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Town of Lansing

Wednesday, December 09, 2013 4:15 PM PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

- * Tom Ellis, Chairman
- * Lin Davidson, Vice-Chairman
- * Larry Sharpsteen
- David Hatfield
- Richard Prybyl
- Al Fiorille
- * Gerald Caward
- * Jonathan Kanter, Planning Consultant
- * Ray Farkas (Alternate Member)

Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer
Kathy Miller, Town Supervisor
Ed LaVigne, Town Board Member

Public Present

Christine Lee
James Lee

Other Business

Thomas Ellis, Chairperson called the Planning Board Meeting to order at 7:15 PM. Mr. Ellis inquired if there was anyone from the Public that would like to speak with an issue that was not listed on the Agenda. There were none.

Chairman Ellis enacted the Alternate Member to vote due to a Member being absent.

Site Plan Review – Home Office for Acupuncture Practice, Applicant; Christine Lee, 3 Reach Run, Tax Parcel # 36.-1-26, R-1 Residential Low Density District.

Ms. Lee appeared before the Board requesting Site Plan Review to conduct an In-Home acupuncture business. Ms. Lee distributed literature with respect to her type of

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occupation. Ms. Lee states her clientele will be limited to 5-6 persons per week. There will be no employees. There will be no new lighting. Once her business expands, most likely she will move to a downtown location.

Eventually, Ms. Lee would like to have a sign erected on her property. At this time, she has not decided on a size. Planning Board Members felt that they should apply a condition as part of the approval process with respect to the size of the sign.

Larry Sharpsteen felt the Board could waive the Public Hearing on the SEQR process as there will be no change, however he felt it was necessary to hold a Public Hearing on the overall Application.

Lin Davidson stated the parcel is located not far from the main road and the clients do not need to ride through an entire neighborhood to get there, he seems no need for a Public Hearing.

Gerry Caward agreed with Mr. Davidson and suggested waiving the Public Hearing. Mr. Caward states the neighbors within 600' have been notified and there were none present to voice their concerns.

Jonathan Kanter read the following letter aloud;

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Gary and Catherine Stevens
10 Fairwinds Way
Ithaca, NY 14850

Zoning, Planning and Code Enforcement

Box 186

Lansing, NY 14882

To the Planning board:

I object to the application for the approval of an In-home acupuncture practice at 3 Reach Run, and hope it will be rejected by the Board. The area is a high quality family oriented neighborhood. This type of activity and related signage will be a visual distraction and cause a decline in the value of our homes. I certainly did not anticipate this sort of activity when I bought my home in this area of Lansing. If, this is approved, what will be the next In-home business to be approved, a beauty shop or a massage parlour?

Please read my response into the record of the Board meeting.

Sincerely yours,

A handwritten signature in black ink that appears to read "G. P. Stevens".

Gary P. Stevens

Thomas Ellis, Chairman stated that obviously prior to the homeowner purchasing their home, they did not realize or research that an In-Home Business is an allowed use in their district.

Richard Prybyl, Planning Board Member and resident outside of the 600' range offered the following comments via email on this date;

Fellow Town Planning Board Members:

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I have concerns about the agenda item which would permit an acupuncture medical practice to operate at 3 Reach Run. Simply stated, operating a commercial / medical enterprise in the Lakewatch community is not in keeping with the spirit or intention of the residential community that Lakewatch was built to be; that residents bought property with a de facto understand as such and in fact is. Collectively, the Lakewatch residential development pays a significant amount of taxes to our town in large part because it is a sought-after residential community. Populating the community with commercial elements will challenge the desirability of the community to current and potential owners in the future.

Second, the property in tonight's question is on the corner and entry access way to Lakewatch. Street parking in the immediate vicinity of the 3 Reach Run home can obscure visibility to traffic coming around the corner, There are many residents who regularly walk in this area and there are no sidewalks. (Will the owner or town be willing to assume additional liability for any future accidents at this intersection?)

I believe that the business proposal is not in keeping with:

- 1) The spirit and intent of this residential community.
- 2) Will erode property values.
- 3) Increases the likelihood of a traffic / pedestrian accident.

I recommend that we decline this request. Short of this, we should conduct a Public Hearing, but only as a last resort to disapproving the request.

Thomas Ellis, Chairman again reiterated to all present that this is an allowed use.

Jerry Caward felt that having upset neighbors would and should warrant a Public Hearing for suggestions.

Larry Sharpsteen made a motion to set a Public Hearing on the overall Site Plan Approval for Monday, January 27, 2014 at 7:20 PM. Lin Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Larry Sharpsteen stated for the record, it's not a question "am I happy"? I feel it's equitable.

