

**Village of Lansing
Planning Board Meeting
April 29, 2009**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos,
3 Phil Dankert and Mario Tomei; Alternate Member Richard Durst; Village Attorney David
4 Dubow; Village Engineer Brent Cross; Code Enforcement Officer Ben Curtis; Acting
5 Trustee Liaison Julie Baker.

6
7 Hickey opened the meeting and appointed Alternate Member Richard Durst to act as a full
8 Acting Member in the place of Carol Klepack who was out of town.

9
10 **Public Comment:**

11 Hickey opened the Public Comment Period. There being no one who wished to speak,
12 Dankert moved to close the Public Comment Period. Seconded by Tomei. Ayes by Hickey,
13 Dankert, Stycos, Durst and Tomei. Motion carried.

14
15 **Special Permit 2370, 94 Burdick Hill Road**

16 The next item on the agenda was Special Permit #2370, Paul Cardon, to construct a 288 sf
17 shed for the single family house at 94 Burdick Hill Road in the Low Density Residential
18 District, Tax Parcel Number 42.1-1-50.281. Because the proposed construction will occur
19 within 200' of the centerline of a stream included in the Drainageway Conservation
20 Combining District special permit review is required pursuant to Section 145-48 of the
21 Village of Lansing Code. Hickey directed the Board's attention to a letter and a map
22 submitted by Cardon with his application and included in the Board's packets. Hickey noted
23 that because the proposed shed is too close to the property line and may, in fact, cross the
24 line, the action will require a variance from the BZA. The Planning Board, however, can
25 review the action with regard to its potential impact on the nearby stream and approve it
26 conditioned on subsequent approval by the BZA of a variance for the sideyard deficiency.
27 Dubow noted that the Planning Board can also defer action until the BZA has made a
28 determination on granting the variance. Hickey asked Cardon if he had considered reducing
29 the size of the shed so that he did not require a variance. Cardon responded that he needed
30 the larger shed. Dankert asked about a second survey that had been distributed to the Board
31 prior to the meeting. Curtis responded that when the neighboring property owner had
32 acquired his parcel, the survey done at that time indicated that the property line was in fact
33 closer to Cardon's house than previously thought. The people from whom Cardon bought his
34 house had apparently been encroaching on the neighboring property with an RV they parked
35 approximately where Cardon proposes to build his shed. The survey distributed at the
36 meeting is an enlargement of the one in the packets which is the survey Cardon obtained
37 when he purchased the house. Dubow asked if there was a copy of the survey for the
38 neighboring property. Curtis replied that it had not been provided, but was referenced in the
39 email written on behalf of the owner of the neighboring property by John Young and
40 subsequently distributed to the Board and which reads as follows:

41
42

1 Dear Mr. Curtis,
2

3 As we discussed this morning, Angela Zhe and I would like to raise
4 the following objections to the Paul Cardon's recent side lot setback
5 variance request. We have no objection in principal to having him
6 build a shed on that side of his property, of course, but he may not
7 have been aware of some of the circumstances involved when he made
8 his proposal to the Village.
9

10 First, when our boundary line was surveyed there by T.G. Miller some
11 years ago, they alerted us to the fact that the motor home pad on
12 which Mr. Cardon wants to build was partially on our land. I can't
13 remember how much of the pad and adjoining mowed area and small fence
14 was across the line, but it was enough that we ended up speaking to,
15 and then sending the former owners a letter granting them permission
16 to leave the camper there. So both Angela (as the current owner of
17 the adjacent land) and I (as owner of an easement across that land)
18 would like to request that a boundary line survey be done before any
19 variance is granted in this area to show exactly how close to the
20 property line the building being proposed by Mr. Cardon might be.
21

