

**Village of Lansing  
Planning Board Meeting  
May 26, 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, Mario Tomei and Richard Durst; Village Attorney David Dubow; Village  
4 Engineer Brent Cross; Code Enforcement Officer Ben Curtis; Trustee Liaison Lynn Leopold;  
5 and Dick Thaler from Triphammer Development, Architect Tom Schickel, and Matt Cozza for  
6 Kinney Drugs; Paul Cardon; Judie Ritter, General Manager of Homewood Suites; and Stu  
7 Grinnell observing for the Community Party.

8  
9 **Public Comment:**

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

13  
14 **Special Permit 2370, 94 Burdick Hill Road**

15 The next item on the agenda was continued discussion of Special Permit #2370, Paul Cardon,  
16 to construct a 288 sf shed for the single family house at 94 Burdick Hill Road in the Low  
17 Density Residential District, Tax Parcel Number 42.1-1-50.281. Hickey directed the Board's  
18 attention to documents in their packets submitted by Cardon indicating that Cardon had  
19 reduced the size of the proposed shed to 192sf and relocated it so that it would not be closer  
20 than 15' to his side property line. Hickey reminded the Board that the original proposal was for  
21 a larger shed closer to the side property line which would have required a variance from the  
22 Village's Board of Zoning Appeals. The Planning Board had deferred its Special Permit  
23 decision until the BZA had made a determination with regard to the variance. The reduced size  
24 of the shed resulted in it being classified as an accessory building rather than a principle  
25 building and therefore the required setback from the side property line was 15' rather than 25'.  
26 The new proposed location for the shed is at least 15' from the side property line and therefore  
27 no variance is required.

28  
29 Hickey noted that the Public Hearing for this matter had been previously opened and adjourned  
30 to this meeting. He then resumed the Public Hearing. There being no one who wished to speak,  
31 Dankert moved to close the Public Hearing, seconded by Stycos, all in favor. Dubow noted that  
32 the action is exempt under SEQRA, but the Village's requirements for proposed construction  
33 within the Drainageway Conservation Combining District obligated the Board to consider  
34 potential adverse environmental impacts that might affect the stream. Hickey stated that he  
35 would start by reviewing Section 145-59E of the Village Code, General Conditions Required  
36 for all Special Permits. In the course of the review, with regard to the action having an adverse  
37 impact on neighboring properties, Hickey pointed out that there was no one present objecting to  
38 the proposed shed. Curtis noted that he had some correspondence with John Young who had  
39 owned the neighboring property that would be most affected by the proposed action and who  
40 has transferred the property to his assistant, but retains a 50' easement along the boundary with  
41 Cardon's property. Young had objected to Cardon's original plan, but has reviewed the revised  
42 plan and indicated that he is satisfied with the new location and size of the shed. Continuing the

1 review with regard to impact on the stream, Hickey directed the Board's attention to Village  
2 Engineer Brent Cross' report as follows:

3  
4 As required for a Special Permit within 200' of stream, I have reviewed site of the proposed  
5 shed location. I have made the following observations and comments:

- 6  
7       ▪ the site is generally level, with slight grade towards the road, which is away from the  
8 adjacent stream corridor. Therefore, little (possibly no) stormwater run-off will be  
9 contributed to the stream
- 10  
11       ▪ the site is already vegetated and will not require major excavation. Therefore the  
12 possibility of erosion is minimized for both construction and permanent conditions.
- 13  
14       ▪ although the shed is relatively large compared to most tool sheds, it is still relatively  
15 small as compared to the overall size of the site and generally well vegetated  
16 surroundings.
- 17  
18       ▪ this shed should have no adverse impact on the adjacent stream. No erosion and  
19 sedimentation controls should be needed.
- 20

21 Hickey concluded the review. Stycos moved that the applicant had met all of the General  
22 Conditions, seconded by Durst, all in favor. Based on the foregoing and subsequent discussion,  
23 Dankert moved the following resolution, seconded by Tomei:

