

**Village of Lansing
Planning Board Meeting
April 29, 2014**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman
2 Mario Tomei.

3 Present at the meeting were Planning Board Members: Maria Stycos, Phil Dankert, Jon Kanter;
4 Lisa Schleelein; Code Enforcement Officer, Marty Moseley; Trustee Liaison, Patricia O'Rourke; Village
5 Resident, John Gillott; Bob Barns from the Triphammer Marketplace; Julie Stone and Steve Carvell; and
6 multiple residents from the Shannon Park area.

7 Absent: Alternate Member, Deborah Dawson

8 **Public Comment Period**

9 Tomei opened the public comment period. With no one wishing to speak, Schleelein moved to
10 close the public comment period. Seconded by Stycos; Ayes by Tomei, Dankert, Stycos, Kanter, and
11 Schleelein.
12

13 **Triphammer Marketplace Farmers Market Special Permit:**

14 Tomei opened the public hearing to consider:

15 **Special Permit** No. 2862 Triphammer Development Cooperation, to Seasonal Use, at 2255 North
16 Triphammer Road in the Commercial High Traffic District, Tax Parcel Number 46.1-6-2.32. Because the
17 operation of the Seasonal Use would occur within the Commercial High Traffic District, Special Permit
18 review is required pursuant to Section 145-58(c) of the Village of Lansing Code

19 Tomei indicated that the current Village Zoning Law only allows for a Farmers Market to operate
20 between May 1st to September 30th.

21 Barns indicated that there will be about 20 vendors taking part in the Farmers Market at the
22 Triphammer Marketplace, including the fish truck. Barns indicated that his staff would clean the site after
23 the event, and the hours of operation are every Friday from 8AM to 2PM. Barns noted that there would be
24 two "A-frame" signs. One sign would be placed on Triphammer Road and one would be placed near the
25 Mall entrance area. The signs are approximately 6 square feet each.

26 Tomei noted that the Village has received the required review in accordance with NYS General
27 Municipal law 239-land -m from the Tompkins County Planning Department, which indicated that there
28 were no negative intercommunity or county-wide impacts.

29 The Planning Board worked through the Short Environmental Assessment Form (EAF). After discussion,
30 the Board filled in the appropriate areas and made some minor modifications, to the form, prior to
31 determining that the proposed action will not result in any significant adverse environmental impacts.

32 Dankert moved the following SEQR resolution:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL
PERMIT NO. 2862 ADOPTED ON APRIL 29, 2014

Motion made by: Phil Dankert

Motion seconded by: Maria Stycos

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Special Permit No. 2862 Triphammer Development Cooperation, to Seasonal Use, at 2255 North Triphammer Road in the Commercial High Traffic District, Tax Parcel Number 46.1-6-2.32. Because the operation of the Seasonal Use would occur within the Commercial High Traffic District, Special Permit review is required pursuant to Section 145-58(c) of the Village of Lansing Code; and*
- B. *On April 29, 2014, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) determined that the proposed action provided for herein is an Unlisted Action in accordance with SEQR; (ii) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review [including any Visual Environmental Assessment Form deemed required, and comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m]; (iii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iv) completed the Short EAF, Part 2);*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

67 1. *The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF,*
68 *Part 1, and any and all other documents prepared and submitted with respect to this*
69 *proposed action and its environmental review [including any Visual Environmental*
70 *Assessment Form deemed required, and comments and recommendations, if any, provided by*
71 *the Tompkins County Department of Planning in accordance with General Municipal Law*
72 *Sections 239-l and -m], (ii) its thorough review of the potential relevant areas of*
73 *environmental concern to determine if the proposed action may have a significant adverse*
74 *impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c),*
75 *and (iii) its completion of the Short EAF, Part 2, including the findings noted thereon (which*
76 *findings are incorporated herein as if set forth at length), hereby makes a negative*
77 *determination of environmental significance (“**NEGATIVE DECLARATION**”) in*
78 *accordance with SEQR for the above referenced proposed action, and determines that an*
79 *Environmental Impact Statement will not be required; and*

80
81 2. *The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and*
82 *directed to complete and sign as required the Short EAF, Part 3, confirming the foregoing*
83 ***NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be*
84 *attached to and made a part of this Resolution.*

85

86

87 *The vote on the foregoing motion was as follows:*

88

89 *AYES: Mario Tomei, Jon Kanter, Maria Stycos, Phil Dankert, and Lisa Schleelein*

90

91 *NAYS: None*

92

93 *The motion was declared to be carried.*

94 There being no further input from the public, Stycos moved to close the public hearing. Seconded by
95 Schleelein; Ayes by Tomei, Schleelein, Dankert, Kanter, and Stycos.