22 Second, due to the fact that we expect to eventually move our
23 driveway to the edge of our 50 foot easement closest to the Cardon
24 property (to allow Angela to develop the balance other property
25 optimally), we would object to any building coming closer than 15
26 feet to the line there. There are safety issues involved with having
27 a permanent building too close to a traveled driveway that we would
28 like to avoid. When we built the initial rough driveway, we put it on
29 the side of the 50' easement away from the Cardon property near their
30 house, then shifted to the other side of the easement when we went
31 past the Albertson house in the back. So I can see why there may seem
32 to be no reason for Mr. Cardon to stay away from the line now, but
33 when we relocate the driveway, as I'm sure we will one day, having a
34 building 5 feet away would not be ideal for either party.
35

36 Thanks very much for your help with this issue. Please feel free to
37 contact either Angela or myself with any questions you may have.
38

39 John Young
40

41 Durst asked if Cardon could not move the shed forward so that it did not encroach on the
42 neighboring property. Cardon replied that he was reluctant to do so because it would be
43 unsightly and detract from the curb appeal of his home. Hickey stated that the Board could
44 approve this action contingent on BZA approval or wait for the BZA to consider it and then
45 make a determination taking into account their decision. Dubow cautioned against moving
46 forward with a determination at this meeting in the absence of additional documentation of

1 the actual location of the property line in question. Curtis noted that in making a
2 determination on the Special Permit, the Planning Board would be considering impact on the
3 stream with regard to which the location of the property line is of little importance. Dubow
4 responded that some of the criteria that the Planning Board had to consider in approving a
5 Special Permit would be affected by the property line problem. Cardon responded that he
6 was willing to accept the location of the property line as being that shown on Young's
7 survey. He further stated that he had spoken with Young and that Young had agreed to
8 permit him to encroach on Young's easement until such time as Young moved the driveway
9 to the west edge of the easement at which point Cardon would have to move the shed to be at
10 least 15' from the property line as stated in the email. Noting that the issue with regard to the
11 stream is minor and manageable whereas the issue with the sideyard setback was
12 complicated and subject to concerns of the affected neighbor, Hickey suggested that, in this
13 case, the BZA should make a decision with regard to granting a variance before the Planning
14 Board reviewed the potential impact on the nearby stream. Hickey opened the Public
15 Hearing. There being no one who wished to speak, Durst moved to adjourn the hearing until
16 the Board's next meeting on May 11, seconded by Dankert, all in favor.

17
18 **Special Permit 2365, Parkview Health Care Campus Parking Lot Expansion**

19 The next item on the agenda was Special Permit 2365, Integrated Acquisition and
20 Development, to expand the parking lot at 8 Brentwood Drive to increase the total number of
21 parking spaces serving four buildings in the Parkview Health Care Campus from 240 to 278.
22 The property is located in the Human Health Services District, Tax Parcel No. 45.1-1-57.51.
23 Curtis confirmed that he had received proof of supplementary notification of contiguous
24 owners of property in the Village. Hickey noted that this is a parking problem and that
25 previously the applicants had come to the Board because they needed more parking for the
26 Parkview Health Care Campus. He suggested that, aside from the matter before the Board
27 tonight, the Board should review the formula by which the Zoning Law prescribes the
28 amount of parking required for medical offices. Given the rapidly changing nature of medical
29 practice with resulting impact on parking needs, it may be that the Board should require some
30 sort of land bank for medical offices which can be tapped if the need arises. It is not clear
31 where Integrated Acquisition will be able to turn if they need even more parking in the
32 future. He then asked Herman Sieverding, the Project Manager for Integrated Acquisition
33 and Development, to explain the project under consideration tonight. Referring to a letter he
34 had addressed to the Board and which had been distributed in the Board's packets,
35 Sieverding noted that the four buildings in the Parkview Health Care Campus had been
36 developed over a period of 10 years and provided with the required amount of parking. Over
37 that time, however, the practices have grown and now parking is very tight particularly
38 around some of the busier practices. The practices have hired more staff including some like
39 nurse practitioners who see patients in their own right. Sieverding directed the Board's
40 attention to a table submitted with the plans for the expansion in which a break down of
41 employees in the Health Care Campus is set forth, noting that there are 132 doctors, nurse
42 practitioners and equivalent health professionals. This accounts in large part for the shortage
43 in parking. Previously, Integrated Acquisition has taken steps to add parking spaces where
44 possible by reducing the width of parking spaces from 9'-6" to 9' resulting in 18 additional
45 spaces, and reducing the number of handicap parking spaces to the number required in the
46 Building Code resulting in 6 additional parking spaces. There are still times when parking is

1 at or near 100% of capacity especially around the busier practices at 8 & 10 Brentwood
2 Drive. The plan before the Board calls for constructing 15 new spaces where they are most
3 needed.

