

**Village of Lansing
Planning Board Meeting
March 9, 2009**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos,
3 Phil Dankert, Carol Klepack (arrives at 8:07) and Mario Tomei; Village Attorney David
4 Dubow; Code Enforcement Officer Ben Curtis; Trustee Liaison Lynn Leopold; Judie Ritter,
5 General Manager of Homewood Suites.

6
7 **Public Comment:**

8 Hickey opened the Public Comment Period. There being no one who wished to speak,
9 Dankert moved to close the Public Comment Period. Seconded by Stycos. Ayes by Hickey,
10 Dankert, Stycos, Klepack and Tomei. Motion carried.

11
12 **Homewood Suites Sign Proposal**

13 Hickey directed the Board's attention to the Homewood Suites sign proposal in their packets.
14 He then asked Judie Ritter, General Manager of Homewood Suites, to explain the problem
15 she references in the proposed plan of meeting NYS DOT requirements. Ritter explained that
16 the hotel had requested a way-finding sign from NYS DOT on the exit ramps for Rt.13 and
17 from the ramps south on North Triphammer toward Sheraton Drive and the hotel. The hotel
18 was informed by NYS DOT that because the way to the hotel from North Triphammer Road,
19 after exiting Rt. 13, was not clear, NYS DOT would not approve the way-finding signs from
20 Rt. 13. In order to secure the NYS DOT signage they will need a sign at the intersection of
21 Sheraton Drive and North Triphammer directing travelers to the hotel. Dankert noted that
22 there was such a sign on Warren Road directing travelers to the Courtyard Marriott in the
23 B&T Park. Hickey stated that he was researching on what basis that sign was permitted,
24 noting that Warren Road is a County Road and that B&T Park has a Planned Sign Area. A
25 directory sign was approved for the B&T park, but that would be on Brown Road, not
26 Warren Road, and would list other businesses besides the Courtyard Marriott.

27
28 Curtis stated that it is conceivable that a Planned Sign Area might include off premises way-
29 finding signs, but noted that the proposal from Homewood Suites did not meet the
30 requirements of an application for a Planned Sign Area. Discussion ensued regarding
31 whether Homewood Suites was visible from North Triphammer Road or at least as visible as
32 other destinations like the Clarion Hotel and Econolodge. Ritter stated that she could bring in
33 pictures. Curtis volunteered to drive along North Triphammer and the exit ramps from Rt. 13
34 and see how visible Homewood Suites is. Dubow noted that in the absence of an actual
35 application for a Planned Sign Area, the Board was being asked to consider a way-finding
36 sign erected off-premises in the Village's right-of-way and that the Planning Board had no
37 current authority to approve such a request. Before the Board considers this matter further,
38 they should decide on what basis they are considering it. Dubow indicated that he was not
39 sure that a Planned Sign Area could include an off-premises sign in the Village's r.o.w.
40 Curtis stated that he had reviewed the Planned Sign Area provisions and there seemed to be
41 the flexibility to permit such a sign and that the purpose of the sign seemed to fit within the
42 stated intent of the Planned Sign Area provision. He further noted that Homewood Suites
43 might be able to request an amendment to join the existing Small Mall Planned Sign Area

1 which includes the Small Mall and Maguire Automotive, and add a request that the way-
2 finding sign be added to that Planned Sign Area. In that case the Planning Board would
3 consider the request and make a recommendation to the Board of Trustees whose decision it
4 would be. Hickey suggested first taking a step back and defining exactly what a way-finding
5 sign is and where it fits in the Village's Sign Law. The Board should consider how big such
6 signs could be, what sort of content would be permitted, what colors, what criteria must be
7 met to qualify for a way-finding sign. He noted that once the Village approved one such sign
8 other businesses would request the same thing.

9
10 Hickey explained to Ritter that the issue was more complicated than he had anticipated
11 because the Board first had to come up with a definition of such signs and then a mechanism
12 and procedure for considering them. The issue has come up in the past, but has never been
13 resolved. He can not promise her that the Board can provide a quick response to her request.
14 Ritter replied that she had anticipated that the matter be might complicated and she has
15 already contacted the other businesses in her area and has their support in pursuing a way-
16 finding sign that helps not only her business, but the other businesses as well. Leopold shared
17 a picture she had taken of a way-finding sign in the State of Washington which is plain in
18 design and fairly generic in content directing people to a "hotel" or the "waterfront", etc.
19 rather than specific businesses. Ritter stated that she believed that she would need directional
20 signage specific to the Homewood Suites in order to meet the NYS DOT requirements.
21 Hickey noted that a sign that specifically referenced a single business would be counted as
22 part of the allotment of signage for that business whereas a generic way-finding sign would
23 not.

