

**Village of Lansing
Planning Board Meeting
May 27, 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, Deborah
4 Dawson; Lisa Schleelein; Alternate Member, John Gillott; Code Enforcement Officer, Marty Moseley;
5 Village Attorney, David Dubow; Trustee Liaison, Gerry Monaghan; Tom Colbert and Herman Sieverding
6 from Integrated Acquisition and Development; David Sparrow from Sparrows Fine Wines; and Lindsay
7 Lustick Garner

8 Absent: None

9 **Public Comment Period**

10 Tomei opened the public comment period. With no one wishing to speak, Dawson moved to
11 close the public comment period. Seconded by Stycos; Ayes by Tomei, Dankert, Stycos, Schleelein, and
12 Dawson.
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14 Tomei noted that the Board would be altering the order of the agenda items this evening.

15 **Requested Re-Zoning from Business and Technology District (BTD) to Human Health Services**
16 **District (HHS)**

17 Sieverding explained that Integrated Acquisition had previously requested a Zoning change in
18 2007, which ultimately extended the Human Health Services District (HHSD) into what was previously
19 the Building and Technology District (BTD). Sieverding noted that they had planned to eventually build
20 multiple buildings on the re-zoned area and had in fact constructed the existing building at that time.
21 However, after a recent and further exploration into the existing HHSD property it was determined that
22 the existing re-zoned property would be determined to be Army Corps of Engineer (ACE) wetland, and
23 therefore further development as originally contemplated will not be feasible. Sieverding indicated that
24 they had a specialist delineate the ACE wetland areas. Sieverding noted that due to the new circumstances
25 they are now requesting to have approximately 11.2 acres additionally rezoned from the BTD to the HHS
26 district to allow for the previously planned buildings to be constructed in the future. Sieverding indicated
27 that there still would be a very small amount of ACE wetland on the new portion of the rezoned area, but
28 that that wetland would not impact the future plans. Sieverding noted that the wetland on the existing
29 HHSD could be developed, but it would be very costly and difficult.

30 Dubow indicated that Sieverding and Colbert had previously taken the rezoning request to the
31 Board of Trustees and the Board of Trustees has now requested that the Planning Board make a
32 recommendation with respect to the rezoning.

33 The Board was concerned with traffic impact and the existence of only one entrance.

34 Sieverding indicated that they originally provided a traffic study to the Board for all of the
35 buildings that were proposed in conjunction with the previous rezoning and under a previous special

36 permit application, and they also built a sidewalk and additional improvements to allow for emergency
37 vehicles to use as part of the access to those buildings as required by the Village.

38 After further consideration and discussion, Dankert moved to recommend to the Board of
39 Trustees to rezone approximately 11.2 acres of existing BTM to HHS as proposed. Seconded by
40 Schleelein; Ayes by Tomei, Dankert, Stycos, Schleelein, and Dawson.

41 **Friend Home Occupation:**

42 Tomei noted that the following public hearing that had been scheduled for this meeting will in fact not be
43 heard:

44 **Special Permit** No. 2869 Amy Friend, to operate a home occupation consisting of a daycare
45 facility located at 154 Burdick Hill Road, located in the Low Density Residential District, Tax
46 Parcel Number 42.1-1-53.41. A Special Permit is required pursuant to section 145-39 D (2)(d).

47 Dubow indicated that during preliminary review regarding the proposed special permit it was
48 determined that the proposed group family daycare facility will not be governed by the Village, but
49 instead by the State. Dubow explained that Moseley had received a letter from the New York State Office
50 of Family and Child Services (NYSOFCS) indicating that they were the appropriate agency for review
51 and approval of the proposed group family daycare facilities, and therefore the Village had no jurisdiction
52 in the granting of approval and no authority to proceed with the previously intended special permit
53 review. Dubow added that legal authority in New York did in fact provide that the State does preempt
54 local governmental entities from exercising authority for this proposed use in the Village. Dubow
55 indicated that based upon the NYS statutory provisions and case law, the Village does not have the
56 authority to evaluate this home occupation in accordance with the Village Law.