4
5 Hickey asked Cross to present his report which is as follows:

6
7 As required for a Special Permit within the Human Health Services District, I have reviewed
8 the site of the proposed parking lot expansion. I have made the following observations and
9 comments:

- 10
11 ▪ The site is relatively level and should not cause an increase in erosion on the site.
- 12
13 ▪ The added impervious area is negligible as compared to the overall site and the
14 extensive Stormwater management facilities throughout the site. Therefore, I see no
15 need to require additional Stormwater management practices.
- 16
17 ▪ As I have said in the past, I am very skeptical of porous pavement in our climate.
18 Having said that, since I do not think that any Stormwater management practice is
19 necessary, I would not object to its use in this case.
- 20
21 ▪ In reading the developer's narrative, I understand that the driving aisle to the new
22 parking spaces is to be a one-way traffic pattern. I don't know if that is necessary,
23 especially since they are proposing to use a 22' wide aisle instead of 12'. I recommend
24 that they reduce the aisle width to 12' or remove the one-way traffic pattern.
- 25
26 ▪ This project is a relatively minor modification and should not have any adverse impact
27 on the existing site or surroundings.
- 28
29

30 With regard to additional erosion, Cross is assuming that the project engineers, T.G. Miller Engineers
31 and Surveyors, have reached the same conclusion. He requests that their engineers provide their
32 report to confirm this. With regard to the porous pavement, Hickey noted that the Board has been
33 interested in this approach to mitigating some of the adverse impacts of paving, and this will provide
34 a good opportunity to see how it works in a smaller application where the consequences of failure are
35 minimal. Sieverding added that he has asked his engineers to design and cost out the porous pavement
36 option, but it is not yet confirmed that it will be cost effective in this application. Responding to the
37 concern about aisle widths and one way traffic, Sieverding noted that it was not his intention to
38 require that the traffic circulation be one way, but rather was recognizing that this was the likely
39 pattern for this configuration of parking spaces. Cross stated that if it is intended that circulation be
40 one way it should be signed to indicate that, otherwise the aisles should be 24' wide to meet the
41 Village's standard for two way traffic. Sieverding stated that he prefers to maintain the option for two
42 way traffic.

43
44 Hickey opened the Public Hearing. There being no one who wished to speak, Stycos moved to
45 close the hearing, seconded by Durst, all in favor. Hickey then led the Board through the
46 New York State Short Environmental Assessment form. Dankert moved the following
47 resolution, seconded by Tomei:

48
49 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF
50 SPECIAL PERMIT NO. 2365 ADOPTED ON APRIL 29, 2009

1
2 **WHEREAS:**
3

- 4 A. This matter involves consideration of the following proposed action: Special
5 Permit 2365, Integrated Acquisition and Development, to expand the parking lot
6 at 8 Brentwood Drive to increase the total number of parking spaces serving four
7 buildings in the Parkview Health Care Campus from 240 to 278. The property is
8 located in the Human Health Services District, Tax Parcel No. 45.1-1-57.6; and
9
- 10 B. This proposed action is an Unlisted Action for which the Village of Lansing
11 Planning Board is an involved agency for the purposes of environmental review;
12 and
13
- 14 C. On April 29, 2009, the Village of Lansing Planning Board, in performing the lead
15 agency function for its independent and uncoordinated environmental review in
16 accordance with Article 8 of the New York State Environmental Conservation
17 Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly
18 reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I,
19 and any and all other documents prepared and submitted with respect to this
20 proposed action and its environmental review (including any Visual
21 Environmental Assessment Form required), (ii) thoroughly analyzed the potential
22 relevant areas of environmental concern to determine if the proposed action may
23 have a significant adverse impact on the environment, including the criteria
24 identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part
25 II;
26

