

**Village of Lansing
Planning Board Meeting
February 28, 2006**

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

Public Comment:

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

Appoint Tomei as Acting Member:

Next, Klepack appointed Alternate Member Mario Tomei to be an acting Planning Board member at tonight's meeting due to the absence of Board Chairman Ned Hickey.

Regal Cinema Height Amendment:

Klepack stated that the Board of Zoning Appeals will have the ultimate decision as to whether a variance is granted permitting the Regal Cinemas to exceed the Village's height restriction, but the Planning Board may give a recommendation. Klepack stated this issue was discussed two meetings ago and now additional information and photographs have been submitted.

Although it was not required, Pyramid Mall Representative, Eric Goetzmann stated it is the intention of the applicants to provide additional information to the Planning Board in response to the concerns expressed at the last meeting at which this issue was discussed. Brown stated she thought she recalled that when the 35 ft. height limit was originally proposed it was intended to be a density control. Dubow stated that if this was the case, the Board might want to discuss this further to consider making provisions in the Zoning Law regarding height limitations when density is not increased rather than requiring a variance from the BZA. Brown did not want to see the law changed but wanted the Board to consider the intent of the original height requirement. Dubow stated this is important information for the BZA to have in making their decision and should be noted in the recommendation from the Planning Board.

Jim Bold of Jim Bold Associates, the Project Manager, reviewed the narrative dated Feb. 23 from Architect Rodney Sartain which was provided to Planning Board Members prior to the meeting. The narrative supports the request for the height variance and explains the process the applicant has gone through to reduce the height of the building. Bold used photos to show views of the roof of the Cinemas with the roof top units (RTUs) as they would appear from Oakcrest Road, the Graham Road entrance and Route 13. Bold commented that in the current state, there are many units on the roofline which are visible from the parking lot. Another photo, from the Target entrance, showed the roofline and its great distance from North Triphammer Road. A photo, from the Oakcrest Fire Station, also shows the roofline from that direction and again the great distance. No photos were taken from the rear of the building, but the roof can not be seen from that direction due to the lower elevation, and this where the residences are. Additional photos showed that the height of the roof structure is 33 ft. at the highest point. Bold stated the worst case would be caused by some of the HVAC units which would be approximately 3 ft. above the 35 ft. limitation. Additional information provided in the narrative by Sartain lists where the 35 ft. height limitation would be exceeded. Bold stated that the applicants have mitigated the height problem as best they could and have gotten the overall height of the building itself without the RTUs down to around 33 feet.

Bold also provided a rendering of the façade of the building on the west side which confirmed that the projections on the roof of the building would not be visible from that perspective. Bold further stated that Regal only wants a first class state-of-the-art multiplex. This dictated design parameters that could not be reconciled with the Village's height

restrictions.

Klepack stated the Planning Board must now determine whether to recommend that the BZA grant a variance. Dubow stated the Planning Board approved at a prior meeting that the project could exceed the 35 ft. height limitation, but felt they did not have sufficient information regarding the placement of the HVAC units on the roof and their potential visibility from various perspectives. Dubow stated the applicants determined they would like to provide this additional information to the Planning Board for their review. Klepack stated she does not want to set a precedent of waiving the height requirement, but does not feel based upon the new information and photos provided that this will constitute such a precedent as it is a special case in that it can not be seen from a residential area and there are many rooftop units already there and more visible than these will be. Stycos feels this state-of-the-art cinema will provide a service to the community. Stycos is also pleased to have been provided with the additional information and that the roofline projections are broken up rather than in one long line, and therefore she would support a positive recommendation to the BZA. Dankert stated this is a special case and he would also recommend it to the BZA. Tomei stated he is in agreement with all that has been said. Stycos moved to forward this to the BZA with a positive recommendation. Seconded by Tomei. Ayes by Brown, Dankert, Hickey, Stycos and Tomei. Motion carried.

Recreation Land, Legal Rights:

Dubow provided information at the last meeting to Board members regarding exaction of recreation land. Dubow stated the Planning Board must evaluate and make findings for each subdivision as to whether land is needed for recreation in that subdivision or perhaps at another location for which monies be requested. There must be reasonable criteria for their decisions. It is important that findings be made. The Planning Board's determination that there is a need for recreation land must be fair and can not be arbitrary and capricious. The Board must determine if the community needs the parkland, how much it needs, where it should be located, and whether the public's interests are best served by requiring land be dedicated in the subdivision in question or money paid to the Village in lieu of land to provide recreation land elsewhere.