57 One neighbor showed up to express concerns about the proposed home occupation, but was
58 advised that the scheduled public hearing was not going to be held and the individual was directed to the
59 NYSOFCS.

60 Moseley had inquired with NYSOFCS if they would inform the Village when there was a family
61 daycare that was or would be operating in the Village, but the NYSOFCS indicated that they were not
62 obligated to inform any of the municipalities.

63 **Approval of Minutes:**

64 Stycos moved to accept the March 25, 2014 minutes as amended. Seconded by Schleelein;
65 Tomei, Dankert, Stycos, and Schleelein. Abstention by Dawson.

66 Dawson moved to accept the April 14, 2014 minutes as amended. Seconded by Stycos; Tomei,
67 Dankert, Stycos, Schleelein, and Dawson.

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Trustee Report:

71 Dankert reported on the June 19th Trustee meeting. For a report of the meeting please see the Trustee
72 minutes.

73 **Other Business:**

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75 Sparrow submitted the following written request regarding his proposed effort to convert the
76 former business at 11 W. Graham Road to a newly proposed wine sale business:

77 Query about allowable use, parcel at 11 W. Graham Road in Commercial Low Traffic District
78 (CLT), specified in Village Code 145-42; We seek direction from the Board about an allowable use in
79 this District. Section 145-42 of the Village Code as amended 9-10-2003 directs that Low Impact Food
80 and Beverage activity is allowed in the District. This change allows operation of restaurants at the
81 designated address. The property at 11 W. Graham Road is for sale at the present time, and a party
82 considering its purchase proposes creating a wine and liquor store there. On the basis of the allowed use,
83 Low Impact Food and Beverage, operation of an off-premise wine and liquor store should be allowed. At
84 this time New York State regulations permit sales of wine or beer in an on-premise licensed
85 establishment, restaurant or bar, for off-premise consumption. Therefore, invoking this regime of State
86 regulation, a distinction in use of properties in the Commercial Low Traffic District for on-premise and
87 off-premise licensed beverage sales may be unenforceable. The party proposing to create a wine and
88 liquor store at this location projects approximately 23,000 customer trips and 260 deliveries of products to
89 the establishment per annum at its maturity. (Thus there would be 65 customer trips per day and 5
90 deliveries per week to the business.) The party proposing to create a wine and liquor store at this location
91 would seek permission to change either the building size or the means of vehicular access to the
92 site. (Primary access to the site is by means of the traffic signaled intersection of N. Triphammer and W.
93 Graham Roads.)

94 After a brief discussion of the above written request and reviewing the existing explanations for
95 Low Traffic Food and Beverage in Section 145-82, the Board determined that a wine and beverage store
96 would not be considered to be a Low Traffic Food and Beverage use under the Village Zoning Law.

97 The Trustees have requested that the Planning Board look into and make a recommendation for
98 possible revisions to the current the Home Occupation use provisions.

99 Tomei noted that the Home Occupation topic would be on the agenda for June 24th.

100 Dubow presented the formal Proposed Local Law for extending the seasonal use under
101 Temporary Commercial Activities (section 145-58.C) to November 30th, which will be presented to the
102 Board of Trustees.

103 Schleelein noted that the senior housing for the Lansing Meadows Planned Development Area
104 seemed to have little or no progress. Also, there is a sink hole near BJ's Wholesale Club, along with dead
105 plantings and stop signs that need to be replaced. Schleelein added that there are dead trees near the Fire
106 Department that should be removed.

107 Moseley noted that he would make a site visit, but he did not think that the Village could require
108 someone to remove dead trees if it did not constitute a safety hazard of some kind.

109 Schleelein noted that there also was a dead tree at the CIAO! Restaurant.

110 **Adjournment**

111 Dawson moved to adjourn at 9:10 PM. Seconded by Stycos; Ayes by: Tomei, Dankert, Stycos,
112 Schleelein, and Dawson.

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