27 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
28
29

- 30 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the
31 Short EAF, Part I, and any and all other documents prepared and submitted with
32 respect to this proposed action and its environmental review (including any Visual
33 Environmental Assessment Form required), (ii) its thorough review of the
34 potential relevant areas of environmental concern to determine if the proposed
35 action may have a significant adverse impact on the environment, including the
36 criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the
37 Short EAF, Part II, including the findings noted thereon (which findings are
38 incorporated herein as if set forth at length), hereby makes a negative
39 determination of environmental significance ("**NEGATIVE DECLARATION**")
40 in accordance with SEQR for the above referenced proposed action, and
41 determines that neither a Full Environmental Assessment Form, nor an
42 Environmental Impact Statement will be required; and:
43
- 44 2. The Responsible Officer of the Village of Lansing Planning Board is hereby
45 authorized and directed to complete and sign as required the Short EAF, Part III,
46 confirming the foregoing **NEGATIVE DECLARATION**, which fully completed
47 and signed Short EAF shall be attached to and made a part of this Resolution.

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3
4 The vote on the foregoing motion was as follows:

5
6 **AYES: Ned Hickey, Richard Durst, Maria Stycos, Mario Tomei and Phil Dankert**

7
8 **NAYS: None**
9

10 The motion was declared to be carried. Hickey then reviewed Section 145-59E of the Village
11 of Lansing Code, General Conditions Required for All Special Permits. Tomei moved that
12 the project meets all of the conditions, seconded by Stycos, all in favor. Discussion ensued
13 with regard to what, if any, conditions of approval should be required. Durst then moved the
14 following resolution, seconded by Stycos:
15

16
17 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**
18 **NO. 2365 ADOPTED ON APRIL 29, 2009**
19

20
21
22 **WHEREAS:**
23

- 24 A. This matter involves consideration of the following proposed action: Special
25 Permit 2365, Integrated Acquisition and Development, to expand the parking lot
26 at 8 Brentwood Drive to increase the total number of parking spaces serving four
27 buildings in the Parkview Health Care Campus from 240 to 278. The property is
28 located in the Human Health Services District, Tax Parcel No. 45.1-1-57.6; and
29
- 30 B. On April 29, 2009, the Village of Lansing Planning Board held a public hearing
31 regarding this proposed action, and thereafter thoroughly reviewed and analyzed
32 (i) the materials and information presented by and on behalf of the applicant in
33 support of this proposed action, including information and materials related to the
34 environmental issues, if any, which the Board deemed necessary or appropriate
35 for its review, (ii) all other information and materials rightfully before the Board,
36 and (iii) all issues raised during the public hearing and/or otherwise raised in the
37 course of the Board's deliberations;
38
- 39 C. On April 29, 2009, the Village of Lansing Planning Board determined that the
40 proposed action is an Unlisted Action for which the Board is an involved agency,
41 and in performing the lead agency function for its independent and uncoordinated
42 environmental review in accordance with Article 8 of the New York State
43 Environmental Conservation Law - the State Environmental Quality Review Act
44 ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental
45 Assessment Form (the "Short EAF"), Part 1, and any and all other documents
46 prepared and submitted with respect to this proposed action and its environmental
47 review (including any Visual Environmental Assessment Form required), (ii)

1 thoroughly analyzed the potential relevant areas of environmental concern to
2 determine if the proposed action may have a significant adverse impact on the
3 environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii)
4 completed the Short EAF, Part 2; and (iv) made a negative determination of
5 environmental significance (“Negative Declaration”) in accordance with SEQ
6 for the above referenced proposed action and determined that an Environmental
7 Impact Statement would not be required; and
8

