickey stated there is not a lot of commercial space other than the malls where there is a need to set a number of parking spaces. Hickey suggested possibly having those not in the Mall come in and state the number of spaces they have determined they need and the Planning Board establish the required and permitted number based on the demonstrated need. Dubow was not supportive of this solution as it could be perceived as arbitrary and capricious and could lead to legal difficulties. Dubow felt minimum requirements should be set with options for an additional 20% as the Zoning Law now provides or some other designated percent with the allowable reduction in parking currently provided for in the Zoning Law. Dubow stated if there are only a few areas where new businesses with parking lots could be constructed maybe this could just run the course as Crystal's Spa and Salon did with recourse to the BZA. Curtis did not feel there was a real problem in refining the categories. Curtis also felt maybe a presumptive guideline could be established for each type of use, but allow the applicant to make a case for a different amount of parking based on the specific needs of the business. Curtis stated the law should clearly state the intent of ensuring parking is sufficient on-site and also that no more land is paved for parking than will ever be used. Dubow stated the Planning Board previously addressed the issue of parking for restaurants with and without bars and drive-thrus and adjusted the number of parking spaces accordingly.

Hickey felt the Office/Studio/Service category could be further refined as it is currently rather broad. Hickey would separate the broad category into three subcategories: Medical/Dental/Veterinary; Business or Professional Offices; and Personal Service. Hickey would recommend setting minimum requirements for each subcategory based on number of stations, number of chairs, or square footage with options on how to compute the numbers plus the allowance for an additional 20% parking spaces. Dubow stated the number of parking spaces could be based on two options such as the parking spaces per square foot or the number of spaces based on stations or number of employees. Dubow would not like to see each applicant have to present a case but would rather see some basis or standard for the number of parking spaces. Hickey felt it is only this Office/Studio/Service category that needs to be addressed. Tomei stated maybe another category needs to be added such as Other. Dubow stated there is a list included in the Zoning Law which lists specific types of businesses included under Office/Studio/Service.

Hickey and Curtis will review the Office/Studio/Service and make recommendations to the Board. Hickey asked about a category called Research/Development. Curtis would recommend new categories be added as the Village becomes aware of distinct parking needs. Dubow stated Physical Therapist was added when needed and Spa/Salon might need to be added now. Brown does not see a reason to change the law but would rather handle other situations just like Crystal's Spa and Salon was handled.

### **Cell Tower Decision:**

Hickey asked Dubow to explain why a larger municipal entity can sometimes develop property in a smaller municipal entity without complying with the laws of the smaller municipal entity. Dubow had provided copies of a recent court case for Board review. Dubow stated it used to be the general rule that government uses such as an airport or fire station were not subject to local law. Proprietary uses such as a restaurant at an airport would be subject to local law. The higher courts determined this system did not work in all cases and the facts must be looked at for each individual case. It was determined that an airport need not be subject to local law if it met certain criteria in a balancing test. It is unclear as to who performs the "balancing test for public interests", the intruding municipality or the host municipality. In Tompkins County, for the situation of a cell phone antenna located on a County owned tower on County property at the Public Safety Building it is unclear as to who has jurisdiction over which uses. Curtis stated the County is considering constructing a separate tower for the private vendors which will comply with Village regulations; they have already worked out the numbers for the drop zone. Dubow stated when the 911 Center and its tower were proposed, there were presentations made to the Village. When it became clear that complying with Village law would entail additional expense and difficulty, the County asserted their position that the project was not subject to Village jurisdiction. The tower does not currently meet the requirements of the Village laws. Similarly, in a presentation made to the Town of Ithaca about a project proposed in that municipality, the County made it clear that approaching the Town was a courtesy and that approval by the Town was not required. Dubow stated the County might also come before the Planning Board for the new proposed tower, but the County may say the County is not obligated to follow the Village laws as the "public interest" is greater. Dubow stated as things stand now the County will be coming in for a Special Permit and there is room to meet the Village requirements. Dubow stated the tower and equipment at the Sheriff's Department might also remain. Hickey stated the County did not approach the Village

when the Public Safety Building was erected , now the County is approaching the Village in the interest of intermunicipal cooperation.

Tomei asked if the tower on the Public Safety Building complies with Village law. Dubow stated it does not and was done without input from the Village.

Leopold stated if the tower is removed from the site of the Public Safety Building there might be a slightly larger tower erected at another site. Dubow stated the Village Telecommunications Law requires provision for two other party's antennas on any cell tower constructed in the Village. Dubow stated in the case of the 911 Center, the County may have had compelling security concerns in not wanting to locate other antennae on the tower even though this would go against the Village law.

#### **Millcroft Walkways:**

Hickey stated Engineer Brent Cross went over to inspect the road being built in the Millcroft Subdivision and found the walking trail being constructed was within the Village street right-of-way. Cross inquired about the surface of the trail and was told it would be crushed stone finished with stone dust. Hickey stated the problem is that a walking trail with a crushed stone surface can not be plowed. Hickey met with Cross and Mayor Hartill and a resolution was reached where Developer Bob Miller would provide a letter to the Village stating the Village will have no responsibility for plowing the walkways in the Village street rights-of-way. The letter is being reviewed by the Attorney. Hickey remembers that a meandering walkway was proposed with a stone surface to connect to the Greenway. Hickey signed the plat and was not aware a portion of it was in the Village street right of way. Curtis stated only certain places were in the Village street right-of-way. There was discussion as to what areas the Village does and does not plow and the difference in surfaces. Surfaces for trails are not specified in village law and Klepack felt there should be a policy to require trails be surfaced in asphalt rather than crushed stone. Hickey stated this would require a change in the Greenway Plan. Hickey will place this topic on the next agenda. Dubow stated it might be worth talking to the Town or City of Ithaca for additional input. Klepack will check with them.

#### **Regal Theaters:**

Curtis stated Pyramid Mall has brought in initial plans for the new theaters which will have 2400 seats with 14 screens with stadium seating. Curtis stated the mid level would accommodate handicapped ramps and seating. Curtis also stated that one projectionist could run all 14 screens. The location would be in the old Hill's space. The mall concourse currently leading to the Hills entrance will be extended all the way through the Hills space with the theaters on the right and restaurants on the other side of the concourse. There will probably be two or three larger sit-down restaurants. Hickey asked Regal people about the number of attendees at the movies and he was told 40% occupancy was a rule of thumb. Curtis stated there would be small theaters for 100-150 people as well as larger ones to hold about 400 people. They plan to start construction this summer.

#### **Applebee's Restaurant:**

Hickey stated at the last meeting that he was concerned about the slope from the reconstructed North Triphammer Road down to Applebee's Restaurant. Hickey has noted that it is now matted with burlap and the soil should remain in place even during a heavy rain.

Board members also discussed the new roadway and sidewalks into Cayuga Mall and exiting Pyramid Mall.

#### **Other Business as Time Permits:**

Brown asked about communication with the Lansing Star. Curtis stated he sends the agenda to WHCU and the Ithaca Journal as well as Trustee Larry Fresinski who places it on the web. Curtis stated he could also add the Lansing Star to his list if they so request and send him an email address or fax number.

Klepack stated she will call the City and Town of Ithaca regarding surface treatments for trails.

Hickey welcomed Tomei to the Board.

Dankert asked about the dates for the Planning Federation Conference. Curtis stated it is Oct 9-12. Interested members should contact Hickey.

Regarding sewer, Dankert stated a group from the Sewer Committee visited the three possible routes for the proposed sewer transmission lines.

**Adjournment:**

Tomei moved to adjourn at 8:42 P.M. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Tomei. Motion carried.