

**Village of Lansing
Planning Board Meeting
January 9, 2006**

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; Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis and members of the public.

Public Comment:

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

Hickey announced that he was rearranging the agenda in order to take care of the B&T Park Deli issue before focusing on the more time consuming matters before the Board this evening.

B&T Park Deli Conditions – Proposed Amendment

Hickey referred the Members to letters in their packets from John Majeroni, Director of Cornell Real Estate and Frank Carollo, Director of Marketing and Communications for Campus Life at Cornell University. The letters request an amendment to the conditions established by the Planning Board in approving the Special Permit for Ciabatta's Deli which limited hours of operation such that the deli could not open until 8:00 AM. They noted that many B&T Park employees are expected to be at their desks at 8:00 AM and would like to pick up their morning coffee and breakfast foods and still be able to get to work on time. They are requesting therefore that the deli be permitted to open at 7:30 AM. The Board agreed that the earlier opening time was consistent with the role of the deli as an accessory service for the Park and would be beneficial for employees in the Park. Klepack moved to approve the amendment, seconded by Dankert, all in favor.

Special Permit 2089, Omnipoint Communications

The next item on the agenda was Special Permit 2089, Omnipoint Communications, Inc., to construct a telecommunications facility for T-Mobile consisting of a 44 foot pole with a 10' x 16' enclosure at its base on property located at 2350 N Triphammer Rd. (current site of the McDonald's restaurant) in the Commercial Low Traffic District, Tax Parcel No. 47.1-1-17.82. The site is designed to provide in-building service coverage to malls and surrounding areas in the Village of Lansing and along Route 13.

Gerry Brophy, Wireless Communications Consultant for T-Mobile USA, presented the proposal. He noted that T-Mobile is the marketing name for Omnipoint Communications, Inc. which has an international presence, but is primarily a nationwide network with coverage in most population centers and major highways. In this area they have a coverage gap from the rock gap on Rt. 13 where Cayuga Heights Road crosses going north up Triphammer including Pyramid Mall and up Rt. 13 going east. They had expected a greater gap when earlier they were told that the County was going to construct a new tower north and east of the runway and require cell service providers to relocate to it from the existing tower at the Public Safety Building on Warren Road. The County has since decided against this relocation so that the coverage gap is a smaller area centered on the Village. The McDonald's location is a perfect location within that coverage gap providing optimal coverage with a minimum height pole. They had originally considered proposing an oversized flag pole, but then noticed there are about ten light poles on the site, each about 25' tall plus a concrete base for a total height of 27'. As their antenna needed to be only 44' high they are now proposing an oversized light pole, approximately 17' taller than the other light poles, but the same color and similar proportions with or without a light fixture at the same height as the others. McDonald's does not need additional light, but the light could be included to help disguise the pole.

Brophy referred to the application materials and explained that they had investigated other options within the "search ring" where they needed to be to fill the coverage gap. No existing buildings or structures met their needs, being

deficient in height or obstructed. They checked the Moldflow building, the old McDonald's, 2 Graham Road West, Lansing Village Place and others in the area. They even considered the water tank at the Village Office, but learned it was to be removed. They prefer to locate on existing structures where possible as it is usually cheaper and less complicated, but there was nothing in the search ring for this area that would work. It is particularly important for them to establish coverage where they are currently losing it in the rock cut on Rt. 13, and satisfying this criteria circumscribes the locations where they locate the antenna.

The McDonald's location is ideal in terms of pole height and coverage and appeared to satisfy all of the requirements of the Village Code's Zoning requirements. They had not realized, however, that the parking lot and drive lane are considered structures and as such are not permitted in the fall zone. They will design the pole to withstand the most extreme forces to which it might be exposed, and will seek whatever variance or waiver that may be required to construct the pole on this site. They have taken steps beyond disguising the antenna as a light pole to minimize the visual effect. They are proposing to install 10 blue spruce trees which are deer resistant to screen the equipment enclosure. The enclosure itself will be constructed of an earth tone stone block to better blend in with the surroundings.

