

**Village of Lansing
Planning Board Meeting
September 10, 2012**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman
2 Mario Tomei.

3 Present at the meeting were Planning Board Members Richard Durst, Maria Stycos, Lisa
4 Schleelein, and Phil Dankert; Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley;
5 Village Attorney David Dubow; Jeff Walters and Alvin Parker from the Lansing Fire Department; and
6 Community Party observer Kathy Yei.

7

8 **Public Comment Period**

9 Tomei opened the public comment period.

10 Parker and Walters indicated that they narrowed down the color decision to a couple of colors for
11 the roof, walls and the stone of the new Fire Department building on Oakcrest Road.

12 After a brief discussion the Planning Board indicated that they liked the color idea of the
13 burgundy roof, the beige siding, the burgundy trim, with the stone (on the lower portion of the wall
14 towards Oakcrest Road) being either the Tennessee or the Kingsford Grey.

15 Parker indicated that the garage overhead doors would be white.

16 With no one else wishing to speak from the public, Durst moved to close the public comment
17 period. Seconded by Stycos; Ayes: Tomei, Dankert, Schleelein, Stycos, and Durst

18

19 **Approval of Minutes**

20

21 Dankert moved to accept the March 27th minutes as amended. Seconded by Schleelein. Ayes:
22 Tomei, Dankert, Schleelein, Stycos, and Durst.

23 Stycos moved to accept the April 9th minutes as amended. Seconded by Schleelein. Ayes: Tomei,
24 Dankert, Schleelein, and Stycos. Abstention by Dankert

25 Dankert moved to accept the May 14th minutes as amended. Seconded by Stycos. Ayes: Tomei,
26 Stycos, and Durst. Abstention by Schleelein.

27 Schleelein moved to accept the May 29th minutes as amended. Seconded by Stycos. Ayes: Tomei,
28 Schleelein, Stycos, and Dankert. Abstention by Durst

29 Durst moved to accept the June 11th minutes as amended. Seconded by Stycos. Ayes: Tomei,
30 Schleelein, Stycos, Dankert and Durst.

31 **Training:**

32 Moseley presented training for Zoning for a Vibrant Downtown, Complete Street Design, and a
33 short update on SEQRA (State Environmental Quality Review Act). The presentation was approximately
34 1 hour and 15 minutes.
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36

37 **Continued Discussion on the CLT (Commercial Low Traffic) Changes:**

38 Tomei explained what has been discussed about possible alterations to the Zoning Law CLT
39 District uses, which can be found in the minutes of 3/27/12, 5/14/12, 5/29/12, and 6/9/12.

40 Kanter thought that the Board decided that the “undertaking” use be eliminated from the CLT
41 District.

42 Stycos agreed with Kanter and asked if there was an incinerator in an undertaking operation.

43 Schleelein thought that an undertaking operation did not have an incinerator.

44 Dankert noted that the “undertaking” could cause potential traffic congestion.

45 Dubow noted that, currently, undertaking is only permitted in CLT and the HDR (High Density
46 Residential) Districts. Dubow added that if undertaking was eliminated from the CLT District, then
47 undertaking would only be allowed in the HDR Districts.

48 Moseley noted that the “undertaking” use could be allowed with general and additional
49 conditions if the Board decided to keep it in one of the two CLT Districts under consideration. Moseley
50 added that currently if an “undertaking” use were to want to locate in the CLT or the HDR District, it
51 would be required to obtain a special permit.

52 Schleelein noted that most “undertaking” uses locate in large old structures that are aesthetically
53 pleasing, and typically do not affect anyone until the “undertaking” use involves an event. Schleelein
54 added that traffic could potentially be an issue when an event is held.

55 Moseley noted that there is no “undertaking” operation in the Village.

56 Durst noted that the use would need to have adequate off street parking when requesting special
57 permit approval.

58 Dubow noted that to exclude a use from all Zoning Districts can pose certain issues and
59 problems.

60 Moseley noted that the “undertaking” use is required to have one parking space for every 50
61 square feet of gross floor area and sufficient area for off street marshaling of a funeral process.

