

**Village of Lansing  
Planning Board Meeting  
April 14, 2008**

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 Phil Dankert, Carol Klepack, Maria Stycos and Mario Tomei; Trustee Liaison Lynn Leopold (for approx. 20 minutes); Village Attorney David Dubow; Village Engineer Brent Cross; Code Enforcement Officer Ben Curtis; and Sorel Gottfried, observing for the Community Party; members of the public.

**Public Comment:**

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

**Special Permit #2263 – 25 Cedar Lane Deck and Alterations – Public Hearing:**

The first item on the agenda was a Public Hearing to consider Special Permit #2263, John Cawley and Rachel Dunifon, to demolish an existing sunroom and shed addition and construct in their place an addition and deck for their single family house at 25 Cedar Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-48.2. Because the property includes land in the Steep Slope Conservation Combining District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

Cross reported that he had visited the property and noted that while the property does slope steeply from east to west, the site has been terraced with various levels of lawn areas and that the drainage appears to work well. The foot print of the proposed construction is very nearly the same as the existing and therefore there will be very little impact on soils and drainage patterns. Cross recommended that the project be approved with the basic erosion and sedimentation control required whenever the ground surface is disturbed.

Hickey opened the Public Hearing.

Rachel Dunifon confirmed that no excavation was proposed except two holes for deck supports. In response to a question from Tomei, she explained that they were replacing a sunroom addition with enclosed living space and reusing the sunroom foundation. As a result the area covered by roof would be unchanged and there would not be any appreciable increase in impermeable surface.

There being no one else who wished to comment, Dankert moved to close the public hearing, seconded by Stycos, all in favor.

Dubow explained that this action is exempt under SEQRA, but that Board could consider environmental impacts as part of its own review. He noted that the Engineer's report covered the

issues generally associated with steep slope development and the Board could rely on that report.

Hickey led the Board through Section 145-59E of the Village of Lansing Code, General Conditions required for all Special Permits. Dunifon confirmed that she had proof of mailing for neighboring property owners and that the addition would match the existing house. Stycos moved that the applicant had met all of the General Conditions, seconded by Tomei, all in favor.

Dankert moved the following resolution, seconded by Stycos:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT  
APPROVAL ADOPTED ON APRIL 14, 2008

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Special Permit #2263\_ John Cawley and Rachel Dunifon, to demolish an existing sunroom and shed addition and construct in their place an addition and deck for their single family house at 25 Cedar Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-48.2. Because the property includes land in the Steep Slope Conservation Combining District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code; 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), and 6 NYCRR Section 617.5, 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. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and
- D. On April 14, 2008, 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
- E. On April 14, 2008, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing

Code, 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 Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and
2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2263 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

**None.**

The vote on the foregoing motion was as follows:

**AYES: Ned Hickey, Mario Tomei, Maria Stycos, Phil Dankert and Carol Klepack**

**NAYS: none**

The motion was declared to be carried.

**Arleo Eye Institute Parking Lot Expansion**

Reuben Rogers, Representing Dr. Arleo, introduced Michael George from Haynor Hoyt, the General Contractor. Rogers explained that Dr. Arleo was requesting approval to increase the number of parking spaces at his office at 100 Uptown Road from 42 to 64 spaces. The parking has been very tight and employees have had to park along the access drive in the

back to ensure there would be enough parking spaces for patients. The doctors are getting complaints from patients having difficulty parking. When they calculated the parking load originally they lumped all of the eye technicians in with regular employees with one parking space apiece. Subsequently, they realized that some of the technicians see and treat patients in much the way that doctors do and that those technicians should have been allocated four spaces each. In Parkview Health Care Campus, the previous location of Dr. Arleo's office, the overflow was masked by spaces not being used by adjacent practices. Curtis noted that the new calculations submitted with this application suggested that the total number of employees had increased from 25 to 36. Rogers stated that he thought the number of employees was the same as before, but possibly the eye technicians had been counted twice in the revised calculations – once as an employee and again for the patients they were seeing. He will meet with the doctors and clarify the numbers. Curtis will advertise a public hearing for the next meeting on April 25<sup>th</sup> and the applicants will notify contiguous property owners. Curtis asked that the revised numbers be submitted as soon as possible to allow timely 239 review by the County.