Brophy introduced Mike Crosby, Senior Radio Frequency Engineer for T-Mobile, to comment on technical issues associated with the size and location of the antenna. Crosby reiterated the history of the County's concerns regarding the tower at the airport. Referencing the coverage maps included in the application material, he described the coverage hole they were trying to fill and the search ring for potential sites that derived from the nature of that hole. He noted that T-Mobile serves nearly 20 million customers and that it is critical that they provide them with reliable service. In the Lansing Village area they need to address a problem of losing service at the rock gap on Rt. 13 and in-building service throughout the Village and particularly in Pyramid Mall where they have customers. When cell technology was just starting, the FCC gave away prime band width in the 800mghz range to the two providers operating at the time. Providers like T-Mobile who came along later have had to buy band width at a much higher frequency which depends on a line of sight technology and is more vulnerable to obstructions such as trees and topography. Other potential sites in the search ring proved unsatisfactory due to such obstructions and the height required for the antenna to function as needed.

Hickey asked the Board if they had any questions at this time. There being none, he opened the Public Hearing. John Wisor of 9 Leifs Way reported that he had recently attended a community forum which had focused on "a vision of North Triphammer Road" and the notion of a Village center. He does not think that this tower fits that vision. He pointed out that the Village is currently investing a lot of money in reconstructing North Triphammer Road and implementing a vision of North Triphammer Road as a comfortable and attractive place that will be identifiable as a Village center. He would like a less obtrusive location found for such a structure even if it had to be taller. Even if this antenna is disguised and its appearance muted, he is concerned that it will set a precedent that it is okay to locate such structures in the center of the Village and other vendors will follow. Finally, he thinks the fall zone issue is a serious concern; McDonalds is a busy place and a pole falling over where there is so much foot and automobile traffic constitutes a real safety problem.

Carolyn Kenyon of 1000 Cayuga Heights Road echoed Wisor's concern about setting a precedent which might lead to a proliferation of such structures exactly where they are least appropriate and where the Village least wants them to be.

At Hickey's request, Dubow reviewed federal limitations on the discretion of the Board when considering an application for a telecommunication facility. He noted that federal regulations have established that these facilities are equivalent to public utilities entitled to the presumption of public benefit and as such preempt much local regulation. The Board can not simply deny a provider a permit to construct a facility. It can, however, consider alternative locations, require evidence of actual need, impose reasonable standards for safety and visual compatibility, etc.

There being no one else who wished to speak, Klepack moved to close the Public Hearing, seconded by Stycos, all in favor.

Hickey then led the Board through the items to be submitted and the criteria to be met for a complete application for a telecommunications facility under Village Code Section 145-60 (K) of the Village of Lansing Zoning Law. He noted

that the application had been thoroughly prepared and cross referenced back to the requirements of Section 145-60 (K), and he thanked Brophy for his efforts in this regard.. The application seemed generally complete except for 4 items where the Board wanted changes or additional information: 1) Item 8 of Part 1 of the SEAF should be amended to indicate that the proposal does not comply with the requirements of the Zoning Law in that there is a structure located within the required fall zone, and this, in turn, may require a change to item 10 to acknowledge that approval of the BZA is required in addition to that of the Planning Board; 2) Dubow needs a copy of the complete Individual Site Agreement for the McDonald's site; 3) connected with this, he also needs a copy of the Master License Agreement with Mcdonald's which is referenced in the Individual Site Agreement; and 4) the engineering design, data and calculations for the antenna and pole so that an engineer working for the Village can independently confirm that the proposed facility does not pose a safety risk to people or property that may be in the parking lot and drive lane inside the fall zone.

Hickey stated that the Board had gone as far as they could go tonight and that if the applicant could get the required information back to the Village in time to have an independent consultant review it prior to the January 31 meeting, then the Board would resume discussion of the proposal at that meeting.