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25  
26 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**  
27 **NO. 2370 ADOPTED ON MAY 26, 2009**

28  
29  
30 **WHEREAS:**

- 31  
32 A. This matter involves consideration of the following proposed action: Special Permit  
33 #2370, Paul Cardon, to construct a 288 sf shed for the single family house at 94  
34 Burdick Hill Road in the Low Density Residential District, Tax Parcel Number  
35 42.1-1-50.281. Because the proposed construction will occur within 200' of the  
36 centerline of a stream included in the Drainageway Conservation Combining  
37 District special permit review is required pursuant to Section 145-48 of the Village  
38 of Lansing Code; and
- 39  
40 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New  
41 York State Environmental Conservation Law - the State Environmental Quality  
42 Review Act ("SEQR), and 6 NYCRR Section 617.5, hereby determines that the  
43 approval of the proposed special permit is a Type II action, and thus may be  
44 processed without further regard to SEQR; and
- 45

- 1 C. The Village Code Enforcement/Zoning Officer has determined that the proposed  
2 action is not large-scale and therefore is not subject to a full and extensive  
3 environmental review under the Village of Lansing Zoning Law; and  
4
- 5 D. On April 29, 2009, the Village of Lansing Planning Board opened a public hearing  
6 regarding the proposed action, and thereafter reviewed and analyzed (i) the  
7 materials and information presented by and on behalf of the applicant in support of  
8 this proposed action, including information and materials related to the  
9 environmental issues, if any, which the Board deemed necessary or appropriate for  
10 its review, (ii) all other information and materials rightfully before the Board, and  
11 (iii) all issues raised during the public hearing and/or otherwise raised in the course  
12 of the Board's deliberations, whereupon it was determined that certain matters  
13 needed to be clarified and an area variance would be required, thus necessitating the  
14 adjournment of the public hearing to the next regularly scheduled Board meeting on  
15 May 11, 2009 for the purpose of the applicant submitting additional information and  
16 materials; and  
17
- 18 E. On May 11, 2009, the public hearing regarding the proposed action was further  
19 adjourned to the next regularly scheduled Board meeting on May 26, 2009 pending  
20 the submission of further information and materials by the applicant; and  
21
- 22 F. On May 26, 2009, a revised site plan was submitted to the Board providing for a  
23 smaller proposed accessory structure eliminating the need for the previously  
24 required area variance, whereupon the Village of Lansing Planning Board continued  
25 the public hearing regarding the proposed action as amended, closed the public  
26 hearing, and then thoroughly reviewed and analyzed (i) all of the original and  
27 supplemental materials and information presented by and on behalf of the applicant  
28 in support of this proposed action, including information and materials related to the  
29 environmental issues, if any, which the Board deemed necessary or appropriate for  
30 its review, (ii) all other information and materials rightfully before the Board, and  
31 (iii) all issues raised during the public hearing and/or otherwise raised in the course  
32 of the Board's deliberations; and  
33
- 34 G. On May 26, 2009, in accordance with Section 725-b of the Village Law of the State  
35 of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of  
36 Lansing Code, the Village of Lansing Planning Board, in the course of its further  
37 deliberations, reviewed and took into consideration (i) the general conditions  
38 required for all special permits (Village of Lansing Code Section 145-59E), (ii) any  
39 applicable conditions required for certain special permit uses (Village of Lansing  
40 Code Section 145-60), (iii) any applicable conditions required for uses within a  
41 Combining District (Village of Lansing Code Section 145-61), and (iv) any  
42 environmental issues deemed necessary and/or appropriate;  
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1           **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**  
2  
3