24
25 Curtis summarized stating that one approach to responding to the Homewood Suite's request
26 would be to suggest the hotel ask to be included in the Small Mall Planned Sign Area and
27 propose the off-premises sign as part of that Planned Sign Area. This would require the
28 current members of that Planned Sign Area, the Small Mall and Maguire's, agree and the
29 Planning Board recommend the amendment to the Trustees and the Trustees in turn adopt the
30 amendment. Alternatively, the Planning Board could develop an amendment to the Sign Law
31 to provide for way-finding signs and recommend the amendment to the Trustees and the
32 Trustees in turn adopt the amendment. Hickey noted that in the latter case the Planning Board
33 would have to develop parameters for such signs. Stycos asked about the sign posted near the
34 entrance into Parkview Health Care Campus listing all the doctors and showing where their
35 offices are located. Curtis responded that that is a directory sign which was permitted as part
36 of the Parkview Health Care Campus Planned Sign Area, there being no provision otherwise
37 for such a sign in the Sign Law. He noted further that the Parkview directory sign was on
38 premises whereas the proposed Homewood sign would not be on their property and instead
39 would be distant from their property and in the Village right-of-way. He suggested, however,
40 that the Planned Sign Area provisions may be flexible enough to accommodate such an off-
41 premises sign if the Village Highway Department was amenable.

42
43 Discussion ensued regarding other businesses that appeared on the DOT signs including the
44 Clarion Inn and Econolodge, and their relative visibility from North Triphammer Road. The
45 consensus was that the other businesses were visible from North Triphammer to an extent
46 that Homewood Suites is not. Curtis noted that DOT makes its own determinations and

1 authorizes signs in its right-of-way without consulting with the Village. Dubow reported that
2 the language in the Sign Law regarding Planned Sign Areas neither precludes nor specifically
3 authorizes off-premises signs and the statement of intent is not inconsistent with the request
4 before the Board. Curtis noted that Homewood Suites could join either the Small Mall
5 Planned Sign Area or the Triphammer Mall Planned Sign Area, provided the other members
6 agreed, because in either case it is a “contiguous business”. The constraints of the
7 Triphammer Mall Planned Sign Area with regard to sign design and colors would not be a
8 good fit for Homewood Suites, however. The constraints of the Small Mall Planned Sign
9 Area by comparison are very modest, involving simple tradeoffs regarding the pylon sign for
10 the Mall and more signs for Maguire in exchange for reduced size. Leopold noted that if the
11 Village permits an off-premises sign in this case, there will very likely be more requests for
12 such signs from other businesses. Hickey suggested that the Village could probably craft an
13 amendment such that it would not open the flood gates in much the same way that DOT
14 limits the number of signs at an intersection.

15
16 Hickey noted that there are other areas in the Village such as the Craft Road business park
17 and Lansing Village Place that would benefit from way-finding signage of some sort because
18 they are not very visible from North Triphammer Road. Dubow recalled that the Board’s
19 intention in earlier discussions was to explore ways to enable way-finding signage in the
20 Village’s right-of-way, but that the cost of installing and maintaining such signs would be the
21 responsibility of the business owners. Leopold added that it was also intended that the
22 Village retain control of the design of such signs. Dubow noted that the Village might work
23 within the Planned Sign Area provisions to permit and regulate such signs or develop a
24 separate category of signs and regulate when and under what conditions such signs could be
25 installed.

