

**Village of Lansing
Planning Board Meeting
July 28, 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 and
3 Mario Tomei; Alternate Member Candidate Lisa Schleelein; Village Attorney David Dubow;
4 Code Enforcement Officer Ben Curtis; Acting Trustee Liaison Julie Baker; and Lou Taragnoli
5 from Tops Markets; Jim Bold on behalf of Triax Management Group; and Audrey Kahin
6 observing for the Community Party.

7
8 **Public Comment:**

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

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13 **Tops Plaza Planned Sign Area Amendment**

14 Hickey directed the Board's attention to graphics in their packets showing the proposed signage
15 for the new Tops gas station. The signage on the kiosk consisted of 3' X 1' Tops signs on three
16 sides, but not the south side facing Rt. 13. On the Canopy there are proposed 3' X 8' Tops signs
17 on the side facing Pyramid Drive and on the side facing the Tops store. The signage on the pylon
18 combines two 12" x 6' panels to make a 24" X 6' panel with the price of unleaded regular gas in
19 changeable red LED numbers at the top of the tenant signs. The proposed sign will match the
20 other panels except for the size of the panel and the LED display. Curtis confirmed that he had
21 received confirmation from the owner of Tops Plaza that the landlord and other tenants approved
22 the changes to the pylon sign. Hickey noted that the Planning Board's job is to make a
23 recommendation to the Trustees whose job it is to approve or disapprove the proposed amendment
24 to the Planned Sign Area.

25
26 Curtis noted that in the earlier discussion, Tops had agreed to limit the kiosk signs to the north and
27 west sides, but the drawings showed one on the east side as well. Taragnoli responded that the sign
28 on the east side is over the door into the kiosk. Taragnoli offered to remove the sign from the east
29 side. The Board agreed, however, that it might be useful to have the sign over the entrance door.

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31 Digressing from the issue of signage, Tomei noted that, scaling off the drawings, there is only 5'
32 between the center pump island and the front of the kiosk. When he fills his tank, he usually pulls
33 about 14' beyond the pump. He questioned whether the layout might not be too tight to permit
34 fueling of larger cars at the center pumps. Taragnoli responded that using a full size drawing the
35 distance scaled out at 10' and that the cars typically angle a little away from the pumps. Tomei
36 noted that he would still find such a configuration a little tight. Taragnoli will ask their engineer to
37 take a look at it and he will get back to Curtis with an answer.

38
39 Stycos moved to recommend the proposed amendment to the Tops Plaza Planned Sign Area, as
40 depicted, to the Trustees for approval, seconded by Tomei, all in favor.

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1 **Generic PDA**

2 The next item on the agenda was discussion of a generic PDA. Hickey informed the Board that he
3 had been approached by Triax Management Group with some ideas about developing two parcels
4 they own west of the YMCA and the old Watercress Restaurant. They are considering combining
5 on the land a big box commercial outlet, senior housing and a restored wetland/community park
6 natural area. One way to accommodate such a proposal of mixed uses is through a PDA. The
7 Mayor who sat in on Triax's initial presentation gave his approval for the Planning Board to
8 propose legislation restoring in some form provision for a PDA in the Village's Zoning Law.
9 There was formerly such a provision, but after a heated battle with the developers of a proposed
10 PDA on Sun Downs Farm, the Village rescinded the provision. Hickey noted that the original
11 PDA provision is retained as an appendix in the Zoning Law as a reference for the one PDA
12 actually approved in the Village, Shannon Park. He asked if the members had had a chance to
13 review that appendix section as requested and, if so, had any questions or comments.

14
15 Stycos asked exactly what was being proposed as a big box commercial outlet. Hickey responded
16 that the big box component would be a single large commercial building with parking. The
17 development will require that displaced wetlands and drainage ways be restored on the same
18 parcel which includes a little over 10 acres of vacant land plus the parcel where the old Ballantyne
19 house stands which is a little under an acre. The senior housing would comprise about 15 units
20 laid out in an attractive site plan along Oakcrest Road. The housing would serve as something of a
21 buffer between Oakcrest Road and the commercial development and only traffic from the
22 residential development would be able to access Oakcrest Road, and the traffic for the commercial
23 development would be channeled through the Mall. Commercial traffic could not access Oakcrest
24 Road. Stycos asked what was meant by senior housing. Hickey responded that he did not envision
25 assisted living so much as independent living for people over 60.