- 4           1. The Village of Lansing Planning Board hereby (i) determines that the environmental  
5           information and materials submitted by the applicant and the details thereof are  
6           reasonably related to the scope of the proposed project; (ii) waives the necessity for  
7           any additional environmental information otherwise required; and (iii) finds that the  
8           proposed project will not have a significant adverse impact on the environment; and  
9  
10          2. The Village of Lansing Planning Board hereby finds (subject to the conditions and  
11          requirements, if any, set forth below) that the proposed action meets (i) all general  
12          conditions required for all special permits (Village of Lansing Code Section 145-  
13          59E), (ii) any applicable conditions required for certain special permit uses (Village  
14          of Lansing Code Section 145-60), and (iii) any applicable conditions required for  
15          uses within a Combining District (Village of Lansing Code Section 145-61); and  
16  
17          3. It is hereby determined by the Village of Lansing Planning Board that Special  
18          Permit No. 2370 is **GRANTED AND APPROVED**.

19  
20          The vote on the foregoing motion was as follows:

21  
22          **AYES: Ned Hickey, Phil Dankert, Mario Tomei, Maria Stycos and Richard Durst**

23  
24          **NAYS: None.**

25  
26          The motion was declared to be carried.

27  
28          Cardon commented at some length with regard to the practical difficulties the Village's  
29          regulations create for homeowners in his position, particularly when balanced against the  
30          negligible impact that the larger shed he originally proposed would have had. Hickey  
31          responded that the Planning Board's discretion is limited by the requirements of the law.  
32          Only the BZA has the authority to grant exceptions, in the form of variances, to the Law.

33  
34          **Kinney Drugs – Preliminary Discussion**

35          Next on the Agenda was a preliminary discussion of a proposal by Triphammer Development  
36          Corporation to reconfigure part of the entranceway and parking lot of Triphammer Mall and  
37          construct a drive-thru window for an existing retail space being converted to a Kinney Drugs  
38          store at 2255 North Triphammer Road in the Commercial High Traffic District, Tax Parcel No.  
39          46.1-6-2.32. Hickey directed the Board's attention to material in their packets describing the  
40          proposed changes. He informed the Board that he and Curtis had met twice with Dick Thaler,  
41          Secretary of Triphammer Development Corporation, and his Architect, Tom Schickel, and Matt  
42          Cozza representing Kinney Drugs to discuss the proposed reconfiguration of the entrance and  
43          the conversion of the old Homeworks space to a Kinney Drugs with a drive-thru. There were  
44          several issues that needed to be resolved – meeting the signage needs of Kinney Drugs within  
45          the limits of the Village's Sign Law and the Triphammer Mall Planned Sign Area;

1 accommodating the drive-thru without adversely affecting the traffic flow at the entrance to the  
2 mall and on Substation Alley, Sheraton Drive and North Triphammer Road; and  
3 accommodating a façade change essential to Kinney Drugs' marketing in a manner compatible  
4 with the existing Mall. Hickey added that a traffic study of all the affected intersections will be  
5 done, but the information is not yet available, and the purpose of tonight's presentation is to  
6 acquaint the Board with the proposed project; the Public Hearing, formal discussion and  
7 decisions will be deferred to the June 8 meeting.

8 Thaler stated that he had contracted Fisher Associates to act on behalf of the Village to analyze  
9 the potential impact of the proposed development on the intersections of the Mall entrance and  
10 North Triphammer Road, the drive-thru and Substation Alley, Substation Alley and Sheraton  
11 Drive, and Sheraton Drive and North Triphammer Road. Using presentation drawings, Thaler  
12 explained that he was proposing to reconfigure the entrance to the Mall to provide an additional  
13 42 parking spaces proximate to the proposed drug store, some for customers and some for  
14 employees. He intends to preserve the existing plantings by relocating them within the  
15 reconfigured entrance and within a series of new islands that will define the ring road around to  
16 the existing pylon sign. He noted that the plantings had defined the Mall and set it apart from  
17 other malls, and he is committed to preserving that distinction. The old Homeworks space will  
18 fit Kinney Drugs well with few interior modifications Kinney requires their trademark façade  
19 for easy recognition. He directed the Board's attention to elevations and pictures of the  
20 proposed façade change noting that it will be compatible with the existing building and  
21 preserve enough Kinney features to be recognizable. The façade mounted sign will use the  
22 standard colors of the Mall's Planned Sign Area – red letters outlined in black on a yellow  
23 background - rather than Kinney's trademark colors.

