

**Village of Lansing
Planning Board Meeting
May 6, 2014**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:00 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; Village Attorney, David Dubow; Trustee
5 Liaison, Patricia O'Rourke; Village Resident John Gillott; Julie Stone and Steve Carvell; and multiple
6 residents from the Shannon Park area.

7 Absent: 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 **Continuation of Public Hearing for the Stone Home Occupation for 21 Beckett Way:**

14 Tomei stated that the following public hearing is still open for consideration:

15 (originally opened at the April 29, 2014 Planning Board meeting) for Special Permit No. 2863
16 Julie Stone, to operate a home occupation consisting of hair salon at 21 Beckett Way, located in
17 the Shannon Park Planned Development Area, Tax Parcel Number 47.1-6-10, and potential action
18 thereon. A Special Permit is required pursuant to section 145-39.1 D (3); and any other matters to
19 come before the Board.

20 Stone read a letter indicating that she would not have an employee, which would leave her as the
21 only one working from the home occupation. This being the case, the home occupation would only see 5-
22 7 clients per day, 3 days per week, and 2 Saturdays per month when Stone indicated she would have 2-3
23 clients. Stone added that her clients would be by appointment only and there would only be 1-2 cars in
24 their driveway at any time due to possible client overlap. Stone noted that there would be no signage or
25 selling of any retail products at the home occupation. This letter was also submitted to the Board.

26 Some of the Shannon Park residents indicated that they were disappointed by the casual process
27 of review, that their comments are based on the amendments to the original application that were sent out
28 to them by Moseley. They added that the larger vehicle trips, of 10-20 trips per day, should still be the
29 number that the Board considers, and evidence that there is no impact should be supplied by the applicant
30 by way of a traffic study or similar information. A concern about the policing of the home occupation was
31 voiced. Requests were made for the applicant to have a certified public accountant submit paperwork to
32 the Village annually to prove that there would be no selling of products from the home occupation. There
33 was a concern that since the business plan keeps changing, that it could change again. There was an
34 opinion provided that since the retail products are used on people for hair care, the products are in turn

35 really being sold and therefore there would be some retail. A question about the hours of operation was
36 asked.

37 Stone indicated that the hours of operation would be from 10AM-5PM.

38 One Shannon Park resident indicated that a barber shop/beauty salon is a service and is not
39 allowed to operate.

40 Jagat Sharma indicated that he is an architect and he too could have a home occupation, and this
41 decision will have an impact on his future house. He does not currently live in Shannon Park, but does
42 own a lot contiguous to the proposed home occupation.

43 The possible future buyer of 1 Beckett Way asked if the applicant would continue her downtown
44 business as her home occupation, which is a well-established business where walk-ins are welcome.

45 Stone indicated that her proposed home occupation would not be the same operation as her
46 current downtown business, and the home occupation would be by appointment only.

47 Another Shannon Park resident indicated that the neighbors' concerns are valid due to the
48 proposed use of the home occupation, and the previous restrictive covenants could be considered as
49 establishing the intended character of the neighborhood. This resident read a section from the 2005
50 Planning Board minutes which seemed to indicate that Dubow suggested that the Planning Board could
51 consider the restrictive covenants in the establishment of the character of the neighborhood even though it
52 is not enforced by the Village. Also, there are now 32 people in the neighborhood that would like to re-
53 establish the Shannon Park restrictive covenants.

54 Dubow noted that all of the property owners in the neighborhood would presumably need to
55 agree to reestablish the covenants.

56 Other Shannon Park residents voiced concerns pertaining to individuals not being able to find the
57 home occupation due to lack of signage which would increase the amount of traffic in the neighborhood;
58 if the current website would direct individuals to the home occupation; and if the special permit is
59 transferable to other individuals.

60 Stone indicated that there would be no advertising for the home occupation.

61 Tomei indicated that the board could make a condition to not allow the special permit to transfer
62 to other individuals.

