

**Village of Lansing  
Planning Board Meeting  
October 10, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:35 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, and Maria Stycos; Attorney David Dubow; Trustee Liaison Lynn Leopold; Code Enforcement Officer Ben Curtis and members of the public.

**Public Comment:**

Hickey 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 Dankert. Ayes by Brown, Dankert, Hickey, and Stycos. Motion carried.

**Public Hearing Continuation - Special Permit No. 2060 - Greenstate Properties Office Bldg.:**

The next item on the agenda was a continuation of the Public Hearing for Special Permit No. 2060, Greenstate Properties, to construct a 8005 sf office building on part of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2.

Hickey stated Proof of Mailings have been received.

Rob Colbert gave the first presentation. The project is for a one-story brick medical office building of 8005 sf. Tonight he answered questions raised at the previous meeting regarding landscaping and elevations, and his engineer was present to answer any drainage or utility questions. The medical practice is currently located at the hospital office building with imaging facilities on Meadow Street. The applicants are anxious to combine the two offices to one office relocated to North Triphammer Road. Colbert stated the building will be high quality and would enhance this North Triphammer Road area and provide high standards for future development along the road.

Elevations had been distributed showing the North Triphammer Road east elevation as well as the southern elevations at the entrance. The height of the building is around 20 feet. The exterior of the building is brick with a high percentage of fenestration. Metal trim around the windows would be a darker color. Corbeling will be utilized as it was on the Moldflow Building to provide relief so there would not be a flat brick surface. The entrance area has elevated glass and there are high ceilings throughout the building with a minimum of 9 feet in the office areas and 12 feet in the lobby or reception area. Hickey asked about the exposed east elevation and reducing the impact of direct sunlight. Colbert stated the tenant would provide mini blinds throughout.

Hickey opened the Public Hearing.

Kathryn Wolf, Trowbridge & Wolf Architects, representing adjacent property owner Ken Horowitz (Murray Estates), has reviewed the plans. Horowitz is not opposed to the project and his primary concern is the environment and water quality protection. His property has many ponds and he would not like to see any adverse change in the quantity and quality of the water in the stream that runs along the north boundary of the property in question and which feeds into his ponds. On the plans currently before the Board the grading plan is not complete as the proposed contours on the north side are not shown. It can not be known from the drawing what the limit of clearing or disturbance is. The bubble graphic of the hedgerow shows the general location of the hedgerow but no information about the topography is shown on the north side of the building. The parking lot to the west of the building is shown 4 feet below the level of the first floor of the building but there is no indication of a retaining wall or how the transition from one level to the other will be managed. The concern of Wolf is that the limit of grading is an unknown. Where the detention pond is shown, the grading to the pond is within 5 feet of the center of the stream at the worse case scenario. Again, the concern is that there is no grading shown on the north side and the downstream owner would like to understand the proposed limit of disturbance proximate to the stream.

Wolf stated another concern is understanding the storm water management system. Horowitz is requesting the opportunity for his engineer to review the storm water management system after the Village has completed their review and then have the opportunity to have the engineers meet to resolve any concerns.

As there was no one else who wished to speak, Dankert moved to close the Public Hearing. Seconded by Brown. Ayes by Brown, Dankert, Hickey, and Stycos. Motion carried.

Hickey stated the Board would address the first concern expressed by Wolf. Hickey stated that from the last meeting's presentation he understood there was to be no disturbance of the stream on the north side. Engineer Gary Wood responded that grading would not be done within 5 feet of the stream and they would establish a limit of disturbance that is more than that. Hickey also noted that silt fence is installed prior to grading. Colbert stated that is a temporary measure. Wood stated there is a 4% slope from west to east in the parking lot and the east end would be brought up closer to the elevation of the floor level of the building. Fill will also be brought in to bring the parking lot to the elevation of the building. Wood stated this is a preliminary grading plan and is not a final grading plan.

Hickey stated the Village Engineer is unable to attend tonight but has given a verbal okay on the drainage. Hickey will see that the engineer representing Horowitz be given the opportunity to talk with Cross about any concerns. Wolf was under the impression that the drainage calculations were not 100% complete. Hickey stated the project can be approved subject to approval of the Village Engineer. This would allow for an opportunity for the engineers to confer. Wolf would like to see the final grading plan especially now that she knows there will be fill brought in for the parking lot. Hickey again stated the two engineers could work together to resolve any concerns. Wolf was concerned about the disturbance of the streambed and if the plans say there will be no disturbance within 5 feet of the centerline of the stream, the disturbance could be within the stream. Curtis stated a greater limit of disturbance can be set. Wood stated they will come up with some ideas. Hickey stated the Village will establish a required limit of disturbance.