24  
25 Cozza introduced himself, indicating that he was formerly head of real estate development for  
26 Kinney, and now serves the same function as an independent consultant. He directed the  
27 Board's attention to photographs of existing Kinney Drugs explaining that part of the trade  
28 mark façade involves the use of an EIF system to produce a textured finish that is associated  
29 with their brand. That and a gable detail makes their stores instantly recognizable even though  
30 they may be in a mall building rather than stand alone.

31  
32 Noting that an actual traffic analysis would be available for the meeting on June 8, Thaler  
33 asked his architect, Tom Schickel, to explain how the reconfigured entrance would work.  
34 Schickel explained that his goal was to facilitate the flow of traffic into the Mall while also  
35 preserving a clear line of sight to the drive-thru window on the south face of the building. To  
36 secure the additional 42 parking spaces, he had to take some of the existing island and build  
37 additional island area to better define traffic flow. Where currently entering and exiting traffic  
38 is separated by an island, it will now be combined, and the two way traffic flow between the  
39 entrance and Substation Alley will now be one way toward Substation Alley. The combined  
40 entrance and exit way will be 25' wide; Cross suggested that a double yellow line be used to  
41 formalize the separation of traffic and it be continued around the new islands at least to the  
42 pylon sign. Directional signs will further facilitate the flow of traffic. Dankert expressed  
43 concern about the traffic exiting on to Substation Alley combined with that from the  
44 neighboring bank causing problems at the intersection of Substation Alley and Sheraton Drive.  
45 Hickey responded that the traffic consultant has been asked specifically to evaluate the

1 potential impact on that intersection. Thaler noted that new signs will also be posted directing  
2 the big semis to use Substation Alley rather than the Mall entrance.

3  
4 Thaler stated that Kinney is proposing to install a pylon sign at the entrance to the mall similar  
5 to the one that was erected at Tops Plaza. They will use the pylon to display their trademark  
6 sign with the trademark colors at around 48sf, and there will be 6 smaller panels (8.75sf) for  
7 other select tenants in the Mall. Hickey noted that the proposed sign is consistent with other  
8 mall entrance signs in the Village. He also noted that approval of the sign would require an  
9 amendment to the Triphammer Mall Planned Sign Area and would be a separate matter from  
10 the Special Permit approval. An amendment to the Planned Sign Area will require the Planning  
11 Board to review the proposal and then make a recommendation to the Board of Trustees who  
12 have the sole authority to approve or amend a Planned Sign Area. Tomei asked how this sign  
13 proposal differed from earlier proposals that had been rejected to add tenant signs to the larger  
14 time and temperature pylon. Hickey replied that this sign was compatible with other mall  
15 entrance signs in the Village, and that one objection to putting signs on the time and  
16 temperature pylon was the distraction this created for drivers.

17  
18  
19 Rather than give a formal Engineer's Report at this preliminary meeting, Cross suggested  
20 Schickel contact him and see if they could resolve his concerns prior to the June 8 meeting.  
21 Stycos expressed reservations about the compatibility of the trademark Kinney architecture and  
22 that of the existing mall. Thaler responded that using the columned overhang to extend the  
23 walkway along that side of the mall will be a good fit and that he is very concerned that the  
24 façades blend. Kinney had originally proposed tearing down the south end of the mall to  
25 construct a stand alone building, but Thaler had rejected that idea. The proposal before the  
26 Board now represents a very good compromise with Kinney becoming an inline store, but with  
27 enough trademark features to capitalize on the recognizability of a stand alone. Durst asked  
28 about stacking at the drive-thru possibly impeding traffic flow. Cozza replied that transaction  
29 times are very short because prescriptions are either phoned in or dropped off in advance and  
30 simply picked up at the drive-thru. Cross noted that there appeared to be enough stacking space  
31 for 5 or 6 cars. Cozza replied that at similar stores in places like Watertown, there are at most 3  
32 or 4 cars total, not stacked, at peak times. Responding to Stycos, Cozza confirmed that the sign  
33 on the building will match the other signs in the Mall, but there will be some blue accents on  
34 the gable. The proposed pylon sign will display the Kinney Drugs trademark colors and logo.