62 Dubow noted that the Board should constantly be reminded that there needs to be correlation
63 between what the Village Comprehensive Plan provides and what actual uses are permitted in the Zoning
64 Law. Dubow added that for every decision that is made as to Zoning Law uses that are permitted or not
65 permitted in specific areas of the Village, it potentially creates an impact and a possible change in some
66 other area that has to be made. Dubow posed that if the “undertaking” use was eliminated, would it be

67 acceptable to only allow it in the HDR District? Dubow added that a municipality may not have the power
68 to completely exclude any particular use that the municipality does not want in any area of the Village.

69 Kanter asked about the municipalities that have banned heavy industrial uses. Kanter
70 acknowledged that some federal or state law does not allow a municipality to prohibit certain uses.
71 Kanter agreed with Dubow about the impact of decisions that may affect other locations, businesses, or
72 residents of the Village. Kanter noted that changing zoning should fall into the overall review of the
73 Comprehensive Plan.

74 Dubow noted that zoning changes should be done with a record that reflects and incorporates a
75 reasonable and well thought out planning and land use concept that is to be followed.

76 Tomei noted that his objection to the “undertaking” use is the traffic issue.

77 Dubow noted that there needs to be a sound basis to exclude a particular use.

78 Durst felt that there is no reason why the current zoning would need to be changed because the
79 potential traffic affiliated with the “undertaking” use is already addressed in Chapter 145 of the Village
80 Code provisions.

81 Dubow noted that an “undertaking” use would likely be viewed as a low traffic use because
82 events do not occur every day unlike other high traffic uses.

83 Schleelein asked if the Planning Board should wait until they have their joint meeting with the
84 Trustees to discuss the current review of the Comprehensive Plan.

85 Dubow noted that there are numerous reasons why a Comprehensive Plan is updated (typical
86 review timeline, submission of proposals that might not fit into current area of the community, etc.).
87 Dubow noted that the CLT District has been the least reviewed, except for the design guidelines. Dubow
88 noted that this look into the CLT District regulations stemmed from the request to build a hotel in that
89 District, but then evolved into a larger question as to whether other uses should be evaluated and if the
90 CLT District is still consistent with the Comprehensive Plan.

91 Stycos noted that the permitted uses originally established were created using a generic model
92 that was copied from other existing zoning laws. Stycos noted that typically the Village is reactive for the
93 purposes of changing the code/zoning, but in this scenario the Village is trying to be proactive.

94 Kanter suggested making a table to fill out that would show what uses would be allowed in the
95 two proposed Districts (CLT-I and CLT-II).

96 Moseley noted that at the last meeting the Board questioned the following uses: group residential
97 and museum/public buildings. Moseley added that the discussion consisted of what Districts the Board
98 thought these uses should be located in and if some of the explanations in Section 145-82 should be
99 clarified.

100 Dubow noted that the Board may identify a use that they would like to incorporate into the
101 general and additional conditions section of 145-42.

102 Tomei noted that the “intent “section in any Zoning Law amendment to create a new District
103 providing for the proposed “transition zone” (i.e., CLT II) would be similar to the “intent” language that
104 is currently in the Zoning Law.

105 Dubow noted that this approach will likely result in there eventually being two sets of “intent”
106 language for what will be two Districts.

107 Moseley agreed with Dubow’s comment due to the two zones having different aspects. Moseley
108 noted that the CLT-II District would be a transition zone and would be somewhat similar to how the
109 current CLT language explains the intent, but the CLT-I would be the Triphammer corridor, which is
110 trying to create a more Village feel to Triphammer Road, so the intent for that area would have a separate
111 description than what is included in the CLT-II intent section.

112 Schleelein asked if the Planning Board could recommend eliminating the
113 “utility/transmission/storage plants” use in one or both of the CLT Districts.

