

**Village of Lansing  
Planning Board Meeting  
January 25, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:36 P.M. by Phil Dankert. Present at the meeting were Planning Board Members Doris Brown and Maria Stycos; Alternate Planning Board Member John Piscopo; Acting Trustee Liaison John O'Neill; Attorney David Dubow; Code Enforcement Officer Ben Curtis; Village Engineer Brent Cross and members of the public.

Acting Chairman Dankert opened the meeting and appointed Alternate Member John Piscopo as an Acting Member to fill the Planning Board vacancy tonight created by the absence of member Carol Klepack.

**Public Comment:**

Dankert opened the Public Comment period.

As there was no one present who wished to speak, Stycos moved to close the Public Comment period. Seconded by Piscopo. Ayes by Brown, Dankert, Piscopo and Stycos. Motion carried.

**Public Hearing: Special Permit No. 1991, Anderson Additional Building:**

The first item on the agenda was a Public Hearing for Special Permit No. 1991, Joan and Stuart Anderson to convert an existing dog kennel building into an additional residential building on a single lot which would result in a total of three dwelling units at 1 Pembroke Lane in the Low Density Residential Tax Parcel No. 48.1-2-2.1.

Regarding the proof of mailing, the applicant stated she inadvertently forgot to bring them but would go get them. Dubow stated the Board could condition its determination on receipt of the proof of mailing.

Dankert opened the Public Hearing. Brad Olson, 2 Cedar Lane, spoke first stating he owns the property adjacent to 1 Pembroke Lane. The Olsons purchased their property in 1999 and carefully reviewed the deed restrictions indicating there was to be one residence per lot with an additional provision that there might be one apartment unit per lot not to exceed 30% of the size of the residence. Olson does not want to see the deed restrictions altered in his neighborhood. Olson stated the McLains previously owned the property at 1 Pembroke Lane as well as the others in the subdivision and they are the ones who set up the deed restrictions and benefited from the proceeds of the lots. Olson does not see why the restrictions should be altered at this time by a Special Permit so he would like to go on record that he and his wife are opposed to the permit. Dubow asked if Olson had a copy of the deed or covenants and Olson responded he had a copy of the deed restrictions and provided them to Dubow. O'Neill made copies for Curtis and Dubow.

Dubow suggested this matter be adjourned because there might be a dispute over deed restrictions and this should be resolved prior to further discussion by the Board. Dubow stated the Board would not be bound by the restrictive covenants but there might be a private property claim that could be brought and the Board would prefer not to be placed in the middle of such a dispute. The applicant might want to do additional research to see if this application would or would not violate restrictive covenants for the property. Joan Anderson stated she was not aware of the deed restrictions. Anderson stated they have not yet bought the property as the purchase is contingent upon their getting a variance (sic) and she doesn't know the legal ramifications of waiting until the next meeting (Feb. 15<sup>th</sup>). Dubow stated one general condition for a Special Permit is that it will not be injurious to the use and enjoyment of other properties in the vicinity or neighborhood. The Board may have trouble with that condition as this may violate covenants other property owners in the vicinity are relying upon and the Board would struggle with that issue and might ultimately deny the application. Dubow would recommend the applicant clarify the issue of the covenants first.

Olson stated he can not be present on Feb. 15<sup>th</sup>. Dubow stated his comments will be reflected in the minutes and he can submit additional materials in writing. Olson asked Curtis for a copy of the Zoning Law with the applicable sections as well as a copy of the application. Dubow stated there is a special provision in the Zoning Law which establishes special requirements for an additional residential building on a single parcel. Dubow stated it is Local Law

3-1999 that created that section. Curtis provided the essence of that law to Olson. Olson also requested a copy of the application. Brown moved to table the application and to adjourn the public hearing to be continued at the February 15, 2005 Board meeting. Seconded by Piscopo. Ayes by Brown, Dankert, Piscopo and Stycos. Motion carried.

**Public Hearing: Proposed Revisions and Updates to Comprehensive Plan:**

The next item on the agenda was a Public Hearing to consider proposed revisions and updates to the Village of Lansing Comprehensive Plan.