Tomei asked if the Board could request recreation land at a later time if the Board did not think it was needed at the time the subdivision was being considered. Dubow stated that the decision must be made as part of the subdivision approval. Dubow stated the Board needs to review the needs of the entire community and not just the needs of those in that particular subdivision. Klepack stated her subdivision had recreation land set aside in the form of a trail, but it was never really used as it goes nowhere and has since grown over. Dubow stated in 1996, the Zoning Law was amended to identify existing greenway areas in the Village and then to address how there could be some connection between new and existing greenway areas. Dubow stated rather than looking at obtaining the 6%, the Board should first determine the need for an amount of land as well as whether it should be in that subdivision or how to acquire recreation land in another location. Dubow stated the Board had determined in the past to require money in lieu of land from the Spitsberg Subdivision as there was little suitable land in the subdivision and the purposes of recreation could be better served by developing a connection to nearby recreation land. This money can be pooled to acquire land in the future. Dubow stated these funds must generally be used to acquire new land rather than to maintain existing parklands. Dubow stated the record must show the decision to be reasonable and practical and not arbitrary and capricious. The record should not just show that 6% was taken because that is what the law allows.

Stycos also stated that in addition to the Greenway Plan, Kathryn Wolfe had provided a report to the Village that identifies areas for open space in the Village. Curtis also mentioned development rights which can be purchased in one area and then sold in another. Dubow states there are various methods to acquire less density but this is getting outside the recreation land discussion. Dubow stated the Board can look to acquire larger parcels of land rather than smaller parks or trails. Dubow also stated municipalities must be sensitive to the land acquired as it must be developed and maintained as parkland rather than become overgrown areas that serve no public purpose.

Dankert stated Hickey asked him to include in the discussion consideration of the trail areas proposed in the Bolton Estate Subdivision. Dankert will walk the property and determine if the proposed location is a good location for a trail. Curtis will call the property owner Ed Crossmore to see if he will grant permission to walk the property. Curtis stated the land is rugged and it might not be possible to build a usable trail along a straight line as proposed. Stycos requested permission to go along on the trail walk if it can be arranged. Klepack would also like to go and to review the earlier recreation land plan by Linda Tsang.

Parking Lot Lighting Requirements:

Dankert stated when the Lighting Commission looked at the plans for the recently approved new Cardiology Associates building there were concerns as some parking lot areas would not have any lighting. Dankert and Curtis discussed if there should be some standards for required minimum lighting. Curtis stated developer Colbert would like to comply with what the Village wants, but also wants to know what the Village requirements are based on. Dankert stated he thinks that handicapped parking really needs to have lighting. Colbert has addressed light trespass, but the Board has not discussed minimum lighting standards up to this time. Curtis stated it would be useful to him to have a minimum criteria to add to the Light Guidelines for the Village. Dankert recommended waiting for the next meeting to discuss this with Hickey. Curtis provided a handout on Outdoor Lighting Design Standards which he obtained from the internet for review by the Board. Curtis will also try to dig up the Lighting Guidelines developed by Steve Halevy in 1997 and provide copies to Planning Board Members.

Regarding the Tompkins Trust Company on North Triphammer Road, Curtis noted that the light that was causing the problem has been tilted down so drivers on Sheraton Drive and N. Triphammer Road are no longer being blinded.

Cardamone's Hamlet Subdivision:

Curtis stated that residents will soon be moving in so a street name must be approved. Cardamone's first choice, Stone Creek, is not acceptable to 911, but Stone Creek Drive is. Procedurally, Dubow stated the Planning Board would normally make a recommendation to the Board of Trustees but in this case it is a private road and the Trustees have no authority in the naming of the private road. Curtis noted that the Planning Board approves the subdivision plat on which is required the names of all streets. Dankert moved to approve the street name, Stone Creek Drive. Seconded by Brown. All in favor. Curtis will inform 911 and the Post Office that this is the name of the road.

Other Business as Time Permits:

Curtis provided additional information to the Board regarding 239 Reviews.

Adjournment:

Stycos moved to adjourn the meeting at 8:40 P.M. Seconded by Tomei. Ayes by Brown, Dankert, Klepack, Stycos and Tomei. Motion carried.