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Larry Sharpsteen made a motion waive the Public Hearing on the SEQR. Lin Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

The Planning Board Members reviewed Part I and completed Part II of the Full Environmental Assessment Form prepared by Jonathan Kanter.

Li Davidson offered the following Resolution. Gerald Caward seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

RESOLUTION PB 13-26

**TOWN OF LANSING PLANNING BOARD
RESOLUTION OF STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION FOR THE PROPOSED
CHRISTINE LEE HOME OFFICE - SITE PLAN**

WHEREAS, an application was made by Christine Lee for site plan approval for a proposed home office, located at 3 Reach Run, Lansing, New York and otherwise known as Tax Parcel #36.-1-26, R1 Residential – Low Density District; and

WHEREAS, the proposal is to establish an in-home acupuncture practice in the existing house on a lot consisting of +/- 0.884 acres, as shown on the survey map provided by the applicant, with no exterior changes proposed; and

WHEREAS, this proposed action is an Unlisted Action for which the Town of Lansing Planning Board is an involved agency for the purposes of environmental review; and

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WHEREAS, the Town 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) pursued its thorough review of the applicant's completed Short Environmental Assessment Form Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project 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 (iii) reviewed and completed the Short EAF, Part II on the record;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern of the proposed project 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 (iii) its completion of the Short EAF, Part II (and, if applicable, Part III), including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

Dated: December 9, 2013

VOTE AS FOLLOWS:

Gerald Caward - Aye
Lin Davidson - Aye
Ray Farkas - Aye
Larry Sharpsteen - Aye
Thomas Ellis - Aye

2013 Slate of Officers

The following Slate was proposed;

Thomas Ellis – Chairman
Lin Davidson – Vice Chairman

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Al Fiorille – Secretary
David Hatfield Treasure

Larry Sharpsteen made a motion to accept the nomination of the recommended slate of officers and forward to the Town Board. Lin Davidson seconded the motion.

VOTE AS FOLLOWS:

Gerald Caward - Aye
Lin Davidson - Aye
Ray Farkas - Aye
Larry Sharpsteen - Aye
Thomas Ellis - Aye

Continuation of Discussion Regarding Possible Revisions to Subdivision Regulations - e.g., amend definitions of “exempt” and “minor” subdivisions; consider new provisions for expiration of filed subdivisions (refer to materials previously distributed).

Members discussed the proposed revisions;

Minor Subdivision: Modify definition

Exempt Subdivisions: Modify definition

For both of the above Subdivisions, the definition must be modified to say; no more than two lots and there would no longer be a reference to a time frame.

Stormwater with respect to Subdivisions

A discussion took place with respect to when Stormwater gets triggered on a Subdivision. After much discussion, it was determined that the overall project which begins with the parent parcel is to be taken into consideration. Starting with the third (3) lot would begin the process. The first two lots with homes already constructed would be excluded from the process.

The DEC recommends that onsite rain gardens or bio retentions get recorded on the property deeds.

Expiration of Subdivision Approval

Members felt a 3 (three) year sunset limit should be appropriate for any approved Subdivision that has not begun construction. Jonathan Kanter provided the following example for the Members to review;

Chapter 234. SUBDIVISION OF LAND

Article VII. Expiration of Subdivision Approval

[Added 4-10-1995]

§ 234-39. Conditions; procedures.

- A. In addition to any other provisions of law governing expiration of subdivision approvals, including those provisions which provide the subdivision approval expires if the approved subdivision map is not filed with the Tompkins County Clerk within a specified time of approval, a subdivision approval will also terminate under the circumstances set forth below.
- B. If the proposed subdivision requires construction of any facilities such as roads, drainage courses, water or sewer lines, or other similar facilities, unless within 10 years of the date the Planning Board gave final subdivision approval 1) work has materially commenced on such facilities in accordance with the finally approved subdivision plat; or 2) one or more lots have been transferred from the developer and the deeds for same duly recorded in the Tompkins County Clerk's Office, the subdivision approval (both final and preliminary) shall expire and the permissible uses and construction on the property shall revert to those that would otherwise be in effect in the absence of such subdivision approval. Notwithstanding the foregoing, if final subdivision approval was granted prior to April 1, 1995, the time for work to materially commence or lots to be sold shall be extended to April 1, 2005.
- C. For the purposes of this § 234-39:
- (i) Work will not have "materially commenced" unless, at a minimum:
 - (a) A building permit, if required, has been obtained for at least one structure in the subdivision; and
 - (b) Construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and