35  
36 Thaler stated that he will forward the traffic studies to Curtis as soon as they are available. If  
37 Board approval is forthcoming, he plans to start construction in July with an October 1 opening  
38 date. Curtis responded that he will refer the matter to the County for 239 review and advertise  
39 the Public Hearing for June 8. He provided Thaler with a packet for supplemental notification  
40 to contiguous property owners.

41  
42 **Way-finding Sign Amendment**

43 Directing the Board's attention to a proposed local law in their packets amending the Sign Law  
44 to permit a particular type of way-finding sign, Dubow reminded the Board that he had  
45 circulated a version of the proposed amendment for discussion previously and that the matter

1 had been further discussed at the joint meeting with the Trustees. He developed the version he  
2 distributed tonight, Proposed Local Law C (2009), based on those discussions. He reminded the  
3 Board that initially Homewood Suites had requested a way-finding sign at the intersection of  
4 Sheraton Drive and North Triphammer Road because such a sign is required by NYS DOT as a  
5 condition for approving Homewood Suites' application for a travel sign on Rt. 13. The  
6 supplemental sign was to be similar in appearance to the one on Rt 13 as that is what NYS  
7 DOT requires, and subject to the same general rules with regard to installation and maintenance  
8 as those for the State Sign Program. Cross noted that if such signs are 15" x 24", then the total  
9 area of the sign is 2.5sf and not 3sf as stated in the proposed law. Dubow will make that  
10 correction. The proposed law would permit such supplemental signs where required for  
11 participation in the State Program and subject to approval by the Planning Board. He has  
12 included some very general criteria, based on the General Conditions for All Special Permits,  
13 for the Planning Board to use in determining whether to approve a specific sign. He also  
14 established a procedure for processing such a sign request. He made provision for the removal  
15 of the sign in the event it is no longer required by the State. Dubow also included in the  
16 proposed amendment provision for similar directional signs in the Human Health Services  
17 District in response to requests for such signs to enable patients to more easily find their  
18 doctors in a complex of buildings similar in appearance. To be effective, such directional signs  
19 will generally need to be located in the road right-of-way and, if so, will require approval by  
20 the Village Superintendent of Public Works in the same manner as proposed for the way-  
21 finding signs discussed above.

22  
23 Hickey noted that an important concern when considering an amendment to the Sign Law has  
24 always been whether the proposed change will lead to a proliferation of signage. Hickey  
25 commended Dubow for drafting the proposed amendment with sufficiently narrow criteria that  
26 such proliferation should not occur. Tomei moved to recommend the proposed amendment to  
27 the Trustees subject to technical review by the Curtis and Cross and any technical changes they  
28 might suggest, seconded by Durst, all in favor. If Curtis or Cross have any suggested changes  
29 they will contact Dubow prior to the Trustees' meeting on June 1 so that the Trustees can, if  
30 they so decide, schedule a public hearing for their second meeting in June.

31  
32 **Bolton Estate Subdivision – MOU and Conservation Easement**

33 Hickey directed the Board's attention to a letter from Ralph Nash, the Attorney for the Bolton  
34 Estate Subdivision, explaining what the Estate intended by the "Clearing Limits" shown on the  
35 Final Plat of the Subdivision, and also to the proposed Conservation Easement document  
36 protecting the environmentally sensitive area around the cliffs in the Subdivision. He noted the  
37 documents had been previously distributed for the Board's review. Hickey anticipates meeting  
38 with Ed Crossmore, representing the Estate, and his engineer, Andy Sciarabba to develop a  
39 memorandum of understanding with regard to what activities are permitted on individual lots  
40 beyond the "clearing limits", and to determine what provisions should be included in the  
41 Conservation Easement. Tonight he is looking for guidance from the Board.

