

**Village of Lansing
Planning Board Meeting
December 11, 2006**

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

Public Comment:

Hickey opened the Public Comment period.

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

Public Hearing – Preliminary Plat Approval of Bolton Estate Subdivision:

The first item on the agenda was the continuation of the previously adjourned Public Hearing for the Preliminary Plat Approval of the Bolton Estate Subdivision, a major subdivision by Edward Crossmore dividing one 128.1 acre lot into 21 building lots for one and two family homes and residual land to be dedicated for recreation and infrastructure. The parcel is located on the west side of East Shore Drive just north of 1510 East Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-37.2.

Hickey stated that owner Crossmore is proposing to create lots for 21 single-family residences on 128 acres in the Village on the west side of East Shore Drive. Hickey stated the Preliminary Plat review is complicated because much of the property is in a Unique Natural Area (UNA) with steep slopes and streams. The Public Hearing was opened at the last meeting and was adjourned for additional comments on environmental issues tonight. After the Public Hearing is closed the application will be reviewed. If additional time is necessary, then the Public Hearing may be adjourned again until the January meeting.

Hickey stated he would like to hear some responses from the applicant regarding the issues raised in the 239 County review. Hickey wanted to know why clustering was not being proposed for this development. Engineer Andy Sciarabba responded that the layout of the subdivision utilizes the road base which presently exists. Utilizing this existing road will minimize the amount of clearing required as well as the amount of rock, soil and base material that must be disturbed. The cul-de-sac was proposed so lots 15-21 would not have driveways off Route 34. Sciarabba stated the use of clustering would require more clearing of trees. The County UNA map identifies the western third of the property with slopes of 15% and greater and includes lots 4-10. These slopes are near the lake. This area may host rare and endangered animals and plant life. The County expressed particular concerns about the cliff areas on the property. Lots 7-9 are in this area, but will not be developed until municipal sewer is available. Regarding lots 4-10, Sciarabba has contacted a botanist who has indicated that it is too late in the season to investigate the area for rare and endangered plants. The cliff areas are more likely to have endangered species and in spring the study can be done. Sciarabba recommended the Special Permit process be required for those specific lots which included Unique Natural Areas and where rare and endangered plants might be found. Also a condition of approval could require deed restrictions on those specific lots limiting potential development.

Regarding erosion controls, Sciarabba stated there would be 5 stormwater management facilities to filter sediment during construction and provide permanent controls as required to limit the rate of storm water runoff to that proceeding development. As a result there will be no negative impacts on hydrology.

Hickey stated the County suggested moving the loop road to the east to get away from the cliff area. Sciarabba stated they located the road where it is because a portion of the road is the existing Bolton Point Road, and using the existing road bed will minimize disturbance. A small section of the proposed road traverses the 15% slope, but an acceptable

grade can be achieved in this area. Rock is between 2 and 5 feet throughout the site and does not play a part in the location of the road. There will be approximately 4600 ft. of loop road. Sciarabba also noted that there are large power lines which will be in the back of some of the upper lots.

Dankert moved to re-open the Public hearing. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Walton Cottrell, 15 Windjammers Way, asked about the dirt road. Sciarabba responded that the section of dirt road that was part of the loop road would be paved, but the road to the pump station would remain a seasonal gravel road with a security gate. Hickey stated the loop road would become a Village road and would be maintained by the Village.

Hickey asked for clarification on lots 4-10 in the phasing process. Sciarabba stated lots 7-9 would be in Phase II and subject to Special Permit approvals after public sewer becomes available. Lots 4-6 and lot 10 would be in Phase I and subject to Special Permit approvals.

Leopold stated she is concerned about the species of plants in the UNA, but such species are not the only concern for that area. Leopold stated that physical features such as erodable soil, shallow soils and depth to bedrock are important. There are over 20 acres to be converted from brushland and woodland to lawn. Hickey stated there is a limit as to the amount of land which can be cleared. Leopold also feels it is important to place buffers along streams. Hickey stated the Village has guidelines for stream corridors and these will be considered as part of the Special Permit approval process. Klepack asked how the buffers and deed restrictions will be enforced. Hickey stated they are enforced when someone contacts the Village. Curtis stated it would depend on whether the covenants convey an interest to the Village. Dubow stated the Village would need to incorporate some method to address this through conservation easements or other ways.