Dankert opened the Public Hearing. Sorel Gottfried, 1016 Cayuga Heights Road, addressed the Board first. Gottfried stated she did not understand the purpose of the review. Dubow stated that the Comprehensive Plan must be reviewed on a periodic basis and the Board of Trustees delegated this process to the Planning Board. The Planning Board will make a recommendation to the Board of Trustees and the Board of Trustees will then hold another Public Hearing and will then adopt or reject the revisions. Dubow stated there was discussion at the last Board of Trustees meeting of how to compare the new draft Comprehensive Plan with the old version to reflect the changes. O'Neill stated he has made the comparison and there are only minor changes based on demographics from the 2000 Census. Dankert stated community services such as water and sewer were also changed to update the new plan. Gottfried stated she has concerns with the whole document, but this might not be the time to air those concerns. Gottfried felt affordable housing and green space were stressed in the document, but feels more residents are concerned about traffic and this should also be stressed. Dubow stated this is the sort of input the Board is interested in receiving and Gottfried stated she will submit her comments in writing, along with some picky comments and questions. Gottfried felt there is a conflict on the question of open space and density. To gain open space, the Village considers clustering and increased density. Curtis stated that clustering can not increase density. Dubow stated the maximum density is calculated using the district zoning regulations for standard lots; clustering can not be approved for more than that allowable density. Gottfried asked if there are incentives which the Village can offer to encourage clustering. Dubow stated there are advantages for clustering such as lower infrastructure costs, but the Village cannot increase the density on a property as an incentive to encourage clustering. Dankert reminded the Board that the purpose of the hearing was to receive comment rather than debate an issue and suggested that the clustering issue be discussed at another time.

Gottfried felt the Comprehensive Plan emphasizes the need for affordable housing, townhouses and condos and these will perpetuate the high density of housing in the Village. This density is higher than in any other municipality in the County<sup>1</sup>. With complete buildout, there will be even more traffic. There are also inconsistencies in sewer proposals and many residents would like to see the sewer go down East Shore Drive. Gottfried would like to know if East Shore Drive can be widened to allow for this. Dankert again stopped the discussion and asked for comments rather than questions.

Gottfried again expressed concerns about traffic and would like to see additional paragraphs about this concern in the Comprehensive Plan.

In the section on permitted uses in the Commercial Low Traffic district, Gottfried stated that Construction Sales/Storage is still listed. Gottfried did not feel this should remain after the big discussion the Board had previously when Home Depot was proposed under this use category. Curtis stated Construction Sales/Storage was redefined to be more specific so that it did not include large retail businesses such as Home Depot. Gottfried also questioned retaining Undertaking as a permitted use in the Commercial Low Traffic district and felt it should be reviewed with traffic in mind. Piscopo stated the Board does review traffic. Gottfried stated there needs to be more of an emphasis placed on traffic management in this document. Gottfried stated the section of affordable housing notes there could be more affordable homes in more densely developed neighborhoods, but does not propose an approach for managing the traffic that will result. Stycos stated the Board has addressed open space and feels that clustering is one way in which to preserve to some extent the rural nature of the Village. Stycos also stated that traffic has been a concern of the Board and feels there is not much which can be done about it unless zoning is changed. Stycos also stated that there is much development occurring to the north of the Village which generates traffic and the Village has little control over this.

Gottfried stated maybe the Village needs to be thinking of a location for another secondary road system to accommodate the higher levels of traffic when the Village is built out.

<sup>1</sup> While the percentage of housing in buildings with 5 or more units fell from 71.2 percent of housing in 1980 to 55.8 percent of housing in 2000, the next highest such concentration in 2000 was the City of Ithaca with 38.1%; in Tompkins County as a whole it was 20.3%. – U.S. Census  
Gottfried will provide Curtis with written comments, typos, etc.

Susan Lustick, 10 Pembroke Lane, stated that for the long term, a community needs to encourage the residents to walk and bike. While much of the traffic is from others entering the Village for goods and services, internal traffic can be reduced by accommodating pedestrians and bikers. Lustick also stated that, based on her experience in the real estate business, many of the younger generation buyers are looking for denser areas because they want neighbors.

Valerie Gyrisco, 36 Twin Glens Road, wanted to see public transport encouraged in the Comprehensive Plan as there is not much in the Cayuga Heights Road area. Dankert noted the Village could only be an advocate for additional services as this is a county-wide endeavor. Dubow stated one of the challenges in working on a Comprehensive Plan is that, as an example, for every resident who wants bus service in their neighborhood there is probably another resident who does not want it in their neighborhood. There are also buyers who want greater density and there are those who want lesser density. The purpose of the Comprehensive Plan is to help the Village review what has happened over the years and helps the Boards by serving as a foundation for decision making in the Village. Lustick stated it might be time to determine if it is realistic to view the Village as rural in nature; many changes have occurred since the Village was formed and it may no longer be practical to treat the Village as a rural community.