96 Tomei read the general conditions for special permits, section 145-59E.

97 Moseley noted that he has received the proof of mailings from the applicant as required by the Village
98 Code.

99 Kanter moved that all general conditions, in accordance with section 145-59E, have been met. Seconded
100 by Dankert; Ayes by Tomei, Schleelein, Dankert, Kanter, and Stycos. Kanter moved the following special
101 permit resolution with conditions:

102
103 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2862*
104 *ADOPTED ON APRIL 29, 2014*

105
106
107 *Motion made by:* _____ *Jon Kanter* _____

108
109 *Motion seconded by:* _____ *Maria Stycos* _____

110
111 **WHEREAS:**

- 112
113 A. *This matter involves consideration of the following proposed action: Special Permit No.*
114 *2862 Triphammer Development Cooperation, to Seasonal Use, at 2255 North*
115 *Triphammer Road in the Commercial High Traffic District, Tax Parcel Number 46.1-6-*
116 *2.32. Because the operation of the Seasonal Use would occur within the Commercial*
117 *High Traffic District, Special Permit review is required pursuant to Section 145-58(c) of*
118 *the Village of Lansing Code; and*
119
120 B. *On April 29, 2014, the Village of Lansing Planning Board opened a public hearing for*
121 *the initial purpose of (i) eliciting public comment on environmental issues regarding this*
122 *proposed action, and (ii) reviewing and evaluating the materials and information*
123 *presented by and on behalf of the applicant in support of this proposed action; and*
124
125 C. *On April 29, 2014, the Village of Lansing Planning Board, in performing the lead agency*
126 *function for its independent and uncoordinated environmental review in accordance with*
127 *Article 8 of the New York State Environmental Conservation Law - the State*
128 *Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short*
129 *Environmental Assessment Form (the “Short EAF”), Part 1, any and all other documents*
130 *prepared and submitted with respect to the proposed action and its environmental review*
131 *[including any Visual Environmental Assessment Form deemed required, comments and*
132 *recommendations, if any, provided by the Tompkins County Department of Planning in*
133 *accordance with General Municipal Law Sections 239-l and -m]; (ii) reviewed*
134 *environmental related comments from the public; (iii) completed its thorough analysis of*
135 *the potential relevant areas of environmental concern to determine if the proposed action*
136 *may have a significant adverse impact on the environment, including the criteria*
137 *identified in 6 NYCRR Section 617.7(c); (iv) completed the Short EAF, Part 2; and (v)*

138 *made a negative determination of environmental significance (“Negative Declaration”)*
139 *in accordance with SEQOR for the proposed action and determined that an Environmental*
140 *Impact Statement would not be required; whereupon, having completed the SEQOR review*
141 *and having made its SEQOR determination, it was established that the special permit*
142 *application was complete; and*
143

144 *D. On April 29, 2014, the Village of Lansing Planning Board thereafter continued the public*
145 *hearing on the proposed action and further reviewed and analyzed (i) the materials and*
146 *information presented by and on behalf of the applicant in support of the proposed*
147 *action, including any additional information and materials related to environmental*
148 *issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all*
149 *other information and materials rightfully before the Board [including comments and*
150 *recommendations, if any, provided by the Tompkins County Department of Planning in*
151 *accordance with General Municipal Law Sections 239-l and –m], (iii) all issues raised*
152 *during the public hearing and/or otherwise raised in the course of the Board’s*
153 *deliberations, and (iv) possible modifications and/or conditions that might be imposed in*
154 *conjunction with any special permit approval to be granted, whereupon, the public*
155 *hearing was closed; and*
156