- 9 D. On April 29, 2009, in accordance with Section 7-725-b of the Village Law of the
10 State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the
11 Village of Lansing Code, the Village of Lansing Planning Board, in the course of
12 its further deliberations, reviewed and took into consideration (i) the general
13 conditions required for all special permits (Village of Lansing Code Section 145-
14 59E), (ii) any applicable conditions required for certain special permit uses
15 (Village of Lansing Code Section 145-60), and (iii) any applicable conditions
16 required for uses within a Combining District (Village of Lansing Code Section
17 145-61);
18

19 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
20
21

- 22 1. The Village of Lansing Planning Board hereby finds (subject to the conditions
23 and requirements, if any, set forth below) that the proposed action meets (i) all
24 general conditions required for all special permits (Village of Lansing Code
25 Section 145-59E), (ii) any applicable conditions required for certain special
26 permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable
27 conditions required for uses within a Combining District (Village of Lansing
28 Code Section 145-61); and
29
30 2. It is hereby determined by the Village of Lansing Planning Board that Special
31 Permit No. 2365 is **GRANTED AND APPROVED**, subject to the following
32 conditions and requirements:
33

34 **None**
35
36
37
38

39 The vote on the foregoing motion was as follows:
40

41 **AYES: Ned Hickey, Richard Durst, Maria Stycos, Mario Tomei and Phil Dankert**
42

43 **NAYS: None**
44

45 The motion was declared to be carried.
46
47

1 **Special Permit 2369, Tops Gas Station**

2 The next item on the agenda was Special Permit 2369, TOPS Market, LLC, to construct a
3 three pump fueling station in the parking lot of their existing food market at 2300 North
4 Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 47.1-1-21.1.
5 Curtis confirmed that he had received proof of mailing of supplementary notice to contiguous
6 property owners and Dubow noted for the record that the County returned a 239
7 determination that the project, as submitted, has no negative inter-community or county-wide
8 impacts. Hickey noted that the site map submitted with the Fisher Associates traffic review
9 shows the gas station in the northeast corner of the property where it was originally proposed,
10 rather than in the southeast corner where it is currently proposed. While the impact of this
11 discrepancy would be minor with regard to traffic entering and exiting the site, it could well
12 have significant impact on traffic circulation within the site. Hickey asked that the error be
13 corrected and that Fisher then be asked to review their original report and comment on the
14 effect of the relocation. Michael Biehler, Corporate Counsel and Director of Government
15 Relations for Tops Markets, replied that Fisher had reviewed a report from Tops' traffic
16 engineering firm, FRA, and Tops will ask FRA to make the correction and revise its report as
17 necessary and then submit it to Fisher Associates. Curtis had alerted them of the problem and
18 they have had preliminary conversations with the traffic consultants which indicate that the
19 impact will be minimal and probably an improvement, but Tops will get a formal written
20 response from both consultants for the record.

21
22 Ed Hooks, the local attorney for Tops Markets introduced the rest of the Tops team in
23 addition to Biehler – Lou Terragnoli who is overseeing the approval process, Chris Woods,
24 the architect, Bob Clinton, the local store Manager and Chuck Norris who does the
25 mechanical and maintenance work for the stations. Hickey asked Village Engineer Brent
26 Cross to give his report as follows:

27
28 As required for a Special Permit within the Commercial High Traffic District, I have reviewed
29 site of the proposed parking lot expansion. I have made the following observations and
30 comments:

- 31
- 32 ▪ The original traffic study was done for Tops by FRA Engineering on 2/13/07. It
33 showed the location of the fuel station to be in the northeast corner of the existing lot.
34 The latest proposal is to locate the station in the southeast corner of the same lot. I
35 don't believe that the relocation would have any effect on the outcome of the study.
36
 - 37 ▪ On behalf of the Village, Fisher Associates has reviewed the FRA Engineering study
38 and have come to the conclusion that the minimal traffic increase will have no increase
39 in level of service at the intersection. They predict a small increase in delay for certain
40 turning movements.
 - 41
 - 42 ▪ Since the site is already impervious, no increase in Stormwater run-off should be
43 expected.
 - 44
 - 45 ▪ Does the project plan have a provision for run-off from accidental spills or hose
46 failure?
47