### **Bolton Estate Subdivision –Landscape and Lighting Plans**

Dankert started the discussion with a report from the Lighting Commission on the Lighting Plan. He had met with Commission member John Courtney, Superintendent of Public Works. Courtney was concerned that the photometrics were not sufficiently detailed. He was also concerned that the housing of the photocell would make maintenance difficult. The Village is attempting to standardize lighting fixtures and selecting fixtures that are designed to facilitate maintenance. Courtney has been in contact with NYSEG and has attempted to contact Andy Sciarabba, the Project Engineer, who has been on vacation. Ed Crossmore, the Developer, indicated that he was amenable to any changes necessary to satisfy Courtney's concerns. Katherine Wolf, the Project Landscape Architect, stated that she thought the fixtures were designed for easy maintenance, but she will contact Sciarabba and Courtney to make sure they will meet the Village's requirements. She also thought that they may have provided Courtney with more detailed photometrics, but she will double check that as well.

Next, Hickey turned to the Landscaping Plan. He reviewed the Conditions of Approval for the Final Plat. He noted that the Board needed to consider existing trees to be removed, trees and shrubs to be removed and limits of disturbance. Of those, the only one not addressed was the trees to be removed. Dubow noted that limits of disturbance have been shown on the Final Plat and trees outside the limits of disturbance are protected except in the road right-of-ways. Once the road is laid out and the trees to be removed are marked, Hickey will be notified so that he and other interested Board members can get a better idea of what is being lost and to ensure parity between what is being lost and what is being planted in its place.

Wolf reviewed the proposed landscape plan. Following up on a concern expressed at an earlier meeting, she reported that the name, Swamp White Oak, is something of a misnomer in that it is not a swamp tree, but is a native species that does quite well in this sort of

environment. The landscape plan is deliberately minimalist simply accenting and building on the ecology of this site, using native species many of which are already present on the site. The cul-de-sac will be somewhat more formal with traditional tree line. The circle will be planted with clumps of shad bush which grows to around 10 feet near the center surrounded by a selection of ground cover shrubs. The circle will not require mowing or substantial maintenance. Plants have been chosen for both deer and salt resistance. A more limited expression of this basic plan will be used to landscape around the light poles.

Klepack moved that the Board approve the Landscape Plan in concept subject to final approval of the planting once it is in place and any adjustment for trees removed in the R.O.W.s is made, seconded by Tomei, all in favor. Wolf asked about the Lighting Plan. Hickey explained that that was subject to approval by the Lighting Commission and they do not need to come back to the Planning Board once they have satisfied the Lighting Commission.

### **Reports From Training Sessions**

Hickey reported that he, Stycos and Tomei had attended the State sponsored training on PUDs and Signs in Cortland on Wednesday, and that Dankert had gone to the training on Intermunicipal Planning on Thursday. Hickey said that with regard to PUDs and PDAs he had learned that if you do not have a specific reason to include them in your Zoning Law, it was better to leave them out entirely. They are complicated and can easily result in legal difficulties. If you do include them, it is important to be sure they are consistent with your Comprehensive Plan. They generally encompass at least 10 acres in size and can involve various mixtures of commercial, industrial and residential uses and a variety of configurations, densities, open space, etc. Dubow explained that a PUD or PDA essentially allows the developer to bring its own zoning plan for a particular parcel. Hickey reminded the Board that the Village had included PDAs in its Zoning Law until it encountered legal problems stemming from the PDA proposal for Sun Downs Farm and subsequently deleted the PDA from the Law. Dubow noted that if there was a proposal that the Village supported and for which a PDA was necessary, the Village could amend the Zoning Law to provide this option. Similarly, the Village can always revisit its Comprehensive Plan if circumstances warrant so doing.