42  
43 Taking the Conservation Easement document first, Hickey suggested the Easement should  
44 extend to the drainageways as well as the cliffs. Dubow noted that some of the drainageways  
45 are included in the Conservation Easement. Hickey stated that those are the ones about which

1 he is concerned. Dubow noted that while there were prohibitions against permanent structures  
2 or improvements, there is an exception for “temporary structures or improvements that may be  
3 placed and removed without endangering the cliffs...”. The Board may want to clarify exactly  
4 what activities are contemplated under this exception.

5  
6 Turning to the letter from Nash, Hickey noted the Board has expressed concern about exactly  
7 what a property owner is permitted to do on their property outside of the “clearing limits”.  
8 Dubow explained that “clearing limits” are depicted for each of the lots, delineating a 1.5 acre  
9 area where building could occur. He also pointed out that some of the lots are subject to  
10 additional restrictions. The letter confirms that the 1.5 acres derives from the calculation of  
11 stormwater runoff and could be changed with regard to exact location without affecting the  
12 stormwater calculation as long as the gross area remained the same. Changing the location  
13 would, however, require consent and possibly additional study by NYS Office of Parks,  
14 Recreation and Historic Preservation. Hickey stated that Curtis will be creating a folder for  
15 each property in the subdivision and including in each folder documentation regarding that  
16 particular lot, a site plan showing the “clearing limits”, a copy of the Restrictive Covenants, the  
17 Conditions of Approval for the Final Plat, the Conservation Easement for properties affected by  
18 that, the letter from NYS Office of Parks, Recreation and Historic Preservation requiring  
19 additional approvals to disturb soil outside the “clearing limits”, etc. When someone comes in  
20 to develop a lot, the information about restrictions and requirements will be readily available.  
21 Cross noted that the lines defining the “clearing limits” are not described with metes and  
22 bounds and asked Curtis how he would check them against construction documents. Curtis  
23 replied that he would scale them off the plat. Hickey noted that it would be more complicated  
24 and expensive to gain approval to change the location of the “clearing limits”, but not  
25 impossible if there are compelling reasons to do so, and that is probably how it should be.

26  
27 Cross asked if there is a permitting requirement for cutting trees. Curtis replied that there is not  
28 at this time such a requirement. Dubow noted that Nash’s letter clearly indicates that they do  
29 consider tree removal to be a permitted activity outside the “clearing limits” so long as the  
30 stumps are not removed or the soil otherwise disturbed. Cross responded that Sciarabba’s  
31 stormwater runoff calculations were not predicated on cleared land regardless of whether or not  
32 the soil is disturbed. If one clear cuts a parcel and removes all of the tree cover, that alone will  
33 change the rate of stormwater discharge and affect the stormwater management plan.  
34 Stormwater calculations are based on a comparison of pre-development and post-development  
35 plans. If the pre-development plan is a 5 acre tree-covered lot and post-development is a totally  
36 cleared lot, the impact on stormwater discharge will be greater than if only 1.5 acres are cleared  
37 and the other 3.5 acres left as is. Anything that reduces the area protected by tree canopy has  
38 the effect of increasing stormwater runoff. Dubow noted that clarifying issues such as this is  
39 exactly what they hoped to accomplish at the meeting with Crossmore and Sciarabba. As a  
40 practical matter, however, it is very difficult to restrict a property owner entirely from cutting  
41 trees or brush on their property. It is particularly important therefore to clearly define the line  
42 between what is permitted and what is not. Stycos asked how the Planning Board had the  
43 authority to determine exactly which trees could be removed on the Adler property on Cayuga  
44 Hills Road if they can not do likewise on these lots. Curtis replied that the Adler lot was subject  
45 to Special Permit approval and strict vegetation removal limits, as are some of the lots in the



1 Bolton Estate Subdivision. Similarly the Garner house on Pembroke Lane was subject to  
2 Special Permit approval due to its proximity to a stream and the Planning Board was able to  
3 encourage site plan changes which preserved some of the more important trees. Had Garner  
4 opted to clear cut his site before coming in for a permit, the Village does not have the necessary  
5 legislation in place to prevent that.

