

**Village of Lansing  
Planning Board Meeting  
May 25, 2004**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Carol Klepack and Maria Stycos; Alternate Member John Piscopo; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross, Code Enforcement Officer Ben Curtis; and members of the public.

- Prior to opening the Public Comment, Hickey appointed John Piscopo to serve as a voting member for this meeting in place of Doris Brown who could not attend.

**Public Comment:**

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Dankert moved to close the Public Comment period. Seconded by Klepack. All aye.

**Public Hearing - Amendment to Shannon Park PDA:**

The next item on the agenda was a Public Hearing to consider a proposed amendment of the Shannon Park Planned Development Area by Steve Cardamone pertaining to the parcel referred to in the Shannon Park Planned Development Area as "The Hamlet" (Tax Parcel No. 47.1-6-58.1). The proposal involves the subdivision of the parcel into smaller parcels for sale to individual owners as 16 town houses with a small amount of land attached to each unit and residual land and infrastructure owned in common. The Final Plat will be considered.

Hickey stated the Preliminary Plat has been approved with 19 conditions some of which required changes to be incorporated into the Final Plat. Tonight there would be a review of the Final Plat to see if those conditions have been met. If the conditions have not been met by the developer, another meeting will be scheduled. If the conditions have been met, then the Planning Board must make a recommendation to the Board of Trustees for final approval.

For the developers, Jim Finnegan distributed site revisions to the Final Plat which addressed snow removal. Finnegan stated he would limit his comments tonight to material not presented in the Preliminary Plat approval stage.

Finnegan stated Wedgewood Drive would be extended a short distance as a public road with a turnaround on the west side and then connect to a private road serving the gated community. There would be 16 units in 8 buildings. Snow removal would be accommodated with an easement in the turnaround. Snow would be pushed to near the detention pond area. Placing the snow where proposed would gain the full effect of the storm water management system. Finnegan stated there would be 8 ft. lanes coming down to the area with an easement. A hydrant would be added for ease of fire truck use. The water main will be placed in the roadway rather than on the sides because this would eliminate the need for placing it at the base of a retaining wall, as well as conflicting with the sanitary sewer system in locations where a separation would be required. This has not yet been discussed with Superintendent of Public Works Dennis Reinhart.

Hickey opened the Public Hearing.

Lou Gentsch, 76 Wedgewood Drive, spoke first for the neighbors the Widmans, 55 Beckett Way. He had questions about the Landscaping Plan. Hickey stated there are revised plans and they would be reviewed tonight. Gentsch also asked about a topo plan. Finnegan stated the plan was revised to show snow storage. The 4 townhouse units bordering on properties with existing houses in Shannon Park will be screened by a proposed tree line with trees depicted on the plans for size and type. Gentsch stated the proposal is for 8 white pines behind the Widmans and he does not feel this is sufficient to provide a screen. Another concern of Gentsch is a guarantee that the developer will plant the trees as required. Hickey responded that Klepack and himself check the initial planting and also revisit the

site after one year to ascertain that the trees are all doing OK and, if not, are replaced. After the two visits, the Village is not responsible for checking on the trees, but can still require replacement if trees are lost for whatever reason. Gentsch stated the area is wet and white pines might not survive. Finnegan stated the trees would be planted in berms. Klepack would like information as to why white pines were recommended, how wide they spread, and if there would be another species which does not lose the branches at the lower levels which might provide better screening.

Douglas Heckathorn of 45 Beckett Way spoke next about the trees which are presently on the property. Finnegan stated there are some large trees on the property in pockets. Some of the large trees or conifers would need to be removed for the roadway. Heckathorn and his wife would like vegetation saved if at all possible as it provides a screen. Cross stated many of the properties on Beckett Way already have a dense screening on their side of the property line which would remain.

Heckathorn asked about the elevation of the berms and how much screening they would provide. Curtis stated the maximum height of house in the Residential Districts is 35 feet. Finnegan stated the high point elevations are written on the plans. The berm appears to be 6 feet at the highest.

Gentsch asked about the drainage in the wet areas where the berms are proposed. Finnegan responded the water would be carried by the swale.