63 A Shannon Park resident asked about other future home occupations in the event that this one is
64 approved.

65 Dubow indicated that the Village Zoning Law allows for a home occupation, and each home
66 occupation application would be evaluated and considered separately by the Planning Board. Dubow
67 explained that there is no specific list of permitted home occupations, but the general and additional
68 conditions apply to each home occupation application. Dubow added that the Village does have the option

69 to amend the Home Occupation section of the Zoning if they feel it is necessary. Dubow noted that at this
70 point in time the Board is bound by the current Zoning laws and must weigh the application against the
71 current laws.

72 Kanter suggested that the Board of Trustees should review and evaluate the Home Occupation
73 sections of the Village Code regardless of the outcome at tonight's meeting.

74 Dankert moved to close the public hearing. Seconded by Schleelein; Ayes by Tomei, Dankert,
75 Stycos, Kanter, and Schleelein.
76

77 Tomei noted that he had analyzed the vehicle traffic trips based on the number of days the home
78 occupation would be operating and based on the number of projected vehicle trips, and there would be
79 approximately a 4% increase to the traffic to the neighborhood.

80 Schleelein indicated that in general 4% is not a significant impact on any neighborhood, but some
81 additional traffic from local deliveries for the entire neighborhood also would play a role as well.

82 Kanter noted that the Cayuga Heights Road and Beckett Way intersection is already a dangerous
83 intersection. Kanter added that there is only one entrance and exit for the entire subdivision, and any
84 increase in traffic could cause a potential safety issue.

85 Dankert indicated that he agreed with Kanter and that a 4% increase in traffic is not a significant
86 impact on a neighborhood generally speaking, but based on the current intersection at Cayuga Heights
87 Road and Beckett Way, the 4% increase in traffic would create a significant increase to an already
88 dangerous intersection.

89 A Shannon Park resident indicated that if, for example, you're adding a 4% increase to traffic to a
90 road system that is at 92% of its capacity, 4% could be a significant increase.

91 Other Shannon Park residents indicated that there are no sidewalks for pedestrians, that the
92 Cayuga Heights Road and Beckett Way intersection is dangerous, that the snow plows do not adequately
93 plow the road and the intersection, and that the Cayuga Heights Road and Beckett Way intersection is a
94 bus stop for children.

95 Steve Carvell indicated that there are numerous people who have apartments in their homes in the
96 Shannon Park area, which increases the traffic. Carvell asked why an extra unit should be allowed since it
97 would increase traffic.

98 Schleelein noted that she has visited the site and there would be adequate parking for the
99 customers, the house is connected to the sanitary sewer system which would remove chemicals from the
100 home occupation, the lot has a fair amount of buffering from the neighboring lots, the signage is not
101 allowed, and the advertising has been addressed. Schleelein added that she was struggling as to whether
102 the character of the neighborhood would be altered. She was also disturbed that there are other home
103 occupations that are operating in the Shannon Park area without being granted approval by the Village.

104 Carvell indicated that they applied for the application to be a legal home occupation. They did not
105 intend to decrease the value of anyone's property and they significantly modified their home occupation
106 application to address the neighbors' concerns.

107 Tomei read the general conditions for special permits, section 145-59E, after which the Board
108 evaluated the special permit application against the required general conditions.

109 After an extensive discussion, the Board determined that general conditions 1, 3, and 4 have not
110 been met. The Board determined that the home occupation ultimately would create a public safety hazard
111 due to the increased traffic at the intersection of Cayuga Heights Road and Beckett Way, that the home
112 occupation would not be in harmony with the existing character of the neighborhood, and that the existing
113 street system at the intersection of Cayuga Heights Road and Beckett Way would not be able to handle
114 the increased traffic in a safe and efficient way.

115 Kanter moved that not all general conditions have been met. Seconded by Dankert; Ayes by
116 Tomei, Dankert, Kanter, and Schleelein.

117 Tomei read the additional conditions for home occupation special permits, section 145-60D, after which
118 the Board then evaluated the special permit application against the additional general conditions.
119

120 After working through the additional conditions, The Board found that the application would meet all
121 additional conditions except for subsection (j) "*The vehicular traffic resulting from the operation of the*
122 *Home Occupation as stated in the application does not constitute a significant increase in the total traffic*
123 *otherwise occurring in the residential area in which the Home Occupation is located*". The Board
124 determined that a 4% traffic increase would not typically constitute a significant increase, but due to open
125 items associated with the general conditions with respect to the increased traffic at the intersection of
126 Beckett Way and Cayuga Heights Road, they feel that the application would not comply with condition J
127 of the additional conditions.

