

**.Village of Lansing
Planning Board Meeting
March 13, 2000**

The meeting of the Village of Lansing Planning Board was called to order by Acting Chairman Halevy. Present at the meeting were Planning Board Members Brown, Dankert, Village Attorney Marcus, Code Enforcement Officer Curtis, Village Engineer Cross and Trustee Liaison Leopold.

Public Comment

Brown moved to close the Public Comment portion of the meeting as there was no one present who wished to speak. Seconded by Dankert.. All in favor.

Public Hearing to Consider:

Special Permit #1521. Tony and Kim Hensel to construct a 750 sf addition to their home at 82 Burdick Hill Road in the Low Density Residential District, Tax Parcel Number 42.1-1-50.22. A special permit is required pursuant to Section 202.12 of the Village of Lansing Zoning Law because construction will occur within 200' of the centerline of a stream included in the Conservation Combining District.

Halevy opened the Public Hearing. As no one wished to speak, Brown moved to close the Public Hearing. Seconded by Dankert. All in favor.

John Manuel, representing the contractor, was present. Cross reviewed his visit to the site today. He observed that in the drawing of the lot the detail of the stream doesn't appear to be very accurate or precise. There's no dimensioning as far as drainage issues. The stream actually meanders fairly significantly to the southwest corner of the lot. There are a few significant trees that are part of some wild overgrowth in that same part of the lot that don't show up on the drawing. It isn't a problem as long as the excavated soil that comes out of the foundation area doesn't spill over into it. He commented that the silt fence that's shown on the drawing goes through the area that is already brush and trees and that the silt fence would be more appropriately noted as located along the downhill edge of the excavated material. Cross spoke to the contractor and the contractor is aware of the problems. There is an indication of a four inch footer drain but he wouldn't expect a significant discharge out of the footer drains and it wouldn't have a significant impact on the stream course. Finally, it's not noted in the drawing but it should be pointed out to the contractor that they would have to maintain the erosion controls throughout the course of the construction. Cross said that it sounded like something the Planning Board should know but he was uncertain how precise the drawing must be.

Halevy asked the Village Attorney Marcus for any comments. Marcus replied that the survey map is incomplete. Curtis stated that the drawing was not remarkably dissimilar to the tax map which also shows the stream. Halevy asked if an overlay would help to give a better sense of the stream course. Curtis replied that he didn't have a particular concern about it other than it was just noticeably different than the drawing. He doesn't have a survey on file from '91 when the building was built. Now he requires a survey for all new buildings.

Cross said the center line of the stream could be as much as 25-30' different than what it is on the drawing. Curtis agreed, he shows it going up and actually the map shows it's flattening out more than the tax map. Tax maps are not notoriously accurate. Cross said he was just pointing it out as an observation. It wasn't significant to him. He didn't see that it has any impact on the erosion or the storm water management plan for the property.

Curtis noted that they have a survey map from when the property was purchased at the Village office. The situation is unusual because part of that parcel is in the Town and part is in the Village. The map shows 276' in the Village.

Curtis will print a copy and make that part of this record. The map has been stamped by a licensed surveyor. If there are further questions down the road, the record will be accurate. Manuel asked if Curtis planned to tell the owners to have it resurveyed. Curtis said no, the one Manuel provided is a current survey for what the Village needs.

Discussion turned to whether this was an exempt action under 617.5(c) of SEQRA. Marcus suggested that this is an exemption under 617.5-C-9 and the Board classified this as an exempt action. Halevy moved on to General Conditions required for all special permits under 304.05 of the Zoning Law. A. It will not be detrimental or endanger the public health safety or general welfare. B. It will not be injuriously used or affect the enjoyment of other property in the vicinity or neighborhood. C. It will not impede orderly development in the vicinity and is appropriate in appearance with the existing property in the vicinity. D. The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner. Curtis saw no problems with the construction vehicles. Generally he puts a condition in a special building permit about keeping the roads clean but doesn't anticipate a problem in this case. E. The natural surface waterway, drainage way, will not be adversely affected. F. Water and sewer facilities are

adequate. G. The general environmental quality of the proposal in terms of site planning, architectural design and landscaping are compatible with the character of the neighborhood. H. Access parking and facilities are sufficient for the proposed use. I. The requested use of facilities conforms in all other respects with the regulations. J. Steps will be taken when necessary to meet all performance standards and all other applicable general regulations. Brown moved to accept the action as meeting the General Conditions. Seconded by Dankert. All in favor.