114 Moseley indicated that the “utility/transmission/storage plant” use is most likely affiliated with a
115 governmental entity, so more than likely the Village would not be able to completely eliminate that
116 particular use.

117 Tomei noted that the “group residential” use is explained in Section 148-82, as *a club; dormitory;*
118 *fraternity or sorority house; rooming house; convalescent, old age or nursing home; adolescent or*
119 *outpatient housing. Does not include private or public hospital, motel or hotel.* Tomei added that a
120 nursing home has a different night life than what a fraternity would have and would impact the
121 neighborhood in different ways. Tomei noted that this explanation should be broken up due to the
122 different impacts on the neighboring properties. Tomei added that nursing homes and like uses could be
123 located in the transition zone.

124 Dubow asked about the District lines for the new zones.

125 Moseley indicated that there currently are properties in the CLT District that do not abut
126 residential areas. Moseley asked if the Board would make those properties part of the transition zone or
127 the corridor zone. Moseley added that the current Zoning Law Districts are divided in association with
128 certain properties in the Village and do not typically run along streets as a dividing line. Moseley added
129 that on the east side of Triphammer Road the CLT District abuts residential properties.

130 Dubow suggested looking at the Comprehensive Plan regarding what the Village envisioned for
131 the businesses near Craft Road and their impact on the residential neighboring parcels.

132 Stycos noted that some uses like the CFCU bank, on Craft Road, and Crystal’s Spa and Salon, on
133 Triphammer Road, do not produce a large amount of traffic throughout the entire day.

134 Tomei noted that any of the buildings in that area could be demolished and rebuilt with more
135 traffic intensive uses.

136 Schleelein asked if redevelopment would be a bad thing.

137 Tomei noted that that kind of redevelopment could increase traffic on Craft Road.

138 Kanter noted that currently hotels are not approved to be located in the CLT District, and they
139 may or may not be permitted to be in the CLT District in the future.

140 Stycos asked if the previous developer is still talking about an extended stay hotel.

141 Moseley indicated that it might be difficult to police the internal workings of any use, which
142 should be taken into consideration when thinking about new uses in any District.

143 Kanter asked how we would organize this topic.

144

145

146

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148 **Reports**

149 *None*

150

151 **Other Business**

152 Schleelein asked if Halloween City has been in for a permit and if the sign was the correct size.

153 Moseley indicated that they do have a valid permit and he will be visiting the site in the near
154 future to determine if the sign is the correct size according to the documents submitted.

155 Schleelein asked about a dead deer removal process for the trails that connect Lansing Trails I to
156 Wakefield/Churchill Drive.

157 Moseley indicated that if there is a dead deer found on Village property or easements that one
158 should call the DPW and report it.

159 Tomei noted that the Planning Board will not meet on September 25th and would like to know
160 what dates are available for other members.

161 After further discussion, the Planning Board determined to move their meeting date from
162 September 25th to September 19th.

163 Dubow asked if there was any business that was to be scheduled for the September 19th meeting.

164 Moseley indicated that HOLT Architects would most likely be coming in to obtain final approval
165 for the landscaping plan for 2435 North Triphammer Road.

166 Schleelein moved to cancel the meeting on September 25th and reschedule it for September 19th if
167 there is business. Seconded by Dankert; Ayes: Tomei, Dankert, Schleelein, Stycos, and Durst.

168 Dubow provided Proposed Local Law E to the Board members for review and comment if
169 necessary. Dubow noted that this topic and general provisions regarding renewal of previously approved
170 special permits for Temporary Commercial Activities were discussed at a previous meeting, and he has

171 now formalized the proposed provisions and incorporated them into the typical and required local law
172 format for Board of Trustees evaluation and possible approval.