157 *E. On April 29, 2014, in accordance with Section 7-725-b of the Village Law of the State of*
158 *New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing*
159 *Code, the Village of Lansing Planning Board, in the course of its further deliberations,*
160 *reviewed and took into consideration (i) the general conditions required for all special*
161 *permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions*
162 *required for certain special permit uses (Village of Lansing Code Section 145-60), and*
163 *(iii) any applicable conditions required for uses within a Combining District (Village of*
164 *Lansing Code Section 145-61);*
165

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

167
168 *1. The Village of Lansing Planning Board hereby finds (subject to the conditions and*
169 *requirements, if any, set forth below) that the proposed action meets (i) all general conditions*
170 *required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*
171 *applicable conditions required for certain special permit uses (Village of Lansing Code*
172 *Section 145-60,), and (iii) any applicable conditions required for uses within a Combining*
173 *District (Village of Lansing Code Section 145-61); and*

174
175 *2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.*
176 *2862 is **GRANTED AND APPROVED**, subject to the following conditions and*
177 *requirements:*
178

- 179 a. *Required permits, approvals, consents and other authorizations from all applicable*
180 *Federal, State, County and local governmental and regulatory agencies shall be*
181 *obtained, maintained and complied with for all permitted improvements, operations*
182 *and activities as authorized by this special permit approval, and such improvements,*
183 *operations and activities shall at all times comply with all applicable Federal, State,*
184 *County and local laws, codes, rules and regulations.*
185 b. *The permit shall be valid for operation between the dates of May 2, 2014 and*
186 *September 26, 2014.*
187 c. *The location of the temporary “A-Frame” signs shall be designated on the site map*
188 *provided and as approved by the Village Zoning Enforcement Officer*
189
190
191
192

193 *The vote on the foregoing motion was as follows:*

194

195 *AYES: Mario Tomei, Jon Kanter, Maria Stycos, Phil Dankert, and Lisa Schleelein*

196

197 *NAYS: None*

198

199 *The motion was declared to be carried.*

200 **Stone Home Occupation for 21 Beckett Way:**

201 Tomei opened the public hearing to consider:

202 **Special Permit** No. 2863 Julie Stone, to operate a home occupation consisting of hair salon at 21
203 Beckett Way, located in the Shannon Park Planned Development Area, Tax Parcel Number
204 47.1-6-10. A Special Permit is required pursuant to section 145-39.1 D (3).

205 Stone indicated that she has submitted a request to operate a hair salon home occupation at 21
206 Beckett Way to be able to spend more time with her young daughter. She would also have a part-time
207 employee who would work two days per week. Stone indicated that she would work when her daughter is
208 at school. Stone added that the home occupation would not be the same scenario as her business in Ithaca.
209 Stone noted that, at most, she would only have two cars in the driveway at one time.

210 Kanter wanted to disclose that he does currently live in the Stone Creek development near
211 Shannon Park, but he felt that he could remain unbiased in his decisions with respect to this topic.

212 Stycos recused herself due her relationship with the applicant.

213 Tomei indicated that there are still four Planning Board members, which constitutes a quorum.

214 Stone added that there would be no cars parking on the road and that there is adequate parking in
215 the rear of the property.

216 The Board asked about trash and recycling, if the house would need renovations for the home
217 occupation, and the hours of operation.

218 Stone indicated that there would be no renovations needed and that her clients could come in a
219 separate entrance that already exists in the house. Stone added that she would have containers, similar to a
220 typical house, for the trash and recycling. Stone indicated that the hours of operation would be from
221 10AM to 5PM and no weekends.

222 Tomei reminded the Board that the ten General Conditions from Section 145-59E and the
223 Additional Conditions from Section 145-60D. for home occupations are applicable for this special permit,
224 which were read by Tomei. Tomei added that no product could be sold from the home occupation that is
225 not made within the structure. Tomei noted that there were numerous emails that have been sent to the
226 Board by the neighbors within the Shannon Park community. Tomei added that the Village does not
227 enforce the restrictive covenants that property owners and homeowners associations may or may not
228 have.