Klepack asked about clustering as she felt this would be a natural fit for this area as some areas of the parcel are very suitable for building and some areas are not. Sciarabba stated the biggest increase in runoff would be on the inside of the loop road and where the impact of the stormwater will be mitigated. Crossmore stated the density is low and homeowners building on specific lots will be careful that their soils are not eroded away. Leopold stated this has not always been the case in the Village. Hickey stated drainage would be handled by the new stormwater management plan and the rate of runoff would not be increased due to construction.

Stycos asked about the spaces indicated on each lot for development. Sciarabba stated these limits would be included in a deed restriction. Dubow stated that the area of development can be restricted on each lot.

Stycos also asked about the 100 ft. setback on the cliff. Sciarabba indicated where it would be on the map and stated that it would be under individual ownership.

Stycos expressed concerns about the County's response that lots 7-9 should not be developed at all, but should stay natural. Sciarabba stated these lots could not be developed until public sewer becomes available in that area. Klepack would like to see those lots saved for the enjoyment of others. Hickey stated that the Planning Board would like to see all areas west of the loop road become open space. This would relieve the owner of any responsibility for this area. Crossmore stated the Assessment Department has indicated that the entire area is developable and taxes should be paid on it accordingly. Crossmore stated if the land is public land and is adjacent to private land, then trees are sometimes cut by the private landowner in order to improve the view. There is a penalty, but it is often not sufficient to deter the action. Dubow stated that under New York law, in some instances there can be triple damages assessed. Stycos would like a review of the small plants also in the area. Hickey stated this will occur. Crossmore stated it is difficult at the Village level to assess and enforce penalties.

Klepack was hoping Ed Marx from the County Planning Department would be available to comment on his remarks regarding the 2006 NYS Conservation Open Space Plan targeting property along Cayuga Lake for acquisition to provide public access. Crossmore stated he was unaware of that document and the only one to approach him with monies for acquisition was a representative of a gas company.

Board members again discussed clustering. Sciarabba stated that since rock is close to the surface, there would be a minimum of 2 acres required per residence to meet Health Department requirements for septic systems. Clustering would allow for more than 21 units, but it is not Crossmore's goal to maximize density.

Crossmore noted that in East Lake and Lakewatch Developments no one has chopped down trees. Leopold stated these developments were not in forested areas.

Carla Marceau, 5 Essex Court, had a question about whether Crossmore was interested in developing lots 7-9 and, if not, was he going to not develop them, but continue to pay high taxes on the lots. Stycos stated there is land in the Twin Glens Natural Area owned in common which has been deemed unbuildable and the taxes are reduced. Crossmore has declared the land unbuildable to the Assessment Department many times in the past, but has been told this land is all buildable. Hickey stated the Village would be willing to accept the land and could make it a conservation district. Dubow stated this is subject to the approval of the developer. Crossmore stated he has time constraints for this development with regards to the road. Crossmore may decide in the future that with the cost of the taxes on the lots and the prospect of not being able to find a buyer that it would be beneficial for him to donate those lots to the Village, but he is unwilling to do this at the present time. Hickey restated that lots 4-10 could be taken out of Phase I and a notation included on the final plat indicating those lots are not developable. Crossmore stated that at this time he is seeking approval to subdivide the parcel into 21 lots, but acknowledging that some of those lots will be unbuildable until additional conditions are met. Hickey stated that in the course of the environmental review it may be determined that some lots are unbuildable. Dubow stated the lots would be part of the subdivision but would have as a restriction that any development is subject to Special Permit approval. Hickey stated this would be noted on the final plat. Dubow restated that Lots 7-9 would have 2 conditions: 1) Special Permit approval and 2) availability of public sewer. Lots 4-6 and lot 10 would be subject to Special Permit approval. Dubow stated the Board can begin the environmental review tonight or defer such review to a subsequent meeting. He recommended that Sciarabba prepare a matrix of the outstanding issues identified by the County and how the developer would address each item as this would help Board members balance the developer's interests and the concerns expressed by the County. This can be provided to Board members prior to the next Board meeting. Crossmore was agreeable to expanding the original application and providing the matrix to address outstanding issues and concerns.