26
27 Hickey informed Ritter that the Board needed to do some homework before it moved ahead
28 with consideration of her request. He asked that she provide the Board with pictures of
29 Homewood Suites taken from North Triphammer Road. Curtis requested that Ritter provide
30 him with contact information for DOT so that he could request information about how their
31 sign program worked, criteria for requiring additional way-finding signs and for the design,
32 size, etc. of such signs. Ritter responded she would provide the contact information and
33 pictures. Ritter confirmed that she had spoken with other business people in her area and
34 there was general support for way-finding signs. Businesses in the Small Mall were
35 comfortable with a directional sign for the Small Mall without listing the individual
36 businesses. The owner of the Small Mall was out of town and she has not spoken with him
37 yet.

38
39 (Klepack Arrives)

40
41
42 **Dart Subdivision**

43 Hickey asked Curtis to report to the Board on a recent inquiry regarding the Dart
44 Subdivision. Curtis directed the Board’s attention to a sketch plan in their packets and stated
45 that he had received an inquiry about subdividing one of the Dart parcels to create a building
46 lot next to and west of the Kidneys’ lot on Dart Drive to be transferred to the Kidneys. He

1 recalled that the Planning Board had considered such a subdivision during the discussion of
2 the Dart Estate Subdivisions . He thought it was the Board's intent that the Kidney
3 Subdivision would be classified as a minor subdivision, but that any subsequent subdivision
4 would trigger the requirements of a major subdivision. He has been unable to locate his notes
5 on the discussion, however, and was checking with the Board to determine how they wished
6 to proceed. Hickey stated that he recalls the Board indicating that the Kidney parcel could be
7 treated as a minor subdivision without triggering the requirements for recreation land,
8 stormwater management, etc. Other members had some recollection of the discussion. Curtis
9 asked that that they give it some thought and check their notes as the proposed subdivision
10 will come before them when and if he receives a formal application.

11 12 **Cayuga Farms Townhomes**

13 Hickey directed the Board's attention to a site plan for the proposed Cayuga Farms
14 Townhomes in their packets. The proposed site of the development is along North
15 Triphammer Road north of the Village. The Town of Lansing sent the information out to
16 notify the Village and provide an opportunity to comment. It is a dense development with 27
17 buildings containing a total of 138 units on 38.2 acres. The developer apparently hopes to
18 connect to the municipal sewerage system in the Village, but it is not clear that this is
19 feasible. No action is required by the Village Planning Board.

20 21 **Walkway Update**

22 Hickey reported that he is working on the map. He has established categories of walkways to
23 be shown on the map including sidewalks and trails – soft and hard surface. He is not sure
24 how to handle road shoulders, striped and improved for pedestrian use because most of these
25 do not meet the DOT minimum 4 or 5 foot width standards. Many, however, are wide
26 enough to comfortably accommodate walkers and are currently used by walkers. He is
27 inclined to include a category of improved shoulders without designating them as walkways
28 since they do not meet the minimum DOT standards. He will not include private trails such
29 as those in the B&T Park because, while they are open to the public, it is not clear that the
30 owners want them advertised as such. He will continue working on the map and bring it to
31 the Board when it is complete.

32 33 **Zoning Review**

34 Hickey reminded the Board that tonight they would be reviewing Article II of the Zoning
35 Law (145-), the definition section. Hickey suggested they start at the top and go down the list
36 and stop anywhere someone had a comment, noting that some members may not have the
37 latest updated versions. Curtis responded that the Word versions he had recently sent out to
38 all the members by email should be up to date. Regarding the term *Alteration*, there was
39 concern that the definition was too broad, encompassing demolition, additions and relocation
40 while, on the other hand, it makes no mention of repairs. Curtis noted that the definition of
41 *building* as an enclosure for human activities would not seem to include antennas, solar
42 collectors, etc., but the definition of *accessory building* indicates that antennas, solar
43 collectors, etc. are buildings. The issue in some cases is not so much if the definition is
44 workable, but whether it is consistent with other definitions or provisions of the law.
45 Discussion ensued as to what would be considered a building and how the definitions might
46 be changed to be internally consistent and reflect the intent of the law. Some of the terms

1 have different definitions than those in the Building Code which is not necessarily a problem.
2 It was noted that due to the interrelated nature of the definitions, making changes was more
3 complicated than expected. Hickey noted that reviewing the law in such detail would make
4 the review more of a job than the Board intended. Dubow added that the Board needed to
5 consider what level of resources in terms of time, effort and money they thought it reasonable
6 to commit to this project. Hickey replied that to the extent that gross errors or changes could
7 be identified and corrected now, the exercise would be worthwhile, but the Board should not
8 get bogged down in semantics and minor details. He noted that in the course of its normal
9 operations the Board identifies problems such as the failure of the Sign Law to address way-
10 finding signs, and the Board proposes remedies to such problems at that time. It may not be
11 worth the time and money to go through the law ahead of time and try to identify every
12 potential problem and fix it before it is an issue. That may be just too big of a job for the
13 Planning Board to take on.

