

Village of Lansing
Planning Board Meeting
Minutes of Tuesday
September 9, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:00 PM by Mike Baker.

Present at the meeting: Planning Board Members; Mike Baker, Carolyn Greenwald, James McCauley, Monica Moll; Alternate Member, Tony Ingraffea; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy, Village Trustee Liaison, Randy Smith, Planning Board Engineer, Brent Cross, Marty Mosley and Roy Hogben

Mike Baker appointed Tony Ingraffea as a fill in member for voting at the meeting.

Absent: Lisa Schleelein

Public Comment Period:

Baker opened the public comment period at 7:02pm

With no one wishing to speak Baker asked for a motion to close the public comment period. Moll moved to close the public comment period and Seconded by Greenwald.

Ayes: Baker, Greenwald, Ingraffea, McCauley, and Moll.

Informal Discussion of the Commercial Low Traffic District Regulations

Marty Mosley from Municipal Relations Consulting LLC., is requesting that the Low Traffic Food and Beverage * use be incorporated into the Commercial Low Traffic (CLT) District Regulations. Prior to the 2015 zoning code amendment, the Village allowed the Low Traffic Food and Beverage use on properties located in the CLT District.

*Low traffic food and beverage: sit-down restaurants with or without a bar where food is consumed on premises, which may include carry-out or similar service such as, bakery or cafe; where there is no drive-through or separate entrance for carry-out service.

Baker read from the proposal. Mosely mentioned he previously brought this to the Trustees and they recommended he bring it to the Planning Board meeting. Scott stated he went through the Planning Board minutes of 2015 and also compared the uses in CMT to CLT. Other than the residential difference in uses between the two, what stands out most is the small scale sales and low traffic food and beverage allowed in CMT and outdoor recreation/club in the CLT. Scott stated that a rod and gun club is part of the outdoor recreation/club use. If someone were to apply for a Special Permit for that, he is pretty sure there would be many conditions attached if approved at all. His point was the same restrictions could be used for low traffic food and beverage if it were reinstated into the CLT.

43 On the other hand, Scott understands that the 2015 Planning Board was trying to use the
44 CLT as sort of a buffer between a residential area and the CMT.

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46 Greenwald stated she wants to see a walkable village and she is more inclined to eliminate
47 buffering. Moll asked if it would be similar to a restaurant versus fast food. Scott said yes,
48 and anyone wishing to proceed will need a special permit. Ingraffea asked if this went to the
49 Planning Board in 2015, why is it being brought back. Scott stated Mosley's client is looking
50 into the possibility of having a restaurant on a property currently in the CLT. Greenwald
51 stated that Schleelein wasn't in favor of this in 2015 and would like to wait for input. Baker
52 asked if the Board recommendation could wait and be tabled until Schleelein returns.
53 Everyone agreed. Baker asked Mosley if he had any other questions. Mosley stated that if
54 you go through the traditional zoning, a buffer would remain through the special permit.
55 Baker thanked Mosely for coming. This issue will be tabled until Schleelein returns.

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57 **Continued Public Hearing for Minor Subdivision.**

58 The minor subdivision proposal, located at 42 Esty Dr., is to create two tax parcels from the
59 current Village of Lansing Tax Parcel 43.1-01-01; one such parcel being 4.023 acres and
60 improved with a house, garage with entry and other small outbuildings with road frontage
61 on Esty Glen Road of 150.00 feet and the other tax parcel of 6.040 acres improved with a
62 small house, garage, and other small outbuildings, having frontage on Esty Glen Road of
63 226.68 feet and having all the lake frontage of the existing tax map parcel.

64 Baker read from the proposal and reminded everyone that the Public Hearing was kept open
65 in case someone wanted to speak. No one was present to speak.

66 With no one present to speak Baker asked for a motion to close the public hearing. McCauley
67 moved to close the public hearing and Seconded by Ingraffea.

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69 Ayes: Baker, Greenwald, Ingraffea, McCauley, and Moll.

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71 Baker stated that there is a resolution to vote on and asked if anyone had any questions
72 before he read from the resolution:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR
MINOR SUBDIVISION APPROVAL OF PROPOSAL TO CREATE
TWO PARCELS OUT OF THE CURRENT VILLAGE OF LANSING
TAX PARCEL # 42.1-1-1 FOR SPECIAL PERMIT NO. 4321
ADOPTED ON September 9, 2019

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Motion made by: Monica Moll

Motion seconded by: Tony Ingraffea

WHEREAS:

- A. The minor subdivision proposal, located at 42 Esty Drive, is to create two tax parcels from the current Village of Lansing Tax Parcel 42.1-1-1; one such parcel being 4.023 acres and improved with a house, garage with entry and other small outbuildings with road frontage on Esty Drive of 150.00 feet and the other tax parcel consisting of 6.040 acres improved with a small house, garage, and other small outbuildings, having frontage on Esty Drive of 226.68 feet and having all the lake frontage of the existing tax map parcel if the application is granted, all as described in the attached Explanation of Proposal For Planning Board and Indenture dated September 9, 2019; and
- B. On September 9, 2019, the Village of Lansing Planning Board, in accordance with Section 125-7 of the Village of Lansing Code, (i) reviewed the sketch plan submitted with respect to this proposed action; and (ii) classified the proposed subdivision as a minor subdivision; and
- C. The Planning Board finds this to be a Type II action for SEQR purposes; and
- D. On September 9, 2019, the Village of Lansing Planning Board thoroughly reviewed and analyzed (i) the proposed final subdivision plat and accompanying materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to environmental issues, if any, which the Board deemed necessary or appropriate for its review; (ii) all other information and materials rightfully before the Board; and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the proposed creation of two tax parcels out of the current Village of Lansing Tax Parcel 42.1-1-1; one such parcel being 4.023 acres and improved with a house, garage with entry and other small outbuildings with road frontage on Esty Drive of 150.00 feet and the other tax parcel consisting of 6.040 acres improved with a small house, garage, and other small outbuildings, having frontage on Esty Drive of 226.68 feet and having all the lake frontage of the existing tax map parcel is **GRANTED,**

109 2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and
110 directed to sign the Final Plat for the approved subdivision in accordance with the Village
111 of Lansing Code.