Klepack asked if the applicants have spoken to any of the land trusts. Crossmore stated he had and had considered giving Poison Ivy Point to one of them rather than the Village. This was in order to avoid the necessity for placing signs prohibiting crossing the railroad tracks, but this does not appear to be an issue. Crossmore stated he is not interested in building boat docking at that location. Leopold stated the land trust is looking for larger parcels of land for connectivity. Crossmore stated he has not spoken to them about the corridor idea. Stycos stated the County Planning Dept. raised concerns about the lake cliffs which are in the UNA area. Dubow responded that the developer will have to respond to this issue as well as other concerns which have been expressed. Hickey agreed to call County Planning about the UNA concerns. Klepack stated there are many locations along the lake where elevators have been installed down cliffs and she is concerned about that happening in this area. Crossmore stated he has no problems with stating no elevators or stairwells be installed but enforcement is a problem. Leopold stated the County Assessment Office determination that all of this land is buildable is in conflict with the County's designation of this area as a scenic by-way.

Hickey accepted a motion to further adjourn the Public Hearing until the next meeting on January 8th, seconded and approved unanimously. Sciarabba stated the botanist would not be able to inspect the site due to weather, but such an assessment and an appropriate response could be a condition of approval to be satisfied prior to any development. Hickey stated there will be Special Permits required for any houses proposed for the steep-slope lots. Dubow stated any proposals or positions from the applicant as to how best to address the issues should be provided for the next meeting. Hickey also recommended that easements for the stream corridors also be provided.

Stycos does not like the idea of approving the project with two phases which includes lots 7-9 because when sewer comes through, those lots will be developed. She would like to see some resolution now with regard to protecting the steep slopes and cliffs. Hickey stated 100 ft. setbacks on the cliffs and a conservation easement might protect the

cliffs. Hickey stated even with sewer in place it may be difficult to pump sewage uphill. Stycos would like to see those lots left in a natural state.

Odd Shaped Lots:

Next, the Board reviewed the proposed local law regarding odd-shaped lots in the Village.

(Hickey stepped out of the meeting and Klepack chaired the meeting in his absence.)

Dubow stated the proposed law is based on discussion at a previous meeting. The law is for yard dimensions for irregular lots. (Hickey returned to the meeting). This law makes the language consistent throughout the Zoning Law for front side, side yards and rear yards, providing that in the case of irregular shaped lots the Code Enforcement Officer/Zoning Administrator shall determine which required yard dimension applies.

Klepack moved the Planning Board send a recommendation to the Board of Trustees to adopt the proposed local law regarding amended front yard and side yard definitions. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Crossmore Subdivision Continued:

Hickey stated the Crossmore Subdivision needs to be reviewed slowly and cautiously as there are important issues and concerns to be addressed. Dubow stated the Beck Subdivision was a good example of why the Village needs to provide a balance between the developer's proposal and the environmental concerns to be addressed.

A Board member expressed concerns that the County Planning Department only had three days to review the subdivision. Curtis stated there was a weekend and holiday around that time and that may be why there were only three days for review. Dubow stated any vote not in accordance with the recommendations by the County Planning Department requires a super-majority of four members rather than the standard three members and a written explanation of the decision. Dubow stated that the County Planning Department is not an approval board but is an advisory board. Tomei asked what will occur on January 8th. Hickey stated the applicant will provide a matrix for Board review. The Board will then do the SEQRA review. Dubow recommended that materials be distributed to Board members as soon as they are received in the Village Office. There are no clocks ticking at this time because the application is not considered complete in terms of SEQRA. It was noted that Crossmore would probably like to see the project begun in the next construction season.

Hickey asked for clarification on what the Board wants to know from County Planning. Stycos stated if the cliff area is noted on the list for NYS acquisition for natural features, who would acquire it? Stycos asked if the Village is to approach the state or what is the process for acquisition? Stycos wondered if the area could be subdivided into lots or acquired as one parcel. Dubow stated the land could possibly be taken by the state through condemnation. Leopold stated the Village might consider acquiring the property if the Village felt it was an important view shed. Regarding the Beck Subdivision, the Board was reminded that the Village was directed to approve the Subdivision with the condition that Special Permits could be required for development of some of the lots. Dubow stated the Board can grant approval with conditions so there are no adverse environmental effects.

Again, Board members mentioned moving the loop road to the east. Hickey stated that Brent Cross, the Village's engineer, indicated that doing so would disturb a greater amount of land. Leopold stated the loop road is going to be built by all the municipalities in Bolton Point through the agreement negotiated between Crossmore and Bolton Point.

Adjournment:

Klepack moved to adjourn at 9:00 P.M. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Motion carried.