26
27 He noted further that the discussion this evening was whether to recommend to the Trustees a
28 revised PDA provision so that such a tool could be used to facilitate a development like the one
29 being proposed. If such a provision were adopted by the Trustees then Triax would need to submit
30 a PDA proposal for the Planning Board's consideration. To that end he asked the members to
31 review the old PDA provisions as a starting point to understand how a PDA works, and how the
32 enabling legislation should be crafted to ensure that approved PDAs are consistent with the
33 Village's Comprehensive Plan and are beneficial to Village residents.

34
35 Stycos noted that in SubSection 3 D of the old PDA provisions the commercial aspects of the PDA
36 were "to be designed expressly for the service and convenience of the residents and their guests...
37 and in no case exceed 1% of the total land area of the PDA". She pointed out that the commercial
38 development in the Triax proposal was clearly not for the sole service and convenience of the
39 residents of the PDA. Dubow responded that this is why it is important to review carefully the old
40 PDA provisions as some may be well suited to the Village's current needs and others not. The
41 PDA provisions have the effect of superceding the zoning regulations for the land in question so
42 that where Commercial High Traffic uses may not be permitted on these Commercial Low Traffic
43 parcels, through a PDA such uses might be permitted in conjunction with other uses such as senior
44 housing. The conditions of such an accommodation, whether it be a limit on the percentage of the
45 parcel that could be used for High Traffic Commercial, or exclusive convenience of residents or
46 other factors deemed beneficial to the Village are what this Board must decide in recommending

1 such legislation to the Trustees. Stycos asked if the Planning Board would see a more detailed
2 proposal before being asked to make a recommendation to the Trustees. Hickey responded that at
3 this point the Mayor had indicated that the Trustees would consider generic PDA legislation, but
4 that generic legislation would need to be in place before the Planning Board could actually accept
5 an application for a PDA. Dubow added that there was nothing improper in using Triax's proposal
6 as a point of reference in determining whether a PDA might be a useful tool and, if so, how it
7 would need to be crafted to accomplish outcomes that benefited the Village. The criteria must be
8 general and not site specific to avoid spot zoning, but a requirement such as a minimum parcel size
9 of 5 or 10 acres meets this test. Hickey noted that if the Planning Board decided that the
10 flexibility permitted under PDA provisions would be useful, they can tailor those provisions
11 however they deem appropriate to accomplishing their goals. Dubow noted that Section 3 of the
12 old PDA provisions provides some guidelines and a good mission statement regarding how the
13 provisions were to be used. Hickey added that once the provisions were in place it would still be
14 up to the Planning Board to evaluate any PDA application that came in and recommend it to the
15 Trustees for approval or denial.

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17 Baker noted that as she understood the process, if the Planning Board wanted to recommend a
18 PDA be denied, they should be able to do so based on the criteria in the law, not because they
19 simply did not like the proposed PDA, and therefore getting the criteria right is very important.
20 Dubow noted that in the old PDA legislation the process included provisions such as requiring a
21 developers conference to ensure that development of the plan was a collaborative process
22 involving both the Village and the developer. Hickey asked the Board members to continue to
23 review the old PDA provisions considering how such provisions might be used now, and to be
24 prepared to recommend criteria and other provisions that should be part of any proposed law the
25 Planning Board sends forward to the Trustees.

26 27 **Bolton Estate Subdivision MOU**

28 Curtis reported that he had contacted Bolton Estate Subdivision Project Engineer Andy Sciarabba
29 and informed him of the concern that the current draft of the MOU included no language to protect
30 unusually large or otherwise significant trees. It simply permits the topping or removal of up to 4
31 trees 4" or greater in diameter per each acre of total lot size. It does not establish any upper limit
32 on the size of a tree that may be removed. He noted that he did not have a good definition of
33 "specimen tree", but suggested to Sciarabba that it might include trees 18" or more in diameter at
34 breast height, reasonably straight and healthy and of a valuable variety as opposed to fast growing
35 trash trees like trees-of-heaven or locusts. He had also informed Sciarabba that there might be
36 people in the Village that would be willing to survey the property and mark specimen trees.
37 Sciarabba discussed the matter with the developer, Ed Crossmore, and informed Curtis that
38 Crossmore was reluctant to include a provision for specimen trees because there did not seem to
39 be any objective standard for what constitutes a specimen tree. Sciarabba also noted that such a
40 provision would really only pertain to lots 2 and 3 since the others either were already protected
41 by Special Permit requirements and the Conservation Easement or were covered by scrub brush
42 and smaller trees with nothing 18" or greater in diameter at breast height. It was suggested that it
43 might be worthwhile to contact someone with expertise in trees and see if there is a good objective
44 standard for specimen trees. Stycos knows Nina Bassuk at Cornell who is an authority on trees and
45 sometimes works with the City and/or Town of Ithaca. Stycos will contact her and see if she can
46 help with a good standard for specimen trees.