173 Proposed Local Law E is as follows:

174

175 *PROPOSED LOCAL LAW E (2012)*

176

177 *AMENDMENT TO VILLAGE OF LANSING CODE – ZONING LAW*

178

179 *Be it enacted by the Board of Trustees of the Village of Lansing as follows:*

180

181 *SECTION I. PURPOSE & INTENT.*

182

183 *It is the purpose and intent of this local law to amend Chapter 145 (entitled “Zoning”) of the Village of Lansing*
184 *Code so as to establish procedures for the renewal of previously approved special permits for Temporary*
185 *Commercial Activities by either administrative action of the Village Code and Zoning Officer or by action of the*
186 *Village Planning Board; and to amend accordingly the provisions in Section 145-59 [entitled “Special Permits”] of*
187 *said Chapter 145 of the Village of Lansing Code so as to add a new subsection “G” of said Section 145-59.*

188

189 *SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.*

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191

192 *Section 145-59 [entitled “Special Permits”] of Chapter 145 [entitled “Zoning”] of the Village of*
193 *Lansing Code is hereby amended so as to add a new subsection “G” to read in its entirety as*
194 *follows:*

195

196 ***G. Renewal of Special Permits for Temporary Commercial Activities.***

197

198 ***(1) The Village Code and Zoning Officer shall have the administrative***
199 ***authority to grant approval for the renewal of a previously approved***
200 ***Special Permit for a Temporary Commercial Activity. No renewal of such a***
201 ***previously approved Special Permit for a Temporary Commercial Activity***
202 ***shall be considered unless and until the party seeking such renewal submits***
203 ***an application therefor setting forth information and material(s) regarding***
204 ***such proposed amendment satisfactory to the Village Code and Zoning***
205 ***Officer, together with a fee in an amount consistent with the applicable***

206 *required fee for a building/land use or Special Permit as set forth in §145-*
207 *57 D above. If the proposed Special Permit renewal application material(s)*
208 *is/are determined sufficiently adequate, satisfactory and acceptable to the*
209 *Village Code and Zoning Officer, he/she may act upon such application*
210 *and grant approval thereof administratively, in which case the application*
211 *material(s) shall not be required to be referred to the Planning Board, nor*
212 *shall the renewal application need to be referred or submitted to the*
213 *Tompkins County Planning Department and neighboring municipalities in*
214 *accordance with General Municipal Law Sections 239 -l, -m and -nn. If,*
215 *however, the Village Code and Zoning Officer determines that the renewal*
216 *application material(s) is/are sufficiently adequate, satisfactory and*
217 *acceptable to the Village Code and Zoning Officer, but that further and*
218 *more extensive review and evaluation should be undertaken by the Village*
219 *Planning Board, such renewal application shall be referred to and*
220 *considered and acted upon by the Village Planning Board as a minor*
221 *special permit amendment as provided for in § 145-59 F(2) above.*
222

223 (2) *In the event the party seeking the Special Permit renewal for the*
224 *Temporary Commercial Activity substantively alters said application*
225 *material(s) from what was previously approved by the Planning Board,*
226 *approval for the renewal request shall be deemed to be a new and separate*
227 *special permit application and shall be acted upon in accordance with all*
228 *Special Permit provisions and procedures set forth in § 145-57 and this §*
229 *145-59.*
230

231 SECTION III. SUPERSEDING EFFECT.

232 All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict
233 with the provisions of this local law are hereby superseded to the extent necessary to give this local law
234 full force and effect.

235
236 SECTION IV. VALIDITY.

237 The invalidity of any provision of this local law shall not affect the validity of any other provision of
238 this local law that can be given effect without such invalid provision.

239 SECTION V. EFFECTIVE DATE.
240

241 *This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10)*
242 *days after publication and posting as required by law; provided, however that it shall be effective from*
243 *the date of service as against a person served with a copy thereof, certified by the Village Clerk, and*
244 *showing the date of its passage and entry in the Minutes of the Village Board of Trustees.*

245 **Adjournment**

246 Durst moved to adjourn at 10:00 PM. Seconded by Dankert; Ayes: Tomei, Dankert, Schleelein, Stycos,
247 and Durst.

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