Heckathorn 's wife, Susan Lobello, expressed concerns about approving the entire project with 16 individual units. She would like to see townhouse units 13, 14, 15 and 16 eliminated which would significantly diminish the impact on the neighbors on Beckett Way. Hickey responded that originally a total of 32 units were approved and this is a reduction from that. The owner may determine how to develop his property within the original approval. Lobello was dissatisfied with the information she has received from local attorneys and has had to go out of the area to get adequate representation. Dubow stated the original approval for the plan was for apartments in that area. Since then, the proposal has been downsized to this point. The resident again reiterated her desire to see the 4 units removed from the proposal as it would reduce the impact. The same resident is concerned about the traffic on Beckett Way resulting from this development.

There being no one else who wished to speak, Klepack moved to close the Public Hearing. Seconded by Piscopo. Ayes by Dankert, Hickey, Klepack, Piscopo and Stykos. Motion carried.

Cross gave his Engineer's Report next stating there are few new comments. Cross originally noted the gravity portion of the sewer flowed from west to east and then joined the Wedgewood Drive extension sewer main. After discussing it further with other engineers, logic determined it would be better to reverse it so the gravity flow would be from east to west and then join onto the Beckett Way sewer main. In either case sewage would be pumped from the Hamlet system into the Village system and the pumps would be owned and maintained by the Hamlet Homeowners Association. Cross was supportive of the Beckett Way connection and felt there would be less of an impact to the land with the depths of the pipes. Finnegan was agreeable to this.

Cross has also spoken with Reinhart. Cross wanted to confirm that the water system would be dedicated to the Village to meet health requirements but the sewer system would remain with the Homeowner's Association up to the point where it connects with Beckett Way. Finnegan stated this is correct.

Regarding the snow plow turnaround, Cross has spoken with Reinhart. Reinhart noted that the plows push to the right and that is where the snow should be piled rather than across the road to the left. Finnegan stated he would work further on the snow removal and storage plan for the proposed development and Wedgewood Drive extension. It remains unresolved at this time.

Cross discussed the issue of the water main being under the pavement. The road would be maintained by the Homeowner's Association. In the future should there be a problem with the water main and the Village had to repair the water lines, the Village would do the actual repairs to the line at no expense to the Homeowners Association, but the Homeowners Association would be responsible for repairing the road surface. This will be written into the Homeowners Association bylaws and offering plan. This was agreeable to Cardamone.

The Board then reviewed the following 19 proposed Conditions of Final Plat Approval:

## SCHEDULE A

### CONDITIONS OF FINAL PLAT APPROVAL FOR THE HAMLET STAGE 2 SUBDIVISION/SHANNON PARK PDA AMENDMENT

1. Final approval by the Village Engineer of the Final Subdivision Plat and supporting design/specification documents, including, but not limited to, plans and specifications for drainage ways, storm water management/retention areas, erosion control, public utilities (water lines to be located within the paved area of the private and public streets), streets (public and/or private), and intersection layouts, emergency access and snow removal.
2. Final approval by the Village Attorney of conveyance and/or dedication documents in favor of the Village, including, but not limited to, documents providing for the conveyance and/or dedication, to the extent required in accordance with the approval of the Final Subdivision Plat, of streets, storm water management/retention areas (and easements or rights-of-way thereto), utilities, recreational areas, parklands, trail areas, open space and easements, together with any restrictive covenants or other conditions related thereto.
3. Final approval by the Village Attorney of (i) any Offering Plan submitted to the State of New York for approval, (ii) any restrictive covenants applicable to the subdivided parcels, (iii) any documents and/or agreements applicable to any homeowners association or similar entity to be formed, (iv) any provisions applicable to such association or entity as to its obligations to properly maintain all commonly owned areas (including, but not limited to streets and storm water management facilities), and in the case of its default with respect to such obligations, the rights of the Village to perform such duties (and gain access for such purpose) and impose the costs thereof upon such association or entity, and (v) any limited access restrictions associated with entry into the subdivision (including, but not limited to, a gated entry system)..
4. Compliance, to the extent applicable, with the general requirements and design standards and other conditions of Article 300 and Article 400 of the Village Land Subdivision Regulations.
5. Compliance with Section 306 of the Village Land Subdivision Regulations as to letter of credit and related financial security requirements.
6. Availability for the proposed residential development of (i) sufficient sewer units/permits and (ii) sufficient capacity by all other utility providers (e.g., Southern Cayuga Lake Intermunicipal Water Commission, NYSEG), and the inclusion of the following note to be set forth on the Final Subdivision Plat:

**A building permit for an approved lot on this Final Subdivision Plat shall be issued only if the necessary sewer unit/permit is available for the residential improvements proposed for such lot. The approval by the Planning Board of this Final Subdivision Plat shall not be deemed to constitute or be evidence of the current or future availability of any such required sewer units/permits.**

7. Approval by the Village Engineer of infrastructure (e.g., streets, public utilities, etc.) construction plans and schedules, including, but not limited to, ingress and egress of construction vehicles and equipment, signage, scheduling, and the coordination of all work related thereto with the construction of storm water management/retention and erosion controls.
8. Approval from the Village Board of Trustees as required in conjunction with the proposed subdivision constituting a minor amendment of the Planned Development Plan for the Shannon Park Planned Development

Area.