Halevy said that now the Board had to consider the Special Permit. Curtis noted that approval would have to be conditioned on a 239 determination that there would be no detrimental impact. Curtis said he will stipulate on the building permit at the end of construction and they'll provide us with a stamped survey. So that will be part of the record. Halevy sought a motion to accept the special permit. Moved by Dankert and seconded by Brown. All in favor.

Tops Lighting Plan:

Halevy had distributed a package containing background information. The Lighting Commissioners met on March 8th and approved the Tops Lighting Plan. The Superintendent of Public Works will monitor the construction site to make sure the actual lighting conforms with the approved plans. In reviewing the plans the Planning Board identified areas of concern that should be referred back to the Lighting Commission before final approval of the plans. Further details are needed on the lighting of the backside of the buildings. The pole lights are included but there should be clarification about the lightning on the building itself. The pole lights are in a shoe box that points down but the wall lighting tends to go horizontally. It was not clear that the lighting plans address the needs of the delivery trucks that arrive in the back early in the morning or when it's dark., or the delivery spot behind the restaurant and the smaller outparcel building. The Commission would like any additional plans there might be that pertain to these issues This matter should be referred back to the Lighting Commission for further information.

Dankert said he didn't want to slow the process down and was assured that it wouldn't be a problem as the ground had not even been totally cleared yet. Halevy stated that Reinhart will go back and check everything out after the project has been completed. Not only will he check the intensity of the light, he's also going to check the location of the light. If he feels that some lights are shining into the eyes of drivers, then he will require they be changed. Halevy thought that the Planning Board should work with the Lighting Commission to establish some kind of procedure that identifies such concerns. For example, it's the Commission's job to tell the developer there's too much light and that it will have to be reduced. Reinhart is talking about a sheet of paper that would explain exactly what we needed. Halevy recommended that these issues should be tabled for the time being.

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Commercial Low Traffic Study Update

Halevy reported that the comments on the updated study were sent to Majestic but she never saw them, so Ben faxed another copy. As of now, the Planning Board has not gotten any response. Halevy distributed a timeline from EDR, but suggested that the Board not discuss it until Ned returns which will be the first meeting in April. Curtis sent Hickey the materials and he's aware of everything. It is Hickey's decision whether to schedule a meeting with EDR at a regular or a special meeting of the Planning Board. He will set up a schedule based on the availability of Board members and include Fresinski to talk about the North Triphammer Development. Apparently EDR is still not too clear about what the Board wants. The Board waiting for Majestic to respond to their comments and, once the Board and EDR agree, EDR will credit the Village for wasted time. A letter dated March 2, 2000 was sent by Klepack about two weeks ago. There's little doubt that they have it now. So hopefully by the last meeting of the month they will provide a response.

APA Conference

Halevy asked if anybody is interested in the APA Conference scheduled for April 15th to 19th in New York City. Normally money is set aside for Planning Board members to attend. Halevy reminded the Board that in the past they had attended several Planning Federation conferences, but have not been in three or four years. He felt the Planning Federation programs did not change significantly from year to year. Curtis stated that information about the APAConference would be available in the Village Office.

Year 2000 Work Plan

Purchasing a clean fill site for for the Village is still outstanding.. Clean fill can include rubble, waste, asphalt and even old pipes. Dennis said he had heard that Cayuga Heights was also in the same dilemma and had been using property outside their Village. The Village has not spent any time investigating this but it is something that could be useful. Halevy said it should be brought to attention of the Trustees. Attorney Marcus reported that the Village can buy land anywhere it wants if it's for a public purpose.

Apparently the City of Ithaca is also faced with the same problem. They discovered that this is complicated because the decision to use sites elsewhere in the County could be viewed as encroaching on other Towns by the residents of those Towns where the fill is being sent.

Curtis said that much of the land along the west side of North Triphammer Road had been built up with fill. It was agreed that the issue of landfill areas had not been explored sufficiently. For a variety of purposes an inventory of vacant spaces in the Village of Lansing should be developed. It could also be useful to identify vacant land nearby which could be purchased in the Town of Lansing.

Halevy introduced the topic of the property west of the Pyramid Mall that abuts the Shannon Park property. It is near the town houses. There is a stream that goes through it and some beautiful trees. Parts of it are wetland. This property should be left as it is, woods and open space. Clearly, it should not be used as a parking lot or an area for the congregation of teenagers. Initial discussions with Scott Sutcliffe at the Ornithology Lab would indicate that it may be a good site for a bird sanctuary. The Cornell Laboratory of Ornithology is an excellent resource for determining if and where good sites for bird sanctuaries exist in the Village. Several years ago the Village developed a plan whereby it could buy the property which is currently part of Shannon Park Planned Development Area. It could then sell it to the Shannon Park Home Owners Association using a bond that would be retired over some number of years through an assessment on their tax bills as a special benefit district. In so doing, they would pay off the loan and their payments would be tax deductible, and Homeowners Association would wind up owning the land when the bond was retired. At the time the residents could not agree to go forward with the plan.