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Zoning Review

Hickey stated that the assignment for the next meeting would be Sections 145-59 A thru M, Special Permits. Hickey then opened the discussion of Section 145-47, Flood Hazard Combining District, noting that he did not think the Village had much land in this District. Curtis stated that the District is limited to land between the lake shore and the railroad tracks. The boundaries are established by the Federal Flood Insurance program. He further noted that the requirements for this district are simply compliance with the Flood Insurance regulations, as set forth in Chapter 78 of the Village of Lansing Code, which are intended to minimize property loss due to floods. The regulations do not protect the shore line or address environmental concerns, nor regulate how far a dock can extend into the lake. If the Board wants to address such issues they need to look elsewhere in the code or add regulations to do so. Curtis added that the only development likely in the Flood Hazard District will be docks and boat houses, and along much of the shoreline Special Permit requirements are applicable.

Hickey moved on to Section 145-48, Conservation Combining District. He noted that this Section pertained to areas with steep slopes, drainageways and Unique Natural Areas. It includes restrictions, for example, on building on slopes greater than 25%. Stycos asked how the slopes are measured. Curtis replied that the standard is the one used by the County in producing their GIS maps and the areas are shown on the Village's Zoning Map with little red dots. If someone comes in for a building permit, Curtis simply checks the Zoning Map and if there are any red dots on the lot as it appears on the map, then the Building Permit is subject to Special Permit approval. Likewise if the map shows a stream on the lot within 200' of the proposed development or a Unique Natural Area where the development is proposed, he flags the Building Permit for Special Permit approval. In all cases the Zoning Map determines the boundaries of the Combining Districts. Dubow noted that the Planning Board does have the authority to add streams to the Drainageway Combing District even though they might not appear on the Zoning Map, and Section 145-48 does refer the reader to Section 145-25 which includes additional protection for natural drainageways including those not included in the Drainageway Combining District. Curtis noted that the Zoning Map legend currently uses only one symbol for streams which it labels "Intermittent Streams" although some clearly run year round. This should probably be corrected when the other changes are made.

Hickey noted that Section 145-49, Airport Combining District, had been deleted. Curtis added that previously the only requirement for this overlay district had been that the Village notify people developing property in the District that they were near an airport. The Village had determined that this would be more effectively done by adding the airports decibel level contour lines to the Village's Zoning Map so that prospective developers and people buying property could easily determine the likely impact of airport noise on their property. The Zoning Map is also on the Village's web page.

Hickey moved on to Section 145-50, Farm and Craft Market Combing District. Curtis explained that this district had been created in response to a couple of home occupations on East Shore Drive which argued that they needed signs to alert potential customers driving on East Shore Drive in time for those drivers to stop safely. Signs are not normally permitted for home occupations, but unlike anywhere else in the Village and particularly other residential neighborhoods, traffic in this

1 area goes 55 mph and signs seem less out of place along a highway than in a secluded residential
2 neighborhood. Curtis directed the Board's attention to SubSection C which requires that permits
3 be limited to one year with subsequent renewal contingent on a report from the Code Enforcement
4 Officer and review by the Planning Board, which seems unusually burdensome for all concerned.
5 Hickey noted that there is no such requirement for other home occupations. The Board agreed the
6 requirement should be deleted.

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8 Hickey moved on to Article V, Off-Street Parking. Curtis noted that Section 145-51 states that "all
9 parking space...must not be...in any required front, side or rear yard", which does not make sense
10 since the district regulations provide for a parking setback which is less than the yard setbacks.
11 Therefore parking is almost always going to be in a required front, side or rear yard. The Board
12 agreed this provision should be deleted. Hickey noted that this Section also provides that "open
13 parking areas for 5 cars or more must be landscaped and screened from adjoining streets. He
14 pointed out that in some areas of the Village large extended families now occupy homes and have
15 five or more vehicles, which can be an eyesore. The Village should consider how this provision
16 can be enforced. Curtis responded that generally the provision has been invoked as part of Special
17 Permit approval to require new developments to screen parking. He is not sure whether or how it
18 might be applied retroactively to existing buildings such as the University Heights Apartments,
19 but it might be worth considering.