With regard to the training session on signs, Stycos reported that the presentation broke sign content down into commercial and noncommercial. Noncommercial included political and other expression generally associated with free speech, and this type of content is difficult to regulate because the courts are very protective of free speech. Sign laws can address time, manner and place. Hickey added that he understood from the presentation that the Village can regulate types of signs and that if the Village did not want moving electric signs, for example, it can prohibit that type of sign regardless of content. A notable exception is billboards which are protected by federal law along designated highways like Rt. 13.

Tomei added that one thing he realized from listening to the discussion is that the Village exercises a high degree of control on projects and is able to direct in considerable detail how a project will be

constructed. The Village knows what it wants and is not easily bulldozed. Others at the workshop were not able to exercise that level of control in their municipalities.

Dankert reported that the presentation on intermunicipal planning was well done and very interesting. It dealt with communities that had such things as joint planning boards and shared services like one code officer for two municipalities. There was not much, however, that he thought would be applicable to the Village. Dubow noted that the State had made funding available to encourage municipal consolidation and shared services. Stycos asked if this might not be relevant to the prior discussion that the Planning Board had with regard to joining with the Town of Ithaca in studying the suitability of the land near the Ornithology Lab for development.

Curtis reported that he had attended the Sustainability Conference in Cazenovia and that it was an excellent information packed conference as always. Many municipalities are looking for and finding ways to contribute to energy sustainability. His day culminated in a tour of the Fenner Wind Farm which contributes to the Town of Fenner tax base, enables farmers to earn a better living while preserving farm land and contributes to renewable energy.

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

Hickey reported that he had followed up on two assignments he had taken on at the previous meeting. Following up on affordable housing he spoke with Tom LiVigne from Cornell Real Estate and learned that Cornell had received \$20 million for development and while \$10 million is going into infrastructure – roads, parking lots, etc. – the other \$10 million will be going into housing, and Cornell is very interested in affordable housing. The Cornell parcel on Uptown Road is one of the parcels they are considering and affordable housing will in all likelihood be part of the mix. Hickey noted that the Comprehensive Plan does state that there is a need for affordable housing in the Village. Hickey suggested the Planning Board might consider getting ahead of the curve by exploring any changes in the Zoning Law that might be useful tools to encourage the construction of affordable housing. Curtis noted that while the Zoning Law does not prevent the construction of affordable housing, it does not provide incentives such as the increased density discussed at the last meeting. Such incentives would require an amendment to the Zoning Law.

The second assignment Hickey followed up on was the proposal to become more involved in the Town of Ithaca's study of the undeveloped land proximate to Sapsucker Woods. Tom LiVigne confirmed that Dave Herrick from TG Millers Engineers has completed his study of the drainage of this area. Hickey will be meeting with LiVigne when Livigne returns from vacation towards the end of April.

Klepack reported that she had volunteered to be a steward for one of the Fingerlakes Land Trust properties. It is part of their process whereby they monitor and take care of the property with which they have been entrusted. Stewards walk the borders of their parcel at least once a year and make observations and prepare a report for the Land Trust on what they have observed. She wondered if the Village had considered such a process for the various parcels it had acquired over the years,

whether recreation land, donations or, more recently, storm water management practices. The Land Trust also has little tags they can attach to trees that mark the boundaries of the parcels. This might be worthwhile for Village parcels as well as it is very difficult otherwise to know exactly where they are. Curtis noted that the exact metes and bounds will appear on the various plats and offers of dedication if anyone wanted to actually mark the boundaries on the ground. Dubow cautioned that such volunteer participation carried with it some liability exposure and that the Village's insurance agent should be advised if any such process was contemplated. Carol will report back on how the Land Trust process works with regard to the concerns raised.

### **Approval of Minutes**

Stycos moved to approve the minutes of March 25<sup>th</sup> as revised. Seconded by Klepack. Ayes by Hickey, Klepack, Dankert, Stycos and Tomei. Motion carried.

### **Reports:**

*Board of Trustees:* None

### **Adjournment:**

Klepack moved to adjourn at 9:00 P.M. Seconded by Stycos. Ayes by Hickey, Klepack, Dankert, Stycos and Tomei. Motion carried.