9. Approvals from all other required governmental agencies, including, but not limited to, the Tompkins County Health Department
10. Inclusion on the Final Subdivision Plat of the following note:

**The approval by the Village of Lansing Planning Board of this Final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of Lansing of any street, easement or other open space shown on this plat (see Section 313.01 of the Village of Lansing Land Subdivision Regulations).**

11. Inclusion on the Final Subdivision Plat of the following note:

**The Shannon Park Planned Development Area shall be subject to annual review by the Planning Board, and action by the Board of Trustees, until it is completed in accordance with the Final Development Plan or an approved modification of said Final Development Plan.**

12. Submission of the Final Subdivision Plat for review by the Lansing Fire Chief as to emergency access availability and any limited access restrictions associated with entry into the subdivision (including, but not limited to, a gated entry system), and implementation on the Final Subdivision Plat of all modifications required as a result of such review.
13. Approval by Village Planning Board of a Landscape Plan (i) indicating all trees greater than 24" in diameter at breast height to be removed and (ii) new trees and plants to be installed. Screening trees shall be spaced apart not farther than 15' o.c.
14. Filing of a notice with the NYSDEC of a sedimentation, erosion and pollution prevention and control plan, including the name of a specific person designated to perform inspections related thereto and provide weekly reports to the Village.
15. Construction of all infrastructure in compliance with standards and specifications provided for in the Village of Lansing Subdivision Regulations.
16. Compliance with Section 202.045 of the Village of Lansing Zoning Law (as adopted in Local Law 1 of 1999) as to use and dimension regulations for the Shannon Park Planned Development Area.
17. The final plat shall reflect a southerly extension of Wedgewood Drive as a public road (which extension shall be dedicated to the Village and shall be set forth on the Final Subdivision Plat with a full metes and bounds description) for a distance determined by the Village Engineer so as to create a snowplow deposit and turnaround area sufficient for public plowing of that area.
18. The Final Subdivision Plat shall be deemed to have received final approval only upon compliance with Section 312.01 of the Village Land Subdivision Regulations.
19. Recording in the Tompkins County Clerk's Office of a copy of these conditions of final subdivision plat approval, which copy shall be (i) recorded concurrently with the filing of the Final Subdivision Plat, and (ii) indexed to the deed from William H. Edelman and Audrey M. Edelman et al to Stephen J. Cardamone, dated May 2, 1988, and recorded in the Tompkins County Clerks Office in Liber 635 of Deeds at Page 581. In addition thereto, the following note shall be set forth on the Final Subdivision Plat:

**See Conditions of Final Plat Approval recorded concurrently with the filing of this Final Subdivision Plat in the Tompkins County Clerk's Office.**

Proof of the filing of the Final Subdivision Plat and the recording of a copy of these conditions of final subdivision plat approval shall be delivered to the Village Zoning Officer immediately following such filing

and recording.

With regard to Item #1, Board members reiterated that the Village wanted to control the roads up to the snow storage area at the entrance to the Hamlet. This road must meet Village specs. More details would be required for the storm water management plan. With regard to Item #7, plans for construction and schedules would be needed. With regard to Item #12, the Fire Chief must review the proposed gate and road plans. With regard to Item #13, Hickey reiterated the statements made by the audience about saving as many trees as possible. Hickey noted all trees of 6" in diameter at breast height were not indicated on the plans although the 24" larger trees were depicted. Board members would like more information on the proposed screening pines. With regard to Item #14, filing of Notice with the NYSDEC has not been completed yet and must be done before the Plat can be signed. Also the Final Plat must note there are conditions attached. The Homeowners Association must include provision for road repair in case of water repairs by the Village in their bylaws and/or offering plan. The Board would also like additional information on the gating concept and trails. George Buchanan, 49 Beckett Way, asked if there would be a fence around the gated community. Hickey responded that if a fence was proposed it should be indicated on the plans.