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

Dankert thanked the audience for their comments and stated the Board would be appreciative of any additional written comments.

### **Lansing Trails 2** – Review Preliminary Plat Submittal:

Tom LoTurco, engineer for Clough, Harbour & Assoc., made a brief presentation and provided for the Board's review revised plans with the sixteen items addressed that the Subdivision Law requires to be on the plans. Dankert stated after the Board has reviewed the materials and feels comfortable with the items, then a Public Hearing would be scheduled.

LoTurco stated there are sixteen items in Section 503.01 of the Subdivision Law which must be on a preliminary plat and must be fulfilled prior to approval by the Planning Board. Item 1: Subdivision name, owner, scale, engineer, date and seal are on C-4. Curtis stated the name of the town should also be included. Item 2: Name of adjacent subdivision and property owners is noted on C-4 as well as C-3. Item 3: Zoning District is noted on C-4. Curtis stated the Airport Combining District is not depicted. Dubow stated this may change in the future but presently it is in existence and the line for it should appear. Curtis also noted that the Conservation Combining District for the stream also needs to be indicated. Curtis stated the Zoning Map indicates the streams which are included in the Conservation Combining District and one of these is in this subdivision. Dubow stated it is good to have both noted as the overlay districts each have specific conditions. On another matter, Cross stated the grid lines on the plans are very confusing. Curtis was in agreement. LoTurco stated they could be removed. Item 4: dedicated land for public use is depicted as park area as well as storm water management in two spots. All open space will be managed by the future Homeowner's Assoc. Item 5: existing property lines are indicated on C-4, as well as easement lines. Dubow noted that Aylas Way should be changed to Ayla Way as that is the name the Board of Trustees approved. Curtis noted that the clouding used to denote the wooded areas was reversed and this should be corrected as it makes the plans difficult to read. LoTurco stated single trees with diameters in excess of 6 inches are not yet included on the plans but will be when someone can inventory them. Dubow stated the Board can waive this requirement for the preliminary plat, but make it a condition for the final plat. Dankert stated the number of significant trees to be removed establishes a basis for the number which must be replanted. Dubow also noted that the requirement can be amended. After some discussion the Board agreed that only trees 8" in diameter or greater need be shown and only where they are proposed to be removed or where they are in hedgerows. Hedgerows must be specifically delineated as well. LoTurco stated this information will be provided. Item 6: the infrastructures (existing sewers, water mains, and culverts) of the project which are to be depicted. LoTurco stated there is currently no infrastructure existing on the property as shown

on C-3. Item 7: existing contours are shown on C-3 and C-4 and the proposed contours are on C-16, C-17 and C-18. Item 8: width and location of proposed streets are shown on C-4 and C-5 shows all the dimensions. Curtis stated the Comprehensive Plan includes the Greenway Plan and that section which is proposed in this subdivision should be incorporated on the plan. Curtis will provide a copy of the Greenway Plan to LoTurco so the Greenway Trail can be indicated. Item 9: approximate location of all water lines, valves and hydrants as well as sewer lines are shown on C-4. Profiles are also shown on C-7 through C-11 and C-12. Curtis stated a legend would be useful for referencing. One was located on C-2 for the entire document. Item 10: storm water drainage is on C-12 and C-13. A report was also submitted with details. Curtis asked about foundation drain installations so runoff from higher lots does not adversely impact lower lots. LoTurco stated the grading plan on C-16 and C-17 should address this. Cross stated C-26 shows the swales and is generic and does not address particular lots. LoTurco stated the contractor will see this page and grading will be addressed. Cross stated this might be a condition for approval. Curtis stated drainage from individual lots must be channeled to the municipal storm water management system and drainage easements may be required between properties to ensure an unobstructed path for such drainage regardless of the order in which the parcels are developed. LoTurco will review the plans and provide easements where needed. Cross will monitor this issue as the project progresses. Item 11: location of sidewalks, water mains, sanitary sewers, and manholes are on C-4. Character, width and depth of pavements and sub base are on C-23. Sewer and water pipe sizes are on C-7 through C-11. Drainage culvert sizes are on C-12 and C-13. Street lighting and trees are on C-21. LoTurco has also spoken with Superintendent of Public Works Dennis Reinhart so lighting can be compatible with Lansing Trails I. Dankert noted that this will be addressed at a later date with the Lighting Commission. Item 12: Proposed culverts are on C-12 and C-13. Proposed lot line dimensions are on C-4 and C-5. Item 14: Permanent easements are shown on Ayla Way and Bomax Circle. Curtis mentioned there might also be additional drainage easements and LoTurco stated he was aware of this. Item 15: A field survey is on C-3. Curtis stated the corners must be marked with "substantial monuments" approved by the Village Engineer. LoTurco stated pins have been found by surveyor Larry Fabbroni who will provide his stamp. Cross noted concrete markers will need to be in place on all corners. Item 16: an erosion and sediment control plan is shown on C-19 and C-20.

