

**Village of Lansing  
Planning Board Meeting  
July 29, 2003**

The meeting of the Village of Lansing Planning Board was called to order at 7:31 P.M. by Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Carol Klepack and Maria Stycos; Alternate Planning Board Member John Piscopo (having been designated by the Board of Trustees as an Active Member for this meeting); Attorney David Dubow; Associate Attorney Kevin A. Jones; Engineer Brent Cross; Code Enforcement Officer Ben Curtis; and members of the public.

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**Public Comment:**

Hickey opened the Public Comment period. John O'Neill, 53 Janivar Drive, asked that the placement of a traffic light at N. Triphammer and Craft Road be considered for a future date when funds become available. Hickey responded that installing a light was not just a matter of funding. New York State has a system of warrants which establishes specific criteria to determine when a municipality is entitled to install a traffic light and based on this criteria a light is not warranted at this time. Hickey noted, however, that all electrical connections will be installed when N. Triphammer Road is rebuilt, and in the future, when installation of a traffic light is warranted, the connections will be in place.

O'Neill also spoke of concerns of residents that for particular projects a great deal of discussion occurs and the die is cast prior to public hearings. O'Neill asked if it would be possible to institute a mechanism or system where one representative from an affected neighborhood could sit with the Planning Board during the discussion of the issue to provide input. Hickey does not think NYS allows for an ad hoc committee member on any one particular issue. Hickey is aware of the concerns of Lansing Trails residents and is willing to discuss this further with those interested

There being no one else who wished to speak, Klepack moved to close the Public Comment period. Seconded by Brown. All aye.

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**Preliminary Plat Approval of Millcroft Subdivision:**

Hickey stated the next item on the agenda was a continued discussion of the Preliminary Plat approval for the Millcroft Subdivision. At the last meeting, several corrections were required for Part I of the long environmental assessment form completed by the developer. Board members received a revised Part I of the assessment form for page by page review prior to moving on to Section 2. Board members also received a revised drainage plan. Dan Bower of Hunt Engineers and the Millcroft Subdivision Project Manager, gave a brief overview of the changes. Bower indicated that he had taken previous comments by Board members and Engineer Cross into consideration. Bower has since met with Cross to discuss the modifications which were subsequently made. One concern was that the radii of the road curves shown on the plans were less than that required by the regulations. Bower stated the 150 ft. radius curve they are proposing for the roads is larger than most curves in other developments in the area. The curves of the proposed road were compared to other roads in an overall map of Lansing Trails I & II and the Millcroft Subdivision prepared by Curtis for this meeting. The developers have discussed putting in a controlled intersection where Croft Road meets Millcroft Road in Phase 3 as a three-way stop to slow traffic and break up the straight stretch of road.

Bower continued as follows: The second issue the developers looked at was a reduction in size of the detention basins along property lines near Craft Road and Leifs Way. The water from Phases 3 and 4 was originally proposed to flow into these detention basins. A proposed modification allows the water to flow through the development and not enter these detention ponds which reduces the required size of the ponds substantially. Contours were also changed by deepening and steepening the ponds so that most of the ponds would fit on portions of Lots 9 & 10 which would then be conveyed to the Village. Another concern was the length of pipe from Lot 1 to the stream. Originally there was a larger drainage area for this lot. The plan now is to take part of the water in another direction to the swale on Craft Road and eliminate the need for the long pipe.

For the third issue, Bower stated another change is to have all roadway sewer pipes remain within the 60 ft. ROW, with the exception of the one near Lot 13 where there will be an easement for maintenance. The developers also came to the conclusion that the trail was inefficient and needed changes. The Phase 1 master plan was reviewed. The new design has the trail coming out of the park in a northerly direction between Lots 6 and 7.

Bower stated the last change addressed the cul-de-sacs in Phases 1 & 2. They have been re-figured so that rather than the T configuration, there is a side T configuration which is what the Town of Lansing desires for emergency vehicles and plowing. This configuration will necessitate temporary easements for the affected lots for this temporary turnaround until connecting roads are built in a later phase.