Sketch Plat Review of the Bolton Estate Subdivision

The next item on the agenda was the Sketch Plan Review of the Bolton Estate Subdivision, a major subdivision by Edward Cossmore to divide one 128.10 acre lot into twenty-one residential lots from 3 acres to 11.77 acres (approx.), with residual land for recreation and infrastructure. The parcel is located on the west side of East Shore Drive just north of 1510 East Shore Drive in the Low Density Residential District, Tax Parcel Number 42.1-1-37.2.

Andy Sciarabba Jr. from T.G. Miller Engineers and Surveyors presented the plan. By way of a general overview he noted existing roads, the Bolton Point pump station and associated utilities and the general topography. The plan calls for large lots and a loop road utilizing in part the existing access road for the pump station. The road system also calls for a short cul-de-sac to eliminate the necessity for curb cuts on East Shore Drive and allow development of other lots to optimize lake views while minimizing tree removal. In the course of productive discussions involving this property and pending litigation, there have been proposals calling for construction of the loop road by one or more of the Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC) municipalities, with the owner, Ed Crossmore, assuming responsibility for the utilities and construction of the cul-de-sac. There is no formal agreement at his time, however. The ROWs will be 60'. Lots 7, 8 and 9 which are almost entirely steep slope with shallow rock will not be developed until and unless municipal sewer service becomes available. Hickey noted that construction on such lots would require a Special Permit.

Sciarabba directed the Board's attention to a matrix he had developed and provided for their packets which listed key issues associated with this development and described how they were being addressed. In addition to the issues he had already discussed, he noted that municipal water was available and would be extended throughout the development. On-site septic systems will be used until and unless municipal sewer service becomes available. Traffic will be minimal as a result of the low density of the subdivision, but restrictions will also be imposed to preclude curb cuts on East Shore Drive. Storm water management will meet Village requirements and the facilities for it will be dedicated to the Village; they are considering using some road side swales as part of the system. They are aware that the Village wants hammer head type cul-de-sac terminations, but are hoping to work with the Village and Fire Department to gain approval of a circular road termination with a grassed island.

Cross expressed concern that the cul-de-sac created additional infrastructure that the Village would need to maintain and was not really necessary as all of the lots can be accessed either from the loop road or East Shore Drive. Sciarabba again explained that the cul-de-sac permits construction of houses with good lake views on those lots without necessitating tree removal as would be the case if they could only be accessed from the loop road. It was still not clear to Cross that this was necessary. Sciarabba will also talk to the Village Superintendent of Public Works, John Courtney, about his thoughts regarding the cul-de-sac.

Klepack asked about recreation land. Sciarabba pointed out the 2.9 acre parcel known as Poison Ivy Point which would be conveyed to the Village, trail easements totaling 1.23 acres, and a trail head parking easement of .11 acres for a total of 4.3 acres. Hickey asked about expanding the trailhead parking area to include amenities like picnic tables and

benches where people could relax and enjoy a sunset or a lake view. Crossmore said it would not be a problem to increase the area. Klepack asked about access to the lake. Crossmore stated that there had been no progress in negotiating a ROW from the railroad. Dubow noted that the situation had not changed which meant that technically there is no "lawful access" across the tracks.

Cross asked about road construction details. Sciarabba said the roads would be regular country roads with no gutters, curbs, sidewalks, etc., just pavement and shoulders to Village specifications. Tomei asked if lots might be subdivided again resulting in more and smaller lots than anticipated in this plan. Crossmore stated that he would be willing to impose deed restrictions to prevent such subdivisions. Hickey reminded Sciarabba that the preliminary plat should show building envelopes for the lots where the slope was suitable for construction.

There being no further questions or comments, Klepack moved to classify the subdivision as a major subdivision, seconded by Dankert, all in favor.