14
15 Curtis reminded the Board that he had been asked to check with the Town of Dryden with
16 regard to their recent experience reviewing and updating their land use laws. It was
17 interesting to learn that they had started their process in 1998. They tried involving
18 stakeholders early on and distributing surveys, but discovered that people often do not really
19 know what they want. Their greatest success came with targeted stakeholder presentations
20 like Farm Night or Business Night. They adopted their new Comprehensive Plan in 2005 and
21 hope to have the revised Zoning Law done by the end of the year. In the end, professional
22 planners played the lead role and, as a result, the new law is complicated and not easy for the
23 average person to understand.

24
25 Dubow noted that many of the potential deficiencies in the Village's Zoning Law do not
26 become real problems because the Board and staff are experienced with the Law and can
27 work around language that is inadequate or inexact. As experienced people leave and are
28 replaced by people without experience with this Law, some of the problems may become
29 more pressing. Hickey suggested that rather than going through the Law word by word, the
30 Board should try to skim through looking for more substantial problems. Tomei proposed the
31 Board set aside the questions about the term *building* and move on along as Hickey
32 suggested.

33
34 Hickey suggested adding an explanation of *variable width buffer strips* under the definition
35 of *buffer strips*. Dubow noted that the explanation appears in the section of the Law
36 pertaining to buffers. Tomei noted that under the definition of *building, residential* there is
37 reference to *one-unit residential building converted* and he recalled that the Planning Board
38 had recommended some time ago that the Law be amended to eliminate this category.
39 Dubow responded that the Trustees approved that amendment, but that there had been an
40 error in recording the change in the published code. The Village Clerk will be notified to
41 make the necessary correction. Hickey asked if a definition for *condominium* should be
42 added. Curtis replied that the Law made no provision for attached dwelling units such as
43 condominiums and townhouses, the latter of which is being built in greater numbers in the
44 past few years and also appears in the District regulations for the Shannon Park PDA. The
45 definitions have no provision for attached one and two family dwelling units which have
46 become more common in the Village. A definition could be added for *townhouse* and a note

1 added to multi-unit building that *condominiums* are a type of apartment. In the Village,
2 townhouses are essentially single family zero lot line or attached dwelling units, individually
3 sited on their own parcels, but attached to other similar units. The Zoning Law makes no
4 provision for such units in the definitions though the Board treats them as simply one-unit
5 residential buildings. Dankert asked what the difference is between a *townhouse* and a
6 *condominium*. Curtis replied that the question comes up often and the key distinction is that
7 the townhouse sits on its own parcel with a front yard and a rear yard and sometimes a side
8 yard like any one-unit residential building except it is attached on one or two sides to another
9 similar unit with a property line going down the middle of the shared wall. In Shannon Park,
10 *townhouse* is listed as a distinct permitted use, even though the term is not defined, because
11 the setbacks are inherently different than one or two family detached units in that for at least
12 one side where a townhouse is attached to another unit, the setback will be zero. A
13 condominium, however, is essentially an apartment where an individual owns from the
14 outside walls in and the building is owned by an association of the condominium owners or a
15 third party. The residents pay a fee for the costs associated with the common property which,
16 in theory, is less than market rents because they own their units. From the Village's
17 perspective they are, for all intents and purposes, apartments. Curtis will work on inserting
18 into the definition of *buildings, residential* an explanation of *townhouses* and *condominiums*.

19
20 Dubow noted that the Law currently classifies a building greater than 200 sf in area and/or 15
21 feet in height as a principle building and asked if Curtis thought that was still sound criteria
22 for current building standards. Curtis replied that occasionally a homeowner is
23 inconvenienced because the garden shed they purchased turns out to be larger than 200 sf,
24 but there is no particular logic for selecting 200 sf in the first place. It is simply a judgement
25 about character of the neighborhood and how far neighbors want what size building from a
26 given property line and 200 sf area and 15 feet height are probably as good as any criteria.