Hickey asked where the water from the undeveloped parcels on the east would go after Phases 1 & 2 were completed. Bower responded that the water would sheet drain to a natural swale or into the 18 inch pipe under Leifs Way and there would be no increased rate of runoff.

Klepack asked about the trail location along Leifs Way. Hickey stated it would necessitate a paved shoulder for that part of the trail.

Klepack expressed her concerns about having a detention pond in a property owner's back yard and questioned that a property owner will take better care of the detention area than the Village. If the system fails and the property owner is negligent where does liability rest. Bower responded that the Village would have complete control up to the 10-year line and to the bottom of the pond where sediment builds up. The Village would also have control of the berm area as well as the outlet pipe structure. The Village would not have title of the area from the 10-year to the 100-year contour line on Lots 9 & 10. This is a distance of about 10 or 11 ft. which the developers do not want to deed to the Village. Hickey questioned why the developers would not simply convey the land to the Village rather than make it the property owner's responsibility to maintain it. There were also concerns about detention areas located on Lots 11 and 12. Bower stated the reason the developers are reluctant to give the Village the property on these lots is because moving the property lines will make the lot sizes less than the required 20,000 sf.. Cross stated that since he has met with the developers he has calculated that taking the total area of Lots 9 – 12 , reconfiguring the detention, subtracting the revised amount of land that would then have to be deeded to the Village, and redrawing the lots would provide an average lot size of 19,650 sf, which is only 350 sf short of the aggregate lot size requirement for these four lots. Cross stated that then there could be engineering of the pond which could gain the 350 sf if that is what the developers wanted to do. Hickey stated again that Cross must be comfortable with the project before the Board would approve it.

Cross distributed his Engineering Report. Cross explained that his position on Village ownership of detention facilities is based on first hand experience and his goal is to avoid repeating problems such as those encountered in the Lansing Trails subdivision. Cross noted there has been progress in the drainage design for the project in addressing the Board's concerns although it does not yet comply with his requests. Cross stated the new storm water regulations require developers to plan for storm events of 2 year, 10 year and 100 year. Cross noted that with the most recent proposal the developers were still not able to accommodate the 100 year storm on the property they proposed to deed to the Village. Jim Finnegan, Project Engineer for Hunt Engineering, stated that a 10 year storm has a 10 percent chance of occurring in any given year, a 25 year storm has a 4 percent chance of occurring in any given year and a 100 year storm has a 1 percent chance of occurring in any given year. Bower stated these are small ponds and the difference between water surface elevation of the ponds between a 10 year and 100 year storm is slightly more than 6 inches on the downstream side of the ponds. Cross stated it does appear that the developers could reconfigure the ponds to gain the 350 sf for

Lots 9-12. This would make the ponds steeper. Cross feels this might be a possible solution for the developers to consider. Robert Miller, developer, stated that slope is an important issue because wet areas need to be maintained to remain attractive and it is difficult for homeowners to do this maintenance on steep slopes. Cross is recommending that the slope of Lots 11 and 12 be made the same as Lots 9 & 10. Hickey stated the Board is still adamant about the Village owning the drainage areas. Bower asked about the possibility of waiving the lot size and Hickey stated it cannot be changed as it is in the Zoning Law, although the developers can request a variance from the Board of Zoning Appeals. Cross noted that Lots 9 & 10 contours are steeper and Lots 11 and 12 are less steep, and Cross would suggest the lowest contour behind Lot 10 be pushed to Lot 11 which would gain enough volume to cover the 100 year

storm and the need for an easement on Lot 12 could be eliminated and enough would be recovered to make the lots the required size. Finnegan stated it would need to be reviewed. Cross clarified that he did not subtract the 20 ft easement for the underground pipe.