This will be placed on agenda for June 14<sup>th</sup> if the developer is ready.

**Public Hearing – Final Plat Approval of Spitsberg Subdivision:**

The next item on the agenda was a Public Hearing to consider the Final Plat Approval of the Spitsberg Subdivision, a major subdivision dividing a 7.11 acre lot into seven building lots and two residual parcels with a short cul-de-sac road. The lot to be subdivided fronts on Bush Lane and is located in the Medium Density Residential District, Tax Parcel No. 45.1-1-45.1.

Gary Wood, Engineer, gave the presentation responding to the previous concerns of the Board. Wood stated the subdivision will have 7 lots with a 500ft. cul-de-sac with open area in the middle for snow storage. There will be a relocation of a stream, and storm water retention provided at the bottom of the lots. Wood noted that Spitsberg will be the builder as well as the developer. Hickey asked about the two residual parcels mentioned in the legal notice. Curtis stated they would be owned by the Village and one is the retention area.

Hickey opened the Public Hearing.

Wayne Knoblauch, 145 Brook Way, spoke first. His property adjoins the subdivision and he has concerns about the drainage which will be coming from the subdivision which will be flowing to the west and south. Knoblauch has not seen a Landscaping Plan thus far. Hickey stated one has not been given to the Board. Hickey also noted a letter has been received from Jeannette Gibbs, 147 Brook Way, expressing her concerns about drainage and the problems she is having with water in her basement. Wood responded that the property has been walked and there is a water problem which will be addressed on Spitsberg's property but some of the problem is on the parcel north of his land. Cross concurs the potential is there for problems and extending the swale into the easement area on the adjacent parcel may help the situation somewhat. Knoblauch stated the problem is not caused by surface water alone. Hickey stated that when the equipment is in the area, it could extend the swale onto the adjoining parcel owned by Panzer, if Panzer is agreeable and if the costs are shared amongst the neighbors. Wood is agreeable to running a swale on the Spitsberg property and the Panzer property to carry the water off. Anne Furry, 143 Brook Way, stated the Village had a commitment not to change stream beds and she is concerned about this one being moved. Hickey does not recall this requirement, but noted the relocation must go through a DEC review and be approved by them. Curtis stated the Law says if a stream bed is changed there must be review and approval by the Village Engineer. Wood stated streams should not be relocated unless necessary. Knoblauch likes the idea of a swale but wonders what effect it might have given the closeness to the property line and nearby trees and wonders how that would relate to a Landscape Plan. Wood stated the trees are numerous and small but the developer is attempting to help in any way possible and try to place the swale in the footprint of the ditch and will leave as many trees as possible on the property. Knoblauch noted that the stream or swale has filled in over the last 20-40 years and the swale will need to be deepened. Hickey stated the streams shown on the Zoning Map are protected but he can find no information about moving them.

There being no one else who wished to speak, Dankert moved to close the Public Hearing. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Piscopo and Stycos. Motion carried.

Next the Board reviewed proposed Conditions of Final Plat Approval. (1) Final Approval by Village Engineer. Cross has walked the property with Wood, Spitsberg and Furry and confirms the report from Wood. Cross stated there are no significant changes. Curtis stated the fire truck will not hook up to the hydrant on Bush Lane so another hydrant will be placed at the beginning of the subdivision. Cross noted the plans show the stream location without the property line indicated to show the property to be conveyed to the Village although the property will be indicated on the Final Plat. Cross noted that the hydrology report computations are completed but he needs to review them. (2) Final approval by Attorney of conveyance and/or dedication documents. To be submitted and approved prior to signing the Plat. (3) Final approval by Attorney of restrictive covenants. There will be no covenants. (4) Compliance with Subdivision Regulations for parkland monies. Village will request \$750 times the maximum number of permitted units (14) or \$10,500. (5) Compliance with Requirements and Standards of Articles 300 & 400 of Subdivision Regulations. OK. (6) Compliance with Section 306 of Subdivision Regulations as to letter of credit. To be done later. (7) Availability of sewer units & other utilities. Notice will be placed on Final Plat regarding sewer units. (8) Approval by Engineer for Infrastructure Plans & Schedules. Done at later date. (9) Special Permit from US Army Corps of Engineers regarding stream. Application made. Done later. (10) Approval from all other governmental agencies. Health Dept. approval required at later date. (11) Identification on Final Plat regarding Airport Combining District. Is on the map and needs to note applicable conditions as they change. (12) Inclusion on Final Plat regarding streets, easements or open space. Note will be on Final Plat. (13) Final Plat approval upon compliance with Section 312.01 of Subdivision Regulations. Later. (14) Submission of Final Plat to Lansing Fire Chief. Completed. Curtis provided e-mail from Chief for additional required fire hydrant which is being added. (15) Approval by Planning Board of Landscape Plan. Wood provided materials. Trees over 6" are numerous. Developer is agreeable to replant trees for those removed. Trees must be cleared for the 50ft. road r.o.w.as well as the drainage area. Hickey stated if good trees are removed, they should be replaced and shrubs may be used to stabilize banks. Wood stated there would be much guidance given from DEC and others. The Board was adamant that there not be clear cutting of trees. Cross would like to see all trees in the 50ft. ROW removed for safety reasons. It was noted that there will not be concrete gutters or street lights. Hickey recommended that roads and drainage be in place and then the developer submit a Landscape Plan to the Board to show the replacement of the 6" trees taken from those areas. Hickey stated DEC could also provide a list of species of trees for the drainage areas.