27
28 Discussion ensued about what would be considered a *group residential building*, if it
29 involved people living together as a family, and what would constitute a *family*. Dubow read
30 from an extraordinarily complicated definition of *family* from the Town of Ithaca. He
31 explained that such complicated definitions were necessary if a municipality wanted to
32 regulate group living in the wake of court decisions regarding fair treatment of "functional
33 families". He reminded the Board that they had considered redefining *family* not that long
34 ago and had decided that, while not perfect, the Village's definition had, with some effort and
35 ingenuity, sufficed. The Board had determined that it did not seem worthwhile to embark on
36 the tortuous road of revision that would be required to better express the Village's concerns
37 regarding the cohabitation of unrelated people.

38
39 Klepack noted that so far the process of reviewing the Law did not seem very productive.
40 The Board was spending a lot of time going through the Law in detail, but when all was said
41 and done leaving the Law unchanged. Hickey replied that notes were being taken and as a
42 result changes may be proposed. Dubow added that such a review is always time consuming
43 and the Board should not expect that the job can be done in a few months. The value of
44 tonight's exercise is to flag issues that may require further action. Curtis, Dubow, Hickey or
45 other interested members can then explore possible improvements. Leopold noted that in the
46 past when the Board stumbled over a problem in the Zoning Law, they paused, figured out a

1 remedy and resolved the problem at that time. That system seemed to work alright. Hickey
2 suggested that rather than go through each item, the Board consider only the items about
3 which members had questions or concerns when reading through a section. Tomei
4 commented that he was confused by the section on parking spaces. The Law states how big a
5 space must be independent of access and maneuvering space, but does not state what the
6 dimensions of the access and maneuvering space must be. Curtis responded that driveway
7 widths are addressed in a separate section on *curb cuts*, and that the Village Engineer
8 generally determines minimum widths of parking lot circulation drives based on the traffic
9 pattern and traffic safety guidelines. Hickey noted that residential properties, particularly
10 those on busy streets, need space to turn around so that they do not have to back onto or off
11 of the street, and when there are two cars or more the problem is compounded. Curtis
12 responded that the Zoning Law limits the width of the driveway in the required front yard
13 setback and limits parking within ten feet of the property line, but does not otherwise regulate
14 the area improved for maneuvering a car on residential property, Hickey suggested the Law
15 should refer the reader to the diagram in the appendix as it makes it much easier to visualize
16 the setback requirements. Curtis noted that a lot of zoning laws make greater use of
17 illustrations sprinkled throughout to make the laws easier to understand and the Village
18 might consider doing so as well.

19
20 Hickey asked why the Zoning Law defined *rooming house* as he did not think there were any
21 in the Village. Curtis stated that he would search the Zoning Law and if the term was not
22 used anywhere else, it could be deleted. Dubow noted that there is a definition for *nursing*
23 *home* and suggested this might be a point to pursue Curtis' concern about *assisted living*. If
24 the Board would like to provide for *assisted living* in the Village, it might start with a
25 definition and then consider where and under what conditions the use would be permitted in
26 the Village. Curtis noted that currently *nursing home* is included under *group residence*
27 which is permitted only in the High Density Residential and Commercial Low Traffic
28 Districts whereas there was some discussion of permitting *assisted living* in the Medium
29 Density Residential District.

30
31 Dubow noted that the Law defines *submission date* as "at least twelve days prior to the
32 regular monthly business meeting of the Planning Board" and states that the application is
33 filed with the Village Clerk. Putting aside that the Planning Board meets twice a month,
34 Curtis responded that, in fact, applications are accepted less than twelve days prior to a
35 meeting as long as the notice requirements can be met. To be complete, the fee must be
36 submitted with the application and that is received by the Village Clerk. Curtis will review
37 this definition and see if it can be easily revised to reflect actual procedures.

38
39 Hickey asked if there were any other concerns that members had with the definition section
40 of the Zoning Law. There being none he moved to refer the specific items identified to the
41 Attorney and the Code Enforcement Officer and request that they develop responses for the
42 Board to review at a later date, seconded by Dankert, all in favor. Hickey asked how the
43 Board itself wanted to proceed. After some discussion the Board agreed to review the first 16
44 Sections of Article III, General Use Regulations.