229 There were numerous Shannon Park residents that expressed concerns over the home occupation
230 request, which included comments indicating that the home occupation would: change the character of the
231 neighborhood; alter the way of life for the existing residents; create a dangerous situation for the children,
232 walkers, and bicyclists of the neighborhood; increase vehicle traffic. Questions were raised as to: who
233 would monitor the home occupation to ensure that it is in compliance with the special permit
234 requirements; would there be enough parking; would there be vehicle parking on the street; would the
235 home occupation create a choke point for vehicles on Beckett Way; would there would be an
236 environmental impact of air pollution and ground water contamination; would the existing visibility at the
237 intersection of Beckett Way and Cayuga Heights Road be a problem; and would the additional traffic
238 from the home occupation increase the likelihood of a traffic accident.

239 Another resident from the Shannon Park neighborhood added a concern about the impact of
240 additional vehicles on the children walking from the school bus, which drops the children off at the
241 Beckett Way and Cayuga Heights Road intersection.

242 One resident from the Shannon Park neighborhood asked what would happen if the applicant
243 does not buy the house, would the current owner of the property be allowed to operate a home occupation
244 if the Special Permit was approved by the Board.

245 A prospective buyer into the Shannon Park neighborhood indicated that they may not move
246 forward with purchasing the house located at 1 Beckett Way if this home occupation were to be approved.

247 The residents of Shannon Park asked about the hours of operation, days of the week that the home
248 occupation would be operating, if the occupation would be operating during the summer, and would the
249 employee be a full time employee or an independent contractor for haircutting.

250 One resident from the Shannon Park neighborhood noted that he has a commercial occupation in
251 a commercial district and he has kept that separate, but he could save a lot of money if he were to
252 combine it with a home occupation.

253 Tom Bishop from 27 Beckett Way asked where home occupations are permitted.

254 Moseley indicated that they are permitted in the Low Density Residential District, the Medium
255 Density Residential District, the Shannon Park PDA, the High Density Residential District, and the
256 Commercial Low Traffic District.

257 Dubow explained the applicability of the home occupation with general and additional conditions
258 as identified in section 145-39.1 of the Village of Lansing Code.

259 Kanter asked for clarification on the Home Occupation use in the PDA area.

260 Dubow explained the history and creation behind the Shannon Park PDA. Dubow added that the
261 Village Zoning Officer enforces the Village Code and conditions associated with special permit and
262 variance approvals.

263 Another Shannon Park Resident noted that the Zoning Enforcement Officer does not reside in
264 Shannon Park and would not know what actually occurs with the home occupation without the neighbors
265 complaining to the Enforcement Officer.

266 Carvell indicated that he and his wife do not break the law and would comply with all required
267 conditions and requirements. He further indicated that Stone is typically open three days per week, that an
268 employee would work two days per week, that the average daily number of customers is far less than 20
269 people, that others in the area do have home occupations such as a bed and breakfast and a music teacher,
270 and that there will be no parking on the street.

271 One resident verbally provided the Arlington, Virginia home occupation code provisions, which
272 prohibited the salon use. There was also concern expressed that the application did not match what was
273 being said during the public hearing.

274 Dubow explained that each municipality has the right to provide and enforce the laws of the
275 municipality. Dubow added that ultimately the Planning Board makes the determination if the application
276 is determined to be satisfactory and complete.

277 Beth Brennen, from Audrey Edelman Realty and a resident of the Shannon Park development,
278 applauded Stone and Carvell for following the Village's Home Occupation rules and regulations. Brennen
279 also indicated and identified several home occupations in the Shannon Park area.

280 Dubow indicated that a home occupation is a type II action under SEQRA (State Environmental
281 Quality Review Act) pursuant to the Village's Zoning Law provisions and is therefore not applicable to
282 this application.

283 Other residents of the Shannon Park area indicated that they did not want a commercial use in a
284 residential neighborhood, asked the Board if they would like one in their own neighborhoods, and are
285 worried about the advertisement aspect of the home occupation.

286 Stone indicated that there would be no advertising.

287 There was a question as to how the Village defines a home occupation so Moseley read from
288 section 145-82 of the Village Code, which provides for an explanation of a home occupation.

289 Dankert noted that the word “significant” has different interpretations to different individuals.

290 Kanter noted that the Board needs to make the determination if the impact would be significant
291 for the neighborhood.

292 One neighbor indicated that they were concerned about the chemicals that would be used in the
293 operation of the home occupation, and asked if the neighbors’ concerns would be taken into consideration
294 when considering the current special permit.