Next the Board discussed the fees in lieu of recreation land. After discussing the need for recreation facilities, Klepack moved that the Board has determined that there is a need for access to recreation by residents who will live in the Spitsberg Subdivision. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Piscopo and Stycos. Motion carried.

Hickey stated that the proposed subdivision does not have land suitable for recreation purposes due to density of dwelling units, topography, wet condition, requirement for drainage sites. Klepack asked about accessing the trail system. Curtis noted there would be an easement at the end of the cul-de-sac which could connect to the Millcroft Subdivision if a bridge were placed across the stream. Cross was unsure that they would connect. A possible remedy would be to reduce Lot 4 so a connection could be made. Wood will provide revised plans for Lot 4.

Klepack moved that the Village would accept monies in lieu of recreation land due to the reasons of topography, wet land drainage areas, and access to greenway trails already designated. Seconded by Stycos. Ayes by Dankert, Klepack, Hickey, Piscopo and Stycos. Motion carried.

The Board then continued with the 19 proposed conditions. (16) Inclusion on Final Plat of a note regarding soil, surface and groundwater conditions. Tompkins County Soil Survey shows three soil types on this site. They overlay a hardpan, however, which limits vertical drainage. Consequently, it is important that proper grading, landscaping and foundation drainage be provided. (17) Construction of all infrastructure in compliance with Subdivision Regulations. Not discussed. (18) Recording in County Clerk's Office of conditions of Final Plat approval. Not discussed.

Hickey noted that due to outstanding items, the discussion will continue at the next meeting. Outstanding items include DEC permit for stormwater management and stream relocation, Landscape Plan, Redesign of Lot 4, and the

Hydrology Report. Relocation of stream is extremely important and the Board would like to see a response from the DEC prior to the Board's approval. Dubow stated an extension may be granted if required. Hickey also noted the Board may give a conditional approval subject to receipt of the DEC Permit.

Hickey can provide a conditional approval to John Andersson at the Health Department when the Board approves the subdivision. Hickey noted that he does not sign the Final Plat until the signature of the Health Department is in place. Dubow stated Andersson is aware of the procedures in the Village.

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**Approval of Minutes** – April 27<sup>th</sup> & May 10<sup>th</sup>:

Klepack moved to approve the minutes of April 27<sup>th</sup> as revised. Seconded by Piscopo. Ayes by Dankert, Hickey, Klepack, Piscopo and Stycos. Minutes approved.

Dankert moved to approve the minutes of May 10<sup>th</sup> as revised. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Piscopo and Stycos. Minutes approved.

**Other Business as Time Permits:**

Dankert is unable to attend a green walkway workshop in Rochester and passed around the agenda in case others are interested.

Anne Furry expressed concerns about the cumulative traffic impact of development in the Village. The Spitzberg Subdivision in the Medium Density District would create 7 lots which would allow up to 14 units having two cars each which could generate trips by an additional 28 vehicles. Furry felt the Board should review the Zoning Law and consider possible zoning changes to limit density, thereby limiting the number of vehicles.

**Adjournment:**

Klepack moved to adjourn at 10:00 P.M. Seconded by Piscopo. All aye.