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21 Hickey noted that Section 145-54 B, Residential Buildings, requires 2 parking spaces per dwelling
22 unit, and this might be outdated in an age where mom and dad have a car and the kids get a car
23 when they are old enough to drive. There can easily be 4 or more cars for a single house. Curtis
24 noted that, taken literally, Section 145-54 limits the number of parking spaces to the number
25 required plus 20%, meaning that no more than two spaces are permitted. The Board agreed this
26 section should probably be amended. Hickey noted that SubSection 145-54 E(a) establishes the
27 parking requirements for medical offices, and as the Board has recently learned in the Parkview
28 Health Care Campus those requirements are not always adequate for the changing field of
29 medicine. Now nurse practitioners and physicians' assistants see patients just as a doctor might,
30 and the number of parking spaces required for the same doctors office has increased. Curtis
31 recalled that when the Board considered increasing the parking in the Parkview Health Care
32 Campus they asked Project Manager Herman Sieverding if he would review the Village's parking
33 requirements for medical facilities compared to actual experience in Parkview Health Care
34 Campus and make some recommendations, and he agreed to do so. Hickey recalled that Curtis had
35 previously distributed an article on centralized or shared parking that included some interesting
36 ideas. Hickey asked Curtis to flag Section 145-54E(a) for further consideration.

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38 Hickey noted that the parking requirements are based on recommendations from planning
39 handbooks which in turn are based on studies and data from communities across the country. Such
40 data changes over time as our culture and habits change, and it is a good exercise to review the
41 requirements from time to time to see if they still work. Curtis responded that most of the numbers
42 in the Village Code seem to work OK except the medical facilities. Parking requirements for
43 beauty parlors and spas were a problem, but the Board updated those requirements to current
44 standards. Schleelein asked what was expected to happen as a result of the Board's review of the
45 Zoning Law. Hickey responded that a record was being established in the minutes, and when the
46 review is complete Curtis and Dubow will use that record as a guide to propose amendments to the

1 Zoning Law for the Board to consider recommending to the Trustees. Hickey added that the Board
2 updated the Comprehensive Plan two years ago and now is working on the Zoning Law. In
3 addition, if the Board comes across a problem in the Zoning Law in the course of their work, they
4 often recommend an amendment then and there to correct the problem.

5
6 Hickey moved on to Section 145-55, Reduced number of parking spaces required. Hickey noted
7 that this has been a very useful provision in terms of reducing the amount of pavement in the
8 Village. He added that this Section requires that land be set aside for parking in the future should
9 the need arise so that there is little risk of the provision resulting in overflow parking. Curtis noted
10 that although the Board has traditionally required that enough land be set aside to provide the
11 number of spaces required without the reduction, the language in Section 145-55 makes this
12 discretionary. He also noted that the Section stipulates that the reduction be noted on the Building
13 Permit and the Certificate of Compliance for the project, but in practice this has not been done
14 since Curtis has been with the Village. To date this has not resulted in any problems. Dubow
15 suggested that the requirement is a useful one to reduce the likelihood that an owner might put
16 permanent improvements in the area to be reserved for future parking. Without written notice
17 somewhere the chances of this happening ten or twenty years down the road are greatly increased.
18 Curtis stated that it is unlikely that he or the Board would review past Certificates of Compliance
19 in considering a new application for a Building Permit or Special Permit. Perhaps as electronic
20 record keeping advances, a warning flag could be added that would pop up if development is
21 proposed where land for future parking has been set aside. Meanwhile he will work with Dubow
22 to develop some language that can be added to Permits and Certificates.

23 24 **Approval of Minutes**

25 Stycos moved approval of the minutes of the June 30 meeting as amended, seconded by Tomei, all
26 in favor.

27 28 **Other Business as Time Permits**

29 Hickey noted that the New York Planning Federation Conference is being held in Lake Placid this
30 year from September 13 – September 15. The keynote speaker, Randall Arendt, is supposed to be
31 quite good. This is an excellent opportunity for new members to get good basic training and
32 network with other Board members from around the State. There is money in the budget for
33 members to attend. If anyone is interested, let Hickey know and he will make arrangements with
34 Village Clerk Jodi Dake.

35 36 **Reports**

37 *Trustees* – Dubow reported that the old meeting dates schedule for the Planning Board – the
38 second Monday and the last Tuesday of each month- had been restored.

39 40 **Adjournment:**

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