Hickey recommended that the Board proceed with the SEQRA review. One condition could require the approval of the Village Engineer for the drainage plan, and this can be resolved between Cross and the developers. Klepack indicated that the airport issue and the connection of roads during phasing, both of which were raised by the County Planning Department, also need to be resolved. Hickey would like to see the SEQRA completed at this meeting and then the preliminary plat approval can be handled at the next meeting.

Miller expressed his desire to address the issue of connecting the two roads at tonight's meeting. Miller commented that the developers have taken a standard approach of proceeding with the development as a phased plan and have laid out a conceptual plan for all phases. Upon completion of Phases 1 and 2, Phase 3 will be built. Miller offered to make an agreement or commitment with the Village that upon completion of Phases 1 and 2, the next parcel for submission for approval must include the connection of Croft Place and Millcroft Drive. Hickey asked for a timeframe. Miller could not commit to one at this time. Hickey stated that the Village does not want to get in a situation where cul-de-sacs remain for a long period of time. Hickey feels that once the 24 lots of Phase 1 and Phase 2 are sold, that engineering should begin within a year for the next phase. Miller does not feel the cul-de-sacs create a hardship for the owners as only 12 residences are serviced on each one. Hickey stated the Village wants to see the road completed. Miller would like to see Phase 3 with roads presented at a later date. Cross feels much of the engineering for Phase 3 is already completed. Miller stated the economic burden includes both the design and the construction of the road. Miller is willing to commit the engineering be completed after Phases 1 and 2 are completed, but is unwilling to commit to a timeframe for construction as the market will determine his timeframe. Miller stated Phase 2 will begin after Phase 1 is completed. After the completion of both phases, Phase 3 will begin. Hickey reiterated the Board will need some timeframe prior to approval of the project.

Hickey stated the Board must work on the issue of the airport and needs to discuss this with the Village attorney.

Cross mentioned that there is a Village regulation which provides for an easement along a stream course for maintenance purposes. He is unsure if this regulation applies to the project. Cross feels the Village does not want the easement to be across private properties. Hickey stated the owners of the private property must maintain the stream course. By law, the Village can maintain the stream course without an easement if the owners do not. Cross would recommend the Board waive the requirements so the developers do not write the easements in. Curtis stated that the drainage ways must be protected by the developer. Finnegan felt the 25 ft. proposed easement was from the Subdivision Law. Curtis read Subdivision Law Section 402.7 which states where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement for a drainage right of way as required by the Engineer, and in no case less than 20 ft. in width. Hickey stated this requirement can be waived if the Engineer does not require it.

The Board then discussed recreational land. Cross noted that the public lands shown on the plans for Phases 1 & 2 make up the 6% recreational land for the whole subdivision including Phases 3 and 4. Hickey stated a calculation summary is needed. Bower responded that the entire parcel is 50+ acres. The proposed development provides for more than the 6% (which equates to 3.02 acres) required for recreation land. This is made up of 2.3 acres for park as well as a trails system of 2.2 acres for a total of 4.5 acres.

The Board then reviewed the SEQRA Part I as corrected by the developer. Bower reviewed the changes: Page 3, Item 2 – now includes “after completion of development” numbers; Page 4, Item 11 – refers to identified plant species & animal list of which there are none on DEC list; Page 5, Section B4 – 9.5 acres of vegetation removed; Page 6, Item 5 – no trees over 100 years old; Page 7 – hours of construction have been addressed; Page 8 – approvals of town, county and other local agencies removed. Cross stated the County handles reviews and approvals for the NYS Department of Health for water and the NYS DEC reviews for sewer. Cross stated the DEC could be listed for storm water management approval. Bower noted applicant must notify the DEC with a letter of intent but that no actual approval is issued. State agencies will be changed to no.; Page 9 – added Craft Road in commercial traffic area in Box 7.