Stycos asked about the bubble graphic. Wolf stated the bubble is a concept and shows vegetation but does not show the locations and sizes of actual trees. Colbert reviewed the survey and stated some vegetation is shown and some is not actually shown on the survey. Colbert stated the box elders are not shown but will be added on the northern boundary. Colbert stated they are concerned with saving as much vegetation as possible. Hickey stated all parties concerned are interested in protecting the stream. In summary, Wolf stated the Village Engineer would establish a limit of disturbance on the north side between the building and the stream, and Wood would revise his grading plan, and then engineers could meet. Leopold asked about standards or guidelines. Curtis stated this is a stream listed in a Conservation Combining District and recently the guideline has been that construction was not permitted within 50 feet of the centerline of the stream.

Stycos asked about the coloring of the brick. Colbert stated it would be a traditional brick color, but he is discussing the actual color with the future owners.

Hickey asked about the Lighting Plan. Colbert stated the Engineer has shown the proposed lighting fixtures but the photometrics have not been shown on the site plan and the applicant is asking this be conditioned on approval by the Lighting Commission when all the required information is available.

Hickey stated the Village has received a letter from Bolton Point requesting the building not trespass to any extent on the water main easement. Colbert understands that the Village of Lansing owns the easement and not Bolton Point but Bolton Point services the pipe which is within the Village easement. The developer will comply with the request that he not encroach on the easement.

Regarding the parking, Hickey stated there are 36 parking spaces shown which does not require any reduction in the required amount. Colbert stated the developer is not asking for a reduction in parking but is requesting the number of spaces as shown on the plans.

The Landscaping Plan has been enhanced and more trees shown on the western side. Hickey stated there are 42 white spruce. Hickey asked if Fernandez felt the spruce would survive due to soil concerns and Colbert responded he is okay with the proposal.

Stycos asked about the northwest corner. Wood reviewed the contours with the Board. Stycos also asked about the setback from the building to the stream. Wood responded that there would be at least a 25 foot setback from the stream so the building would be about 30 feet back. Curtis stated again that 50 foot has been a guideline for setback from streams in Conservation Combining Districts. Hickey stated the setback for the building in regards to the stream needs to be determined and the advice of the Village Engineer is needed. Hickey is reluctant to push for an approval without the advice of the Village Engineer. Hickey stated the Village Engineer would need to make a recommendation and then the Board would need to review and discuss the recommendation. Hickey would like to place this on hold until the Village Engineer is present. This will be placed on the agenda for October 25th. Hickey recommended all the engineers meet prior to the next meeting to come to an agreement as that would make it much easier for the Board.

Hickey stated the Public Hearing is closed but consideration of the Special Permit will be continued to the next meeting.

**Dart Subdivision, Phase 2** - Classification:

Hickey stated the next item on the agenda is the Dart Subdivision. Curtis stated one new parcel is being created (Parcel F), as well as enlarging the Nancy Ross Parcel by adding Parcel G, and the rest of the original parcel remains (Parcel E). There was discussion as to whether this constitutes 3, 4 or 5 lots. Hickey feels Nancy Ross came in and built a house and is now asking to have the parcel enlarged. There is a residence on Parcel F already. The rest of the land remains (Parcel E) so Hickey sees this proposal as pertaining to 3 parcels. Dubow stated there is a provision in the Subdivision Regulations (Section 603) stating that in the case of enlargement of an existing lot where additional facilities or roads are not required, the Board may approve such an enlargement and may waive any subdivision regulations they deem unnecessary. Dubow stated this could, but need not be, classified as a minor subdivision as the parcel is being divided into 2 parcels with Nancy Ross enlarging her parcel with the incorporation of Parcel G. Curtis stated Parcel G would have to be combined with Ross' parcel and could not be classified as a separate parcel according to the Subdivision Regulations because it lacks the required road frontage.

Dankert moved that Parcel G on the Subdivision Plat for Louise Dart property dated 12/21/04 does not count as a separate lot because it meets the requirements of Section 603 of the Village Subdivision Regulations. Seconded by Stycos. Ayes by Brown, Dankert, Hickey and Stycos. Motion carried.