Zoning Section 145-54, Parking Spaces Required – Proposed Amendment

The next item on the agenda was Proposed Local Law B (2006), Amendment to Village of Lansing Off-Street Parking Requirements. Curtis had included a memo in the Planning Board packets regarding parking for beauty salon, barber shops and similar uses in which he noted that when the Planning Board was reviewing the Special Permit application for Crystal's Spa it became evident that the current parking requirement for beauty salons, spas, barbershops and similar uses does not accurately reflect the actual peak demand such uses are likely to generate. Currently such uses are included under the broad category Office/Studio/Service along with realtors, lawyers, etc. which require one space per 200sf gross floor area. In the case of Crystal's Spa this formula underestimated potential peak demand by almost 50%. In the case of Crystal's Spa the Planning Board determined that potential peak demand can be projected with reasonable accuracy by taking the number of work stations and multiplying that by two, one tech plus one client, and then throwing in a few more for a receptionist and two or three clients waiting. In discussing the matter with Dubow they agreed that requiring 2.5 parking spaces per work station will more accurately project peak parking demand than the current formula of one space per 200 sf gross floor area. As a case in point, Gene's Barber Shop at Triphammer Mall is probably about 10' x 20' or 200 sf; there are three chairs and it is not uncommon for there to be customers in all three chairs at one time with a barber at each chair as well and three people waiting for a total of 9 people, each of whom may well have driven themselves to the Mall. Using the current formula of one space per 200 sf of gross floor area, Gene would provide one parking space; using the proposed formula of 2.5 spaces per work station, he would have to provide 8 spaces. The second calculation is a more rational and accurate reflection of potential peak demand.

In his memo, Curtis went on to point out that Village Code Section 145-54 of the Village Zoning Law pertaining to required parking does require that the applicant "provide adequate off-street parking". It goes on, however to limit the amount that can be provided to no more than "20% more than the specified amount." In the case of beauty salons and the like, however, the Planning Board has determined that the specified amount plus 20% is demonstrably inadequate.

To correct this problem, Dubow drafted a proposed local law amending Section 145-54 to require 2.5 parking spaces per work station for beauty shops, barbers, spas and related uses. He noted that in the course of making this change he realized that the use, "spa" was not included in the list of typical uses in the Office/Studio/Service category and therefore he added it. He also noticed that uses listed as being included in the Office/Studio/Service category varied within the Zoning Law and he went through it and is proposing changes that will make the list consistent throughout.

Klepack moved to recommend the Trustees approve Proposed Local Law B (2006), Amendment to Village of Lansing Off-Street Parking Requirements, as presented, seconded by Stycos, all in favor.

Approval of Minutes - November 29:

Dankert moved to approve the minutes of November 29th as revised. Seconded by Klepack. Ayes by Brown, Hickey, Klepack, Stycos and Dankert. Minutes approved.

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Reports

Tomei attended the November 21 Trustee meeting for Hickey. The meeting was almost entirely dedicated to reviewing and explaining the various proposed routes for the sewer main that would originate in the Town and traverse the

Village in order to connect to the Ithaca treatment plant. One route would follow East Shore Drive, another would go down the old railroad bed between East Shore Drive and Cayuga Heights Road, and the third route would follow Cayuga Heights Road. The meeting was well attended by members of the public and considerable opposition was voiced against using the old railroad bed as the route. The Trustees voted unanimously to recommend that the East Shore Drive route be approved provided that NYS DOT will permit the road to be closed during the entire construction period such that the cost of this option would be comparable to the others.

Hickey and Klepack attended the Public Meeting to review the Warren Road rebuild proposed for 2007. Hickey reported that a light is proposed for Bomax Drive along with a right turn lane. Right turn lanes are also proposed for Dart Drive where it intersects with Warren and for traffic turning right off of Warren onto Dart as well. Klepack suggested that a crosswalk should be striped where the B&T Park trail crosses Warren Road. Hickey will pass this suggestion on to David Putnam of TG Millers who is in contact with the County regarding this project.

Other Business as Time Permits:

Hickey reported that he had been in contact with County Planning about a Storm Water Management Gap Analysis. County Planning has been awarded a grant to employ a consultant to review municipal ordinances and identify any gaps in what is in those ordinances versus what the EPA Phase 2 Regulations require to be in the ordinances. Hickey delivered a copy of the Village Code to the County Planning office and they will contact the Village when they have completed the analysis.

Adjournment:

Klepack moved to adjourn at 9:40 P.M. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.