128 Schleelein moved that all of the additional conditions of section 145-60D have not been met.
129 Seconded by Kanter; Ayes by Tomei, Dankert, Kanter, and Schleelein.
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131 Kanter moved the following special permit resolution:
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133
134 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2863*
135 *ADOPTED ON MAY 6, 2014*

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137

138 *Motion made by:* _____ *Jon Kanter*

177 review, (ii) all other information and materials rightfully before the Board (including, if
178 applicable, comments and recommendations, if any, provided by the Tompkins County
179 Department of Planning in accordance with General Municipal Law Sections 239-l and -m),
180 and (iii) all issues raised during the public hearing and/or otherwise raised in the course of
181 the Board's deliberations; and
182

183 F. On May 6, 2014, in accordance with Section 725-b of the Village Law of the State of New
184 York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the
185 Village of Lansing Planning Board, in the course of its further deliberations, reviewed and
186 took into consideration (i) the general conditions required for all special permits (Village of
187 Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special
188 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions
189 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
190 (iv) any environmental issues deemed necessary and/or appropriate; and
191

192 G. On May 6, 2014, based upon the extensive foregoing review by the Village of Lansing
193 Planning Board, including, but not limited to, the comments and information provided as part
194 of the public hearing and the careful evaluation of each of the general conditions and special
195 conditions applicable to the proposed action, the Board determined that not all of the (i)
196 general conditions required for all special permits (Village of Lansing Code Section 145-
197 59E), and (ii) applicable additional conditions required for this special permit were met,
198 specifically conditions (1), (3) and (4) of the general conditions (Village of Lansing Code
199 Section 145-59E) and condition (j) of the applicable additional conditions (Village of
200 Lansing Code Section 145-60.D.(2));
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202 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

203
204 1. The Village of Lansing Planning Board hereby finds that the proposed action does not meet
205 (i) all general conditions required for all special permits (Village of Lansing Code Section
206 145-59E), (ii) all applicable conditions required for certain special permit uses (Village of
207 Lansing Code Section 145-60), and (iii) all applicable conditions required for uses within a
208 Combining District (Village of Lansing Code Section 145-61), it having specifically found
209 that (i) conditions (1), (3) and (4) of the general conditions (Village of Lansing Code Section
210 145-59E) and (ii) condition (j) of the applicable additional conditions (Village of Lansing
211 Code Section 145-60.D.(2)) were not complied with; and

212
213 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
214 2863 is **DENIED**.
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217

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

219 *AYES: Mario Tomei, Lisa Schleelein, Jon Kanter, and Phil Dankert.*

220 *ABSTENTION: Maria Stycos*

221 *NAYS: None*

222 *The motion was declared to be carried.*

223 Kanter made a motion to recommend to the Board of Trustees to review the current Home
224 Occupation regulations in residential zoning districts and evaluate more specifically what types of home
225 occupations are appropriate for the various residential Zoning districts. Seconded by Schleelein; Ayes by
226 Tomei, Dankert, Stycos, Kanter, and Schleelein.

227 One Shannon Park resident requested that all Home Occupation Special Permits be placed on
228 hold until the Village revises the Home Occupation section in the Village Zoning Law.

229 Tomei noted that the request would be taken into consideration.

230 **Approval of Minutes:**

231 None

232

233 **Trustee Report:**

234 Tomei reported on the May 5th Trustee meeting. For a report of the meeting please see the Trustee
235 minutes.

236 **Other Business:**

237 After a brief discussion Dankert moved to recommend to the Board of Trustees extending the end
238 of the Temporary Commercial Activity - Seasonal Use permitted period from September 30th to
239 November 30th. Schleelein Seconded; Ayes by Tomei, Dankert, Stycos, Kanter, and Schleelein.

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241

242 **Adjournment**

243 Schleelein moved to adjourn at 9:40 PM. Seconded by Stycos; Ayes by: Tomei, Dankert, Stycos,
244 Kanter, and Schleelein.

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