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- (c) Significant construction of roads or utilities, or significant framing, erection, or construction of a material structure, has been started and is being diligently pursued; and
- (2) A lot will not have been "transferred" unless conveyed by a deed, duly executed and recorded in the Tompkins County Clerk's Office, to:
 - (a) A person unrelated to the subdivider in a bona fide transaction for value; or
 - (b) A person related to the subdivider or for less than reasonable value in accordance with circumstances related to the Planning Board as part of the subdivision approval (e.g., a subdivision where the intention is to convey a lot to a relative or to convey a lot to an adjacent landowner for less than full value).
- D. If the proposed subdivision does not require the construction of any facilities, the subdivision approval (both final and preliminary) shall expire within the time limits set forth above with the consequences set forth above and subject to the ability to obtain extensions as set forth below, unless at least one lot of the subdivision has been transferred.
- E. In addition to the foregoing, a subdivision approval for a subdivision requiring construction of facilities shall likewise terminate as to any untransferred lots in the event that the facilities are not substantially completed within 10 years of the date of final subdivision approval.
- F. The Planning Board, upon request of the subdivider, after a public hearing, may extend the time limits for such additional periods and upon such conditions as the Planning Board may reasonably determine. An application for such extension may be made at the time of filing of the original application or at any time thereafter up to, but no later than, six months after the expiration of the time limits set forth above.
 - (1) The Planning Board shall grant the request for such extension if the Board finds:
 - (a) The imposition of the time limits set forth above in Subsections **B**, **D** and **E** would create significant hardship on the subdivider; and
 - (b) There has not been a significant change in zoning, subdivision, engineering, environmental, or other relevant review requirements or standards since the initial approval or any subsequently granted extensions.
 - (2) For the purposes of this section, a "significant hardship" includes, but is not limited to:
 - (a) A significant economic loss that the subdivider would suffer if an extension were not granted; or
 - (b) The subdivider's inability to timely proceed because of:
 - [1] A generally adverse economic climate; or

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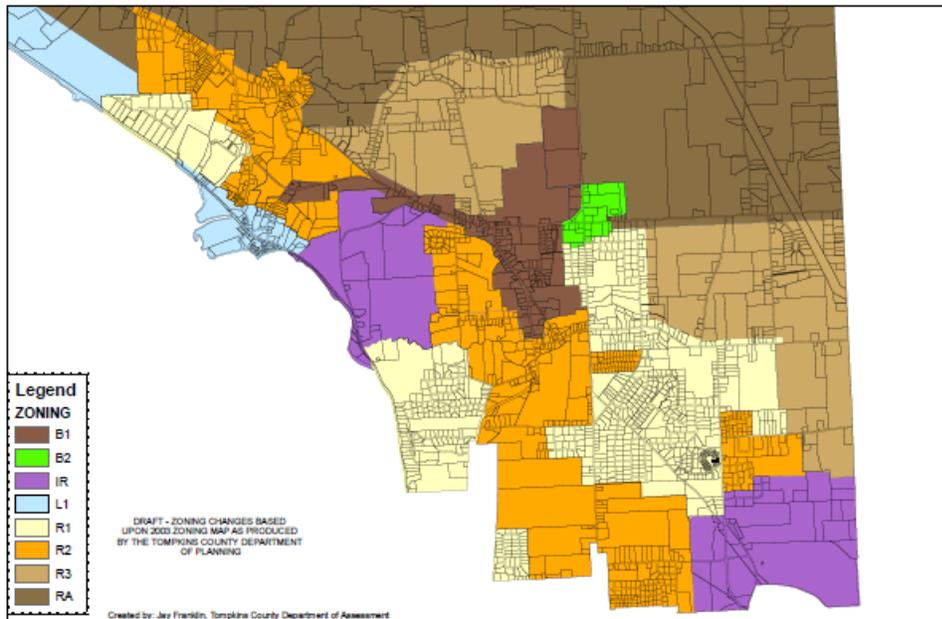
- [2] The subdivider's own economic circumstances have changed detrimentally; or
- [3] An adverse event or events in the subdivider's personal affairs.
- G. In the event of any termination of subdivision approval pursuant to these provisions, the Planning Board or Town Planner shall cause a notice of such termination to be delivered personally to the subdivider, or forwarded by certified mail, return receipt requested, to the subdivider at the last address for the subdivider on file at the Town of Ithaca Planning Department and shall cause a copy of such notice, together with an affidavit of service (personally or by mail) to be recorded in the Tompkins County Clerk's Office in Miscellaneous Records or other appropriate location.
- H. Any subdivider who believes the termination of approval pursuant to this section is not warranted may file an application for a hearing before the Planning Board. Such application shall be filed within 30 days of the delivery of the notice referred to above (for this purpose "delivery" shall be deemed to occur on the date the notice is personally delivered or the day it is delivered to the postal service for mailing). The Planning Board shall hold a public hearing on such application on at least five days prior notice given in the same manner as required for public hearings on subdivision approvals, within 60 days of receipt of such application. The burden of establishing that the approval should not be terminated shall rest upon the applicant. If the Planning Board determines that the approval was improperly terminated, it shall render a decision so stating and shall cause a notice to that effect to be forwarded to the Tompkins County Clerk's Office for recording in the same location as the notice previously effecting such termination. Any determination of the Planning Board regarding such termination may be reviewed by a proceeding brought pursuant to Article 78 of the Civil Procedure Law and Rules. Such proceeding shall be commenced no later than 30 days after the decision being reviewed has been filed by the Planning Board with the appropriate Town Clerk.
- I. Nothing in this § ~~234-39~~ is intended to alter the effect of Town Law § 265-a on lots in a subdivision when zoning is changed to increase lot sizes or other requirements thereby rendering an existing subdivision's lots nonconforming.