Dubow stated that Section 503.01 also has two Subsections B and C which must be addressed. Subsection C requires copies of covenants and deed restrictions and he will be reviewing these carefully and the Board must also approve them. The Board can make this requirement a condition for Final Plat approval.

In summary, Curtis stated the following items need to be provided: The subdivision is also in the Town of Lansing; an indication on the plat for the Conservation Combining District (streams) as well as Airport Combining District; removal of grid lines on plan; correction of name Aylas Way to Ayla Way; reverse clouding for wooded areas to provide better legibility; hedgerows to be marked on C-3 and preserved wherever possible; single trees greater than 8 inches diameter at breast height to be noted on C-3; indication on plan of Greenway Trail as a public way; provision for drainage from higher lots which will not adversely impact lower lots possibly through drainage easements. If an easement is required for drainage, it must be depicted on the final plat.; drainage ways must be effective regardless of the order in which lots are developed. Dubow stated the drainage plan would need to be built as part of the grading plan rather than as lots are built and this would be addressed by Cross and be a condition for the overall project. Dubow stated there might need to be a clause built in so the Village could do work on the drainage ways if required. Cross will address this. Curtis continued with his list - permanent easements must be shown if needed to address drainage issues; substantial markers are needed for corners; covenants, deed restrictions, Homeowner's rules, etc. must be provided to the Board.

Dubow stated a Public Hearing must be held and there are items which the applicant must address prior to the Public Hearing. Curtis stated the Public Hearing must be advertised 5 days prior to the Hearing. LoTurco stated many of the items could be addressed in a short time. Dubow noted that other items could be conditions of approval. Curtis would prefer to schedule the Public Hearing for Feb. 15 because he will not be in attendance at the Feb. 22<sup>nd</sup> meeting. LoTurco would like to see the Public Hearing in Feb. rather than wait to March. Dubow asked when it would be possible to have new plans with the items mentioned tonight. LoTurco responded that he could have everything done tomorrow except for the tree inventory. LoTurco wondered if the trees could be a condition for final approval. Dubow stated that as he understood LoTurco all items could be done relatively quickly except the deed and restrictive covenants, the corner monuments set, and the tree inventory. Dubow reminded the Board that this is a preliminary plat

approval and there would be opportunities to set conditions as the project progresses. The Board could schedule the hearing subject to the condition that the revised plat, with all the required additions and corrections, be submitted to Curtis at least 12 days prior to the hearing, except that the covenants and deed restrictions, homeowners association plan, substantial monuments, and significant trees could be submitted with the Final Plat.

Stycos made the following motion. Subject to the submission to Curtis by February 3rd of a new Preliminary Plat with all necessary changes except that the covenants and deed restrictions, homeowners association plan, substantial monuments, and significant trees, the Public Hearing will be set for February 15<sup>th</sup>. Seconded by Brown. Ayes by Brown, Dankert, Piscopo and Stycos. Motion carried. Cross would like to see the next set of plans dated Feb. 1<sup>st</sup> or 2<sup>nd</sup>. All subsequent changes should be listed on the revisions list and the date of the plans would not change.

**Goals 2005:**

Noting that it was late and that Ned was not at the meeting, Dankert suggested that the Board defer this item until the next meeting.

**Approval of Minutes – Jan. 10th:**

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

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**Adjournment:**

Stycos moved to adjourn at 10:02 P.M. Seconded by Piscopo. Ayes by Brown, Dankert, Piscopo and Stycos. Motion carried.