295 Tomei indicated that the Board tries to consider all concerns because the Board members
296 themselves are also neighbors in different areas of the Village.

297 Carvell indicated that all individuals are exposed to various chemicals on a daily basis, many of
298 which are commercial chemicals.

299 One Shannon Park resident asked if a decision had to be made tonight.

300 Tomei indicated that a decision was not required to be made tonight, but the Village Board does
301 have a timeframe in which special permit decisions have to be made.

302 There were questions about off-street parking requiring specific parking spaces for certain
303 commercial uses in the Village Commercial Districts.

304 Dubow explained that a home occupation was not held to the same criteria as a full commercial
305 use because the home occupation is incidental to the primary use, which is a single family home in this
306 case.

307 One Shannon Park resident requested that the Board visit the site before making a decision.

308 There was also a question as to whether a special permit could be transferable, or if an approved
309 special permit is only allowed to be operated by the applicant. There were also inquiries as to whether the
310 Board of Trustees must render a decision in order for the special permit to be approved, and additional
311 procedural questions about the approval process

312 Dubow explained the procedural process for consideration of a home occupation special permit.
313 Dubow added that the owner is allowed to designate an agent to gain approval for permits, including but
314 not limited to a special permit. Dubow indicated that if the home occupation special permit was approved,
315 the special permit would only be applicable to Stone and not be transferable.

316 Another resident of Shannon Park respectfully disagreed with Dubow on his opinion of the
317 Village Code. The resident asked the Board to consider the entire Code, specifically the Code provisions
318 applicable to commercial uses, when considering the current home occupation special permit application.

319 Dubow explained that the Village Code provides for any number of uses for a home occupation
320 as long as the home occupation is granted special permit approval by the Planning Board in accordance
321 with the applicable Village Code provisions.

322 Tomei indicated that the entire Village Code is considered for all special permit applications
323 subject to the applicable provisions for each individual special permit.

324 Kanter suggested that the Board continue the public hearing into the next Planning Board meeting
325 in order to have more time to make a decision. This would also allow the Board to work through the
326 application.

327 After a brief discussion by the Board, Kanter moved to keep the public hearing open and schedule
328 a special Planning Board meeting May 6, 2014 at 7:00PM. Seconded by Schleelein; Ayes by: Tomei,
329 Dankert, Kanter, and Schleelein. Abstention by Stycos.

330 The Board requested that Stone revise the application with the most recent information about the
331 operation of the proposed home occupation and provide the revised application to Moseley so he can send
332 it to the Board members and any public that may request it.

333 **Approval of Minutes:**

334 None

335

336 **Trustee Report:**

337 Stycos reported on the April 21st Trustee meeting. For a report of the meeting please see the Trustee
338 minutes.

339 **Other Business:**

340 Tomei introduced John Gillott to the Board as a possible candidate to fill the position of Planning
341 Board Alternate .

342

343 Gillott noted that he has lived in the Village for 19 years and worked in the Village for many
344 years. Gillott indicated that he had no hidden agenda and wanted to become involved with the Village
345 more.

346 Stycos moved to enter into executive session for personnel matters to discuss the filling of the
347 Planning Board Alternate position at 10:30 PM. Seconded by Schleelein; Ayes by: Tomei, Dankert,
348 Stycos, Kanter, and Schleelein.

349 Schleelein moved to come out of executive session at 10:34 PM. Seconded by Stycos; Ayes by:
350 Tomei, Dankert, Stycos, Kanter, and Schleelein.

351 Schleelein moved that Deborah Dawson be recommended to the Board of Trustees to become a
352 full time Planning Board member. Seconded by Stycos; Ayes by: Tomei, Dankert, Stycos, Kanter, and
353 Schleelein.

354 Kanter moved that John Gillott be recommended to the Board of Trustees to fill the Planning
355 Board Alternate position. Seconded by Dankert; Ayes by: Tomei, Dankert, Stycos, Kanter, and
356 Schleelein.

357

358 **Adjournment**

359 Kanter moved to adjourn at 10:36 PM. Seconded by Stycos; Ayes by: Tomei, Dankert, Stycos,
360 Kanter, and Schleelein.

361