6  
7 Hickey stated that Curtis would set up a meeting to clarify the issues raised tonight. Dubow,  
8 Curtis and Cross will attend and up to two members from the Board. It was agreed that Durst  
9 and Hickey will represent the Planning Board.

10  
11 **Zoning Review**

12 Hickey asked the Board if they had had an opportunity to review Appendix A of the Village's  
13 Zoning Law pertaining to PDAs. While the Zoning Law was amended in 1993 to delete  
14 authority to approve new PDAs, the original section establishing that authority and the process  
15 by which PDAs were approved and subsequently regulated was retained as an appendix as it  
16 applies to Shannon Park, the one PDA approved under the old law. Dubow noted that the value  
17 in reviewing the old provisions was to better understand the framework within which PDAs  
18 were considered and what enabling legislation might look like were the Village to decide to  
19 reauthorize PDAs as a planning tool. Hickey noted that a density bonus was included as an  
20 incentive in the original law. Stycos pointed out that the PDA could sufficiently benefit the  
21 developer without any additional incentives such as that for density. Dubow commented that  
22 these were tools included at the time the original PDA provisions were adopted. There are other  
23 tools and criteria that can be incorporated into this sort of provision. The value in reviewing  
24 this section now is to see how the law is structured and how it works. Hickey added that, for  
25 him, an important value of the review is learning what is in the Zoning Law. Moving on to  
26 Sections 145-40 and 41, Medium Density Residential and High Density Residential Districts  
27 respectively, Hickey asked the members if any had comments about anything in these sections.  
28 Hickey remarked that, by following the annotations in the Village Code, it is clear that over the  
29 years the Village has changed a lot of things in the Zoning Law and that may be why it  
30 continues to meet current needs. Hickey asked what it meant to have a 20' front yard setback  
31 for parking. Curtis replied that the intent is to limit how close to your property line you can  
32 park your car. The width of driveways is limited in the first twenty feet to limit the opportunity  
33 to park there, and he tries to limit turn-arounds to be no closer to the property line than the  
34 parking setback because the turn-arounds often become parking spaces. It is often hard to  
35 differentiate between a parking space and a driveway because people do sometimes park in  
36 their driveways.

37  
38 Hickey reminded the Board that Curtis had reported some interest in *assisted living facilities* in  
39 the Medium Density Residential District and noted that one way of permitting such a use would  
40 be adding it under 145-40D(2) as a Use Permitted With General and Additional Conditions.  
41 Dubow noted that in addition to adding the use to that section, 145-3 would need to be  
42 amended to define *assisted living facility* and Section 145-60 to state the additional conditions.

43

1 Curtis pointed out that the use *school* is permitted in both the Medium and High Density  
2 Residential Districts and noted that the definition of *school* is quite broad, including anything  
3 from a public school to a karate school.

4  
5 Hickey assigned Sections 145-42 and 43, Commercial Low Traffic and Commercial High  
6 Traffic Districts, respectively, to review for the next meeting.

7  
8 **Approval of Minutes**

9 Durst moved that the minutes for the April 29 meeting be approved as amended, seconded by  
10 Dankert, all in favor. Tomei moved to approve the minutes of May 11 as amended, seconded  
11 by Durst, all in favor.

12  
13 **Adjournment:**

14 Hickey informed the Board about upcoming business for the Board and asked members to send  
15 him their summer vacation plans so that he can ensure there is a quorum. Stycos moved to  
16 adjourn at 9:55 P.M. Seconded by Dankert. Ayes by Hickey, Dankert, Tomei, Durst, and  
17 Stycos. Motion carried.