1 **Stewardship Program**

2 Referring to the her email which was in the packets, Klepack stated that she hoped to get
3 feedback from the Board as to which parcels she should have surveyed first. After some
4 discussion the Board agreed that the Edelman Parcels would be a good place to start.
5 Responding to concerns expressed by Dubow, Klepack confirmed that she was proposing to
6 simply mark the Edelman parcels as Village owned land, not recreational land. She noted that
7 outside of the trail the Village had put in, the rest of the land was mostly overgrown with
8 dense brush and not particularly inviting for recreational use. Following further discussion
9 the Board decided that after the Edelman parcel they would leave Klepack's priorities in
10 order with the Cayuga Hills Subdivision land second, followed by the McLain Subdivision
11 land starting at the end of Pembroke Lane, and then the Lansing Trails land and so on.

12
13 **Reports**

14 *Chairman* – Hickey reported that he had been approached by a local farmer with a proposal
15 to operate a farmers' market on the vacant lot in front of the YMCA. He discussed it with
16 Curtis who indicated it could operate as a Temporary Commercial Activity provided they
17 could demonstrate that there is adequate parking and safe access and egress. Intermittent uses
18 can not exceed three days per month and continuous uses can not exceed twenty-one days per
19 year. A seasonal farmers' market would probably be able to meet those requirements. The
20 market would require the written permission of the property owner and a permit, but not a
21 Special Permit. Hickey noted that Watercress was closed and they might be able to use its
22 parking lot at least temporarily, and the YMCA might be able to accommodate some
23 overflow parking if the timing was right.

24
25 *Trustees* – Tomei reported that at the March 2 meeting, John Dennis expressed the same
26 concerns regarding the Bolton Estate Subdivision that he had shared with the Planning
27 Board. They scheduled a Public Hearing on March 16 for the parking regulations local law
28 the Planning Board had recommended. They approved a Temporary Certificate of
29 Compliance for the CMA Building which is nearing completion in the Parkview Health Care
30 Campus. The Trustees have scheduled a joint meeting with the Lansing Town Board on
31 March 26. They held the budget increase to the inflation rate of 3% and they will be selling
32 the old backhoe and buying a new one. The Town is bringing sewer down from Warren Road
33 and will be hooking to the Village system for which the Village will receive payment. The
34 Stimulus money will help pay for the Warren Road upgrade and bridge repairs over Rt. 13;
35 eventually Dart Drive will become a cul-de-sac, but nobody knows when.

36
37 **Other Business as Time Permits**

38 Stycos reported that she had reviewed the Bolton Estate Subdivision Final Plat and the earlier
39 preliminary plat, and noticed that the limits of disturbance on Lot 9 increased significantly
40 from the Preliminary to the Final Plat. She can find no explanation in her notes. Hickey noted
41 that any construction on Lot 9 would require a Special Permit and that at that time the Board
42 could establish whatever limits of disturbance that seemed appropriate. There is still some
43 possibility that the confederation of the Village, the Land Trust and the County, with money
44 from the State, can buy outright the land in the sensitive area. Leopold suggested that that
45 possibility was becoming more remote even though the Village did pay for an appraisal and
46 has some money set aside for land acquisition which could be used. Hickey asked Stycos to

1 forward him an email with the details of the change in limits of disturbance and he would
2 contact the Project Engineer, Andy Sciarabba, Jr.

3
4 Curtis reported that Cornell had requested that an address be assigned to what is
5 affectionately known as the “Dog Barn” on Sapsucker Woods Road. They proposed 195.
6 Addresses on Sapsucker Woods Road, which goes through three municipalities, is a
7 hodgepodge, but 195 would be consistent with at least some of the other addresses including
8 that of the Ornithology Lab which is also in the Village. Dankert moved to authorize the
9 address 195 contingent on approval by the 911 Center, seconded by Tomei, all in favor.

10
11 **Approval of Minutes**

12 Stycos moved to approve the minutes of the February 9 & 24 meetings as amended, seconded
13 by Tomei, all in favor. Motion carried.

14
15 **Adjournment:**

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

18