Halevy had a conversation with Scott Sutcliffe. He thought it might make a good bird sanctuary. He said he could work with the Village to develop a list of other undeveloped properties that would be suitable for this purpose. There was some concern that if the Village owns it, there will be no way to preventing it's use as a hangout for teenagers from the mall or to prevent people from going in after dark.. People will want to walk through it to enjoy the birds, but in doing so may hamper its usefulness as a bird sanctuary. The Village could create a set of rules that would be consistent with a bird sanctuary and discourage people going in after dark. There are a number of the approaches for purchasing such property. Randy could be asked if he still has his notes on that earlier deal. It might be worth digging them out and seeing exactly how that was structured because that might be appropriate there and in other places. Halevy will talk further with Scott Sutcliffe.

Reports

Trustees: The Trustees discussed many items but the most important was the Kensington. Road connection. Apparently Carol asked specifically to go before the Board and reminded them many letters were sent, and there was an interim reply by the Mayor. He had a pleasant conversation with Carol and her husband as they were flying out of Ithaca. When he got another letter from the Kensington Homeowners he was a little surprised at the formality of the tone and asked the lawyer, Ed Hooks, to draft a reply. Halevy was not quite sure what the problems are at this point, but thought it had moved to the Trustees level and was no longer an issue for the Planning Board to consider.

Approval of Minutes

There are two places where the name Mengel were misspelled as Mingle. No other corrections were noted. Dankert moved that the Minutes of February 14th should be accepted as amended. Seconded by Brown. All in favor.

Other Business

Halevy asked if anything happening with Pyramid. And Curtis replied that he had received nothing new. Sutton is considering going through the BZA for a variance and is reviewing the matter with his attorney. It's uncertain how they will proceed. Sutton indicated that he'd like the record of the meetings, letters and so forth and he and his attorney, Peter Walsh, will work things out. Sutton will continue his in-house business pending resolution of the problem. Halevy asked if the people who live in that neighborhood have come back and complained about the traffic. Curtis replied that he had had no comments from the neighbors.

Halevy reported he had been told that they're ready to start working on the Marriott. In the next week or two they will start laying out footings.

Halevy said that nothing has happened with McDonalds. The sign "For Rent" or "Available" or something is still there. Last week they had submitted a drainage plan that Cross had reviewed and gave them a list of issues. With regard to sewer units where Cayuga Heights is involved, Curtis understood that the issue has been pretty much worked out.

With regard to the new McDonalds parcel, an issue arose coincidentally in a discussion with Andy Sciarabba that, regardless who owns or leases the land, apparently Sciarabba has, for the record, a right of way across the property. Apparently it is undefined right of way across Butler's property for access and gress to Triphammer Road. It was probably put in the title at the time Andy bought his property from Butler originally.

Curtis reported that there was no activity at the YMCA. He got the impression they had to finish fund raising. With regard to a drainage plan, Curtis thought that Bob Tallman was at the meeting where the Planning Board talked about drainage and Curtis said he thought Tallman talked about there being something planned in the back. He expects that as they get closer to completion they will address the issue.

Halevy reported that there was a drainage problem at the Village Office building. The footer drains for the addition did not appear to be working. Dennis dug it up and Halevy photographed it; the perimeter drain was all smashed and crushed. For the record, he took photographs when they were repairing it. However, they worked so quickly that he didn't have an opportunity to takes shots of the completed project.

Halevy asked for any other business. Marcus mentioned that he did finish the editorial work on the codification of the Village Laws and Regulations. So at some point over the next couple months the revised code will be adopted.

Conversation turned to the Village's role in protecting property through purchase. It is well established that the Village can acquire property for recreational purposes. Properties that should not be further developed could be designated as recreational space, undisturbed open space, and protected in that way. Marcus explained that the reason the law exists is so that if property owner develops a property or subdivides property they theoretically create a greater need for recreation and so the Village can actually take property for that purpose. The rationale for it is not so much to promote acquisition of open space but the designation of what's considered recreation space. This has been discussed at the Trustee's level when the Greenway Plan was adopted about five years ago. The Village has basically said one manner of recreation is to have untouched open spaces available even if you can't use it for anything active. Marcus said if the Village has an interest in acquiring development rights there are Federal funds available but it is a complicated formula.