112 The vote on the foregoing motion was as follows:

113 AYES: Baker, Greenwald, McCauley, Moll and Ingraffea

114 NAYS: None

115 The motion was declared to be carried

116 **General Planning Session**

117 Baker stated that he wanted to discuss Airbnb.

118 Scott said they need to determine several issues:

119 1) Do you want to regulate short term rentals or not?

120 2) If so, we need tangible accountability.

121 3) Do we need to issue permits?

122 4) How do we enforce?

123 Scott mentioned there was earlier discussion regarding Airbnb sometime this spring
124 and wanted to continue on the topic due to the recent activity. Scott mentioned he made
125 several phone calls to other municipalities that deal with Airbnb along with contacting
126 NYCOM for local laws. Most of the NYCOM information came from areas with high tourist
127 activity and laws ranged from all hands-on deck to non-existent. Scott asked everyone if
128 they wanted to pursue this.

129 Greenwald stated she feels like the tourist home definition needs to be changed or
130 modified. Greenwald feels like people are buying up real estate for this reason.
131 Greenwald stated there is a federal law to allow them to be rented up to 14 days without
132 taxation or classified a tourist home. Greenwald had a couple of suggestions for changing
133 the special permit requirements such as making a change to the 14 days and having a
134 noise ordinance in place for the permit otherwise the permit be revoked.

135 Scott handed out a sheet he put together with tourist accommodation requirements and
136 wanted everyone to go through it. Greenwald asked about the Zoning Codes for tourist
137 homes.

138 Scott said the Planning Board needs to determine if the special permit would carry
139 forward if the home were to be sold and what they classified as a violation to revoke the

140 special permit. Scott is also concerned with occupancy and feels that needs to be
141 addressed as part of the requirements.

142 Greenwald wants a maximum amount of days in place along with a noise ordinance. Troy
143 stated the days can be set but, everyone needs to determine what would be considered
144 as a violation and how to monitor it. Baker feels that would be an administrative burden
145 to the Village and it's not what he wants.

146 Cross stated there are many technicalities to zoning on tourist homes but, it is obvious
147 that it is short term rental. Cross told everyone what needs to be asked is; 1) what do
148 you want your zoning for these to be, 2) what the obligations on the renewals are and
149 providing a log of how many days it was used. Cross stated there a several platforms on
150 Airbnbs.

151 Troy asked if anyone knew how many Airbnb there are in the area. Ingraffea believes
152 there are 19. Ingraffea asked if all of them would be grandfathered in or do they all need
153 to re-apply for the special permit.

154 Troy stated there seems to be two issues with this, requiring a maximum amount of days
155 and occupancy allowed. Troy asked how that would be monitored and suggested the
156 police could be called to the home if a violation occurs. Cross stated the police aren't
157 going to issue a ticket on special permit violation. Troy stated if it is a local law they
158 would.

159 Greenwald asked how do we proceed with the Burdick Hill Airbnb situation for now and
160 mentioned there is no special permit in place and if they are renting it out without one
161 it's a violation. Scott asked how do you prove they are doing so. McCauley stated if it's a
162 residential area and it's being used as a business that would be a violation also.

163 Baker asked what Scott originally asked; how does everyone want to approach this
164 issue? Scott stated that the Planning Board needs to figure out how they want to handle
165 Airbnbs.

166 Troy told everyone they need to determine if they want to makes it a local law or just
167 want to change the requirements for the special permit. Cross stated if it is a local law
168 and it is violated, Scott would have to issue them a notice of violation and proceed with
169 a hearing in court and have the judge force the home owner to comply the fine. This
170 seems to be a huge administrative burden.

171 Mosley stated if you use the occupancy as a requirement then you have to prove they
172 are in violation. Mosley stated the requirements have to be specific and a set of
173 standards in place for the special permit to be allowed. Consider conditions being

174 violated such as impacting the character of the neighborhood and violating the
175 neighbors' rights.

176 McCauley asked if they can require the owner to occupy the home and Greenwald asked
177 if a noise ordinance and maximum occupancy can be required. Troy stated if you make
178 it a local law and the police are called and they are in violation then the special permit
179 can be revoked.

180 Scott suggested everyone take a look at his handout and email him with questions or
181 comments. Scott said he has a meeting with the owners before the next Planning Board
182 meeting and will explain to them the criteria for a special permit. Greenwald asked
183 when someone applies for a special permit are there different types? Scott said no.
184 Baker asked Scott if the owner filled out an application for the special permit, Scott said
185 yes and read it.

186 Baker asked everyone to send any condition or suggestions to Scott via email.

187 **Approval of the Minutes**

188 Tabled for the next meeting.

189 **Trustee Report:**

190 Nothing to report due to a Holiday

191 **Other Business to report:**

192 Scott and Cross said they haven't heard anything new from Eric Goetzmann on Lansing
193 Meadows.

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195 **Adjournment:**

196 Baker moved to adjourn at 9:10PM. Approved by Greenwald and Seconded by McCauley

197 Ayes by: Baker, Greenwald, Moll, Ingraffea and McCauley.

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199 Minutes taken by: Tina Freelove, PT Clerk