The Board then reviewed Part II. All questions were answered No except the following: Page 11, Item 1, Yes. The project will last longer than one year or involve more than one phase or stage (small to moderate impact). Page 12, other impacts: construction of 4 drainage ways and approx. 2000 ft of roadway (small to moderate impact). Page 14, Item 6, Yes. The drainage plan alters distribution of water within the site (small to moderate impact). Page 19, Item 19, Yes. Proposed action will cause a change in the density of land use (small to moderate impact). Development will create a demand for additional community services (small to moderate impact).

Klepach moved the following resolution:

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Preliminary Plat Approval of the Millcroft Subdivision, a major subdivision dividing a 50.329 acre lot into twenty-five building lots and two residual parcels which may be subdivided into additional building lots at some time in the future. The lot to be subdivided fronts on Bush Lane on the North and Janivar Drive/Leifs Way on the South and is located in the Medium Density Residential District, Tax Parcel No. 45.1-1-47.2.  
; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is designated as the Lead Agency for environmental review; and
- C. On July 29, 2003, the Village of Lansing Planning Board, as Lead Agency, and in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Full Environmental Assessment Form (the "Full EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern 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) completed the Full EAF, Part 2 (and, if applicable, Part 3);

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Full EAF, Part 1, 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 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 Full EAF, Part 2 (and, if applicable, Part 3), 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; and
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Full EAF Determination of Significance confirming the foregoing Negative Declaration, which fully completed and signed Full EAF shall be attached to and made a part of this Resolution.

Seconded by Brown. All aye.

The Board asked the applicants to grant an extension for approval of the Preliminary Plat until the next Planning Board meeting on August 11th. There will be a quorum present on that date although Cross will be unable to attend. Hickey felt Cross' report would suffice. Miller agreed upon the extension in order to resolve the two issues where input from the developer is required: a proposal for the connection of roads upon completion of Phases 1 & 2 and resolution of the drainage issues. Dubow stated there were also additional issues which might need to be addressed and conditions imposed, such as the County's concerns regarding the airport combining district, and Miller acknowledged such additional concerns as issues to be addressed during the agreed upon extension of time for approval of the Preliminary Plat.

**Lansing Trails Phase 2:**

Hickey stated the next item on the agenda was a continued discussion of Lansing Trails Phase 2. The Board is looking at the road design suggested at the last meeting. To provide a better overview of the entire project, Curtis has provided Fabbioni and the Board with a map of Phase 1 which matches up with Phase 2 and the proposed Millcroft

subdivision. Fabbroni stated that working on suggestions from the last meeting as well as providing for the 6% recreation area and the 20% open space, he developed the revised plan the Board received in their packets. Fabbroni stated there is more greenway as well as preservation of existing hedgerows and the stream corridor to constitute the 6% and 20%. South of the current park, there is an area shown as open space which will be part of the open space and part of the recreation space. The traffic circle at the intersection with Bomax Drive was also implemented. Hickey was glad to see the town houses moved to the northeast corner as recommended. Fabbroni stated that the wood line is depicted on the map and not much had to be removed to place the townhouses in that location.

Hickey stated there were lots on Ayla Way which did not have access to a public roadway. Fabbroni stated that one of the lots would be a large flag lot with an entrance onto the Ayla Way turnaround and the other lots would have access to Janivar Drive. There would also be a second lot which accessed the turnaround on Ayla Way. Hickey questioned if the turnaround also serving as a driveway connection would cause problems. Fabbroni stated it would be possible to extend Ayla Way another 50 feet and have the driveway connect to that and thereby eliminate the flag lot. This sounded better to Hickey. Fabbroni stated turning radii needed to be reviewed and the plan tweaked as this is a conceptual plan. Fabbroni stated there is also a proposed walkway along the northern and eastern border along the hedgerow to split this property from the Miller property. Hickey asked about the total density for Lansing Trails for Phases 1 and 2. Fabbroni responded 75 plus 102 for a total of 177. When clustering was first discussed, Fabbroni figured the proposed density was for 194 units. Klepack asked for clarification of the hedge row shown on the lots on Ayla Way near the hammerhead turnaround. Fabbroni responded that lots 96 and 87 in Phase 1 are larger lots to accommodate the hedge row. Klepack would like to see all hedgerows as part of open space. Klepack also stated that she does not like the roundabout and would rather see four stop signs. Hickey would like to see the roundabout remain an option, as well as a 4-way stop. Cross would like to make a presentation to the Board on traffic calming and traffic circles. Cross is concerned about the three right hand 90 degree intersections and asked about the radii. Fabbroni stated the curves would be softened to be closer to a 150' radius. Brown likes the fact that hedgerows are incorporated into open space rather than removed.