One specific area of concern was on the Cayuga Hills property. A section of the Greenway goes from the end of Cayuga Hills Road on down to East Shore Drive. They had walked through the property when Park was doing the tree project. There was a trail on the survey map but it wasn't marked on the property. The Village has talked about putting up signs but the trail is not easy nor very safe to walk. And then there was a conversation about how can this be improved to be a usable trail. Ironically, about twenty feet down the way is a path that everybody walks on. But that doesn't happen to coincide with the easement and is on private property. The Village's trail would really have to be improved to be usable. Mr. Park was supposed to clean any tree cutting debris off but Curtis has not checked to be sure if he has or not. Ned was going to talk to Dennis about how it could be improved. You almost need a rope rail or something going up the area that is actually the easement.

The discussion became generalized about identifying the appropriate properties and the role of the Village Trustees in negotiating. The Planning Board makes recommendations but they must be supported by the Trustees. Identification of particular properties that would be good for the Village to acquire must be done cautiously and quietly. You can go and check the assessment list and see what's available in the Village, who owns it, whether it's even land that the Village would want.

Discussion turned to the new County Unique Natural Areas list. Leopold explained it is difficult deciding what kind of information belongs out in the public because it is sensitive information. When you are talking about people's property, their reaction may be how do you know there are natural areas on my land. It's my business. People are very sensitive about private property issues. Curtis reported that the issue has come up with the Suttons 239 review from the County. It cited that the back of this property was included in a Unique Natural Area. When he checked with the County they informed him of the changes in the Unique Natural Areas inventory and sent him that section of the map.

The County EMC is getting a copy to the Finger Lakes Land Trust which is the most logical place to have a copy of the report because their whole purpose in life is to protect such areas. But again, they have to be very careful, the EMC is going to be releasing copies to a very few chosen folks, such as the municipal offices, along with memorandum of understanding of how it should be used and how it should not be used. In other words, the municipality can not let it out of the office or let people Xerox the entire book; they can copy particular pages.

Curtis noted that the Freedom of Information Law may require a municipality to release all such information to the public on request. The Village gets these sorts of requests and knows how to handle them pretty well. Leopold said people want to know, and County and local government wants them to know. That's the whole purpose of the Unique Natural Areas list. They want people to know in advance that this is a sensitive area next to or on the land they are considering developing.

Brown asked how they gather the information. Leopold replied they use a variety of means. Historical records. The whole thing started from a Masters Thesis by Craig Tufts, on the staff in the '70s. He inventoried natural area in Tompkins County based on historical records and anecdotal information. And from that, the first Unique Natural Areas inventory was started and it was revised in 1990. But a lot of information was gathered on the ground. The EMC hired experts in rare plants to do surveys because they were finding it hard to do an adequate job in areas such as Caroline and forests and unusual areas.

Halevy spoke with Scott Sutcliffe, stating that we would like somebody from the Ornithology Lab to come and check out forested areas for suitability as bird sanctuaries. He said we don't have to do that because there are aerial maps. These photos are very useful because a lot of times they can't go on private land and they use aerial maps instead. He added that he couldn't understand why anybody, any land owner wouldn't take advantage of the aerial photos. In developing the list of Unique Natural Areas, they also use check lists of animals, insects, things that are or have been known to be in a particular area or that would likely to be there. There is a lot of information on plants and a little on mammals. There is a bird check list of the birds sighted in this area. Some migrate, some don't. So it's very hard to put a list together for all rare and endangered species.

Curtis believes that some of these sensitivities might be somewhat similar to issues facing the Cayuga Trails Club which tries to get landowners to give just a narrow strip of their lands for trails. Some of the dairy farmers and others don't want this. Even though most try to be careful there's always going to be the possibility that people might leave trash, damage fencing or trample sensitive plants.

Halevy said that two or three years ago the Smithsonian Magazine had a big article about plant rustlers and Brown said there is one just in the latest Audubon. People were rustling ginseng. Leopold said that's exactly why the Plantation is extremely careful about letting information out and why we should also be cautious. And then there is the whole private property rights issue. People don't want anybody telling them what they can do with their land. If you identify a site on someone's land that is rare and needs to be protected, they are concerned that the government will then tell them what they can do and can not do on their land. Curtis said key areas of concern in the Village's Zoning Law are the impact of drainage and storm water runoff and the rights of people down the hill or down the stream.

Leopold thought the wetlands are regulated by regulated by DEC but that doesn't mean they are protected. She does not expect to encounter a lot of negative reaction but the EMC does have to be pro-active. The EMC will do training at each Planning Board to show people what's new about the Unique Natural Areas document. They have extra copies down at County Planning which will be available at cost; they don't know what the cost will be.

Adjourn

Halevy asked for a motion to adjourn. Dankert moved to adjourn at 10:00PM, second by Brown. All in favor.