Zoning Map Changes

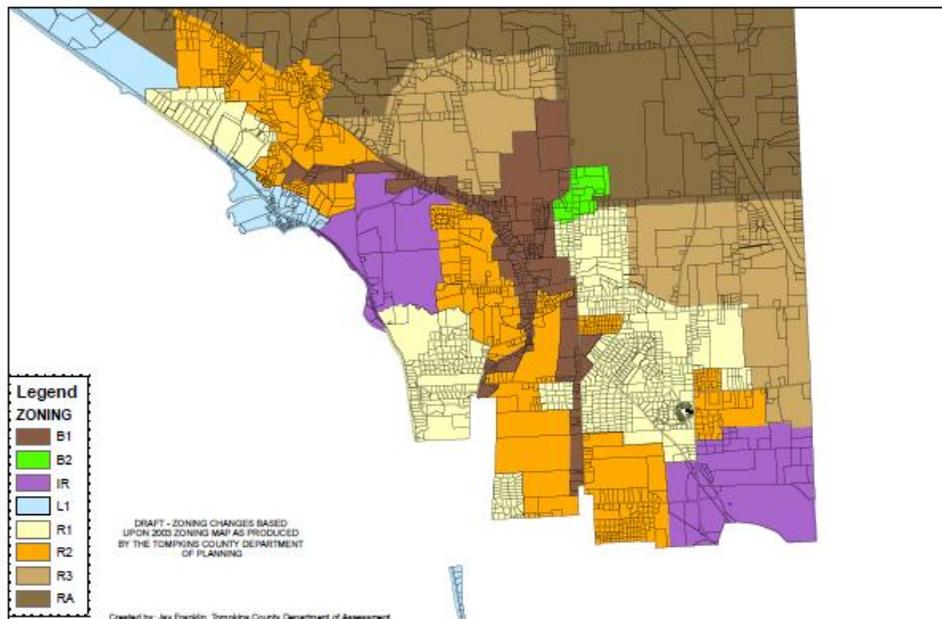
Lynn Day, Zoning Officer presented Members with a copy of the proposed Zoning Map. Mr. Day explained the changes as the result of the Zoning Revision Committee's review.

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TOWN OF LANSING DRAFT ZONING CHANGES - CHANGE 1



TOWN OF LANSING DRAFT ZONING CHANGES - CHANGE 2



Tentative 2014 Planning Board Schedule

All Members were in favor of the schedule.

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Consider Approval of November 25, 2013 Meeting Minutes

Page 5, # B shit to shift

Page 5, After discussing the above (D) the Board agreed to recommend the additional modification.

Larry Sharpsteen made a motion to approve the Minutes as amended. Lin Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

December 23, 2013 Planning Board Meeting Cancelled

Thomas Ellis made a motion to cancel the December 23, 2013 Planning Board Meeting. Lin Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Joint Meeting w/ Town Board

Jonathan Kanter reminded the Members of the Joint Meeting to go over the results of the Comprehensive Survey. The Meeting has been set for Wednesday, December 18, 2013 at 6:00 PM (for approximately 1 hour) in the Town Hall Board Room.

Larry Sharpsteen made a motion to adjourn the Meeting at 9:30 PM. Lin Davidson seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member