Hickey likes the fact that Ayla Way ends and there is not a direct shot through to Bomax Drive which would dump all traffic onto Leifs Way. Hickey stated that feedback is now needed from the residents. Hickey would like to speak with Cliff Buck regarding resident's input. John Wisor, Vice-president of the Lansing Trails Homeowners Association, stated there is a meeting in August for the Lansing Trails residents. Wisor will try to move the meeting to an earlier date and Hickey stated he would attend if agreeable to the Lansing Trails Homeowners Association. Fabbroni is amenable to having this resident input so the project can proceed. Hickey will bring comment back to the Planning Board on August 11<sup>th</sup>. Klepack asked for and received a quick review of how the ownership of the property associated with the townhouses would work. Hickey stated the Board needs to approve a workable road design for recommendation to the Board of Trustees in conjunction with the Trustees granting approval for proceeding with this subdivision under the cluster regulations. As this is only pre-sketch plan review it need not contain all trails, etc. Cross noted that the Airport Conservation District concerns must also be addressed with this project.

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**Shannon Park – Site Plan Review:**

Dan Bower presented a preliminary sketch plan submittal for Planning Board input. Hickey stated there were too many units as the original approval is for 32 units and 8 have already been built. Bower responded that the proposal is for an additional 8 buildings of 16 units which when added to the already constructed 8 units equals a total of 24 units which is in fact less than the 32 approved. Bower explained that the Hamlet is a parcel of 5.98 acres located behind Beckett Way. The proposal is for duplex townhouses which would be sold with zero lot lines and there would be an area of land associated with each unit and the remainder of the land would be owned by a Homeowner's Association. The entire road would remain private. Individual units would have sewers and water. Storm water would utilize the low lying area for a detention area. Hickey asked if there was a trail planned for the site. Bower responded that the trail could continue through the project to the road ROW. Klepack asked about the length of the road. Bower responded there is an 850-900 ft. cul-de-sac and about an additional 140 ft. connection to Beckett Way. Bower stated the cul-de-sac is designed to handle fire and emergency vehicles. Cross noted that a private road means private plowing. Bower stated that the developer desires to maintain control which is why a private road is proposed.

Hickey noted a SEQRA will be required. Dubow stated this was part of a Planned Development Area, and since the original approval was given for the project, many changes have occurred and the Village must therefore review procedures for Planning Board and Board of Trustees approvals for the new subdivision and development. Bower asked about the process for proceeding and Dubow will review and respond in letter form. Dubow feels this project will require subdivision type approval and needs to research what will be required for Board of Trustees approval. Curtis noted that the site plan is much the same as special permit approval.

**Approval of Minutes – June 9 & 24, July 14:**

Klepach moved to approve the minutes of June 9th as revised. Seconded by Stycos. All aye.

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Klepach moved to approve the minutes of June 24<sup>th</sup> as revised. Seconded by Piscopo. All aye.

Klepach moved to approve the minutes of July 14<sup>th</sup> as revised. Seconded by Piscopo. All aye.

**Other Business as Time Allows:**

Hickey appraised Planning Board members of the New York Planning Federation Conference scheduled for Lake Placid in September. This will be discussed at the August 11<sup>th</sup> meeting.

**Adjournment:**

Klepach moved to adjourn at 10:06 P.M. Seconded by Stycos. All aye.