Hickey stated this leaves a two lot subdivision (Parcels E and F) which can be classified as a minor subdivision. Dubow stated Parcel F with the residence is being separated from the large 62 acre Parcel E which is the remaining lands of Louise Dart. Brown moved to classify the Dart Subdivision, Phase 2 as a minor subdivision. Seconded by Dankert. Ayes by Brown, Dankert, Hickey and Stycos. Motion carried.

Hickey asked the Board to review Sections 302 and 303.08 of Subdivision Regulations about the division of a large parcel into four or more lots over time which triggers the submission of a plan for the remainder of the property. Hickey stated this was required of Sun Downs Farm when the lots were sold along Burdick Hill Road. This is to avoid the practice of selling off the street frontage and leaving either a landlocked parcel or requiring flag lots in order to access the rear property. Hickey stated theoretically two more lots could be subdivided from the Dart parcel before a plan is required.

Hickey asked about the cemetery reputed to be on the property. Board members were unclear if it existed or not. Curtis felt he has seen reference to it somewhere. Audience member Bill Shaw, an attorney involved in the anticipated conveyance of the Dart parcels being reviewed, is also unsure but thinks it would show up on the abstract if it does exist.

Attorney Shaw stated he would like to request the \$250 review fee which has been paid be refunded. Curtis stated the fee is for a Major Subdivision and therefore is no longer appropriate. Curtis will inform the Clerk it was a Minor Subdivision and request refund of the fee.

Next, the Board discussed placing the hearing on the agenda for October 25th. Since this is a Minor Subdivision,

neighbors need be notified. The language states the applicant must notify all adjoining neighbors and this would constitute 30 to 40 neighbors. Dubow recommended procedures be followed as was done in the earlier Dart Minor Subdivision approved by the Board. Curtis stated all should be notified. Bill Shaw thanked the Board for the refund of \$250.

**Approval of Minutes** - September 27

Stycos moved to approve the minutes of September 27th as revised. Seconded by Brown. Ayes by Brown, Hickey and Stycos. Minutes approved.

**Other Business as Time Permits:**

Hickey stated there are training sessions offered in Chemung and Broome Counties on November 1st and 2nd. Mario Tomei is currently attending training in Saratoga Springs and will report back.

**Special Permit No. 2060 - Greenstate Properties Office Bldg.** Continued:

Returning to matters discussed earlier in the evening, Hickey stated he felt Board members should rely on the advise of the Village Engineer and there were concerns with the Greenstate proposal as presented tonight. Board members discussed the regulations and the 50 foot setback requirement. Hickey stated adhering to this guideline in this case might make the second lot unbuildable. Curtis stated this guideline was established relatively recently by the Planning Board. Dubow indicated that he will be cautious in his advice to the Board as his firm represents the adjoining Murray Estates property owner. Dubow suggested that the Board review Section 202.12 of the Zoning Law regarding Conservation Combining Districts which encompass a distance of 200 feet on each side of the centerline of any designated stream. Dubow then read information in the Zoning Law regarding natural drainage ways defined in Section 104.22. In Zoning Law Section 305.02 for Special Permits in Conservation Combining Districts, it states special permits will be granted for proposed development in these districts only after the Board has satisfied the requirements of SEQRA. Section 305.02e waives Conservation Combining District Regulations if a proposed development is located outside of the stream corridor defined in Section 202.12. Dubow stated for a stream, the Board needs to look at the General Conditions for Special Permits as well as SEQRA requirements. Dubow stated a review is required since this is within 200 feet of the centerline of a stream. Board members noted that the building is 25 feet from the centerline of the stream. Curtis stated this did not come up at the MoldFlow review, but that an extensive review was undertaken when a permit was granted to allow the stream to be covered by extending a pipe 60 feet where the stream goes underground. Hickey stated the ultimate question is how close can the building be to the stream with mitigating measures. Dankert stated this is an engineering concern. Hickey wants to know if the Board feels they should adhere to the guideline that the building be at least 50 feet from the centerline of the stream or should other options be considered. Hickey stated the Board will have time to mull this over. Hickey stated the engineers should meet prior to the next meeting and hopefully information will be provided to Board members prior to the meeting. Hickey will follow-up with a call to Cross.

**Adjournment:**

Stycos moved to adjourn at 9:05 P.M. Seconded by Dankert. Ayes by Brown, Dankert, Hickey and Stycos. Motion carried.