1 Cross stated that he agreed with the statements of the Tops representative that, if anything,
2 the change in location of the station would improve the traffic situation. He noted that both
3 the FRA report and Fisher's comments agreed that the addition of the station would not
4 change the level of service at any of the immediate intersections, though it might add some
5 minor delay to some of the movements at peak times. Because they are proposing to turn
6 impermeable parking lot into impermeable gas station, impact on storm water runoff will be
7 negligible, though if and when they add employee parking in the northwest corner there
8 would be some nominal increase in runoff at that time. With regard to Cross' concern about
9 possible fuel spills and consequent contamination, Woods noted that catch basins around the
10 stations are equipped with a system called FloGard that captures any spilled fuel before it can
11 leave the site. In addition the system from the underground tanks up to and including the
12 automatic shutdown nozzles include multiple state of the art fail safe devices, meeting or
13 exceeding Federal and State requirements, to guard against fuel contamination of the
14 environment. The underground tanks are double walled with a detection system that sounds
15 an alarm if either wall is breached. Each station has a spill prevention kit on site to contain
16 and clean up any spills; the station is manned by specially trained attendants when it is open
17 for business. Tops recently researched fuel release incidents at their 30 stations going back 5
18 years. There had only been 4 minor incidents such as overfills which resulted in the stations
19 being immediately closed, the product contained and cleaned up and the incidents reported to
20 DEC. While the stations are expected to operate from 6AM – 11PM daily, the alarms are
21 monitored via email by a response team 24/7 as well as by the fuel department and
22 maintenance department at Tops Corporate and the fuel supplier and the local store. An
23 alarm triggers a detailed print out which is emailed automatically to these monitors. Tanks
24 are equipped with sensors which monitor, record and report fuel levels and include over fill
25 alarms which also trigger shutdown mechanisms when the level exceeds 90%. The suppliers
26 monitor the fuel levels in the tanks so that they do not send out more fuel than there is room
27 for. Tanks are only filled when the station is open and the specially trained attendant is on
28 duty. The kiosks are designed so that the attendants can see all 6 fueling pads and also watch
29 the refueling operation by the suppliers.

30
31 Regarding Cross' concern that the new island west of the station be curbed rather than a
32 painted island, Woods stated that if the Board wanted it curbed, they would curb it. He
33 considered it both ways, but decided against curbing because it is a small island which will
34 not support much if any vegetation and it comes to a point where concrete requires a
35 minimum radius. A small island such as this without vegetation is harder to see and sustains
36 more damage from plows and accidental hits. The curbed island would also box the site in
37 and make maneuvering a little more difficult. With regard to having a pull off space to allow
38 customers to pull out of the way while they pay inside, Biehler noted that most people now
39 pay at the pump, especially at a facility like this where the kiosk is not a convenience store.
40 In this situation most people who pay inside will leave their cars at the pump and go inside
41 and pay. Tops does not generally require cash purchases be prepaid.

42
43 Noting that the County had raised the issue as well in its 239 review, Hickey asked what
44 Tops intended to do about the trees and plantings it proposed to remove to make way for the
45 station. Biehler acknowledged that 4 or 5 existing crab apple trees would need to be
46 removed. He suggested planting at least a like number along the bank between the proposed
47 station and Rt. 13 to help buffer the site. He proposed using a more lush tree better suited to

1 providing a buffer than the crabapple trees in the parking lot. Woods stated he would amend
2 the site plan to show the new trees. Dankert noted there was a lighting plan included with the
3 plans and he will get to together with the other Lighting Commission members and review it.
4 Terragnoli pointed out that this station will have an upgraded canopy with the lights recessed
5 up into the canopy so that there will be no light spillage beyond the property lines.

6
7 With regard to signage, Woods stated that the signs shown on the plans are the only signs
8 proposed except one they will be proposing for the mall pylon. The letters on the building are
9 less that 2' high. On the pylon, they would like to move the Gas Station panel to the top and
10 make it 1 ½' tall rather than 1' like the other panels. They would then ask to include an LED
11 digital readout on one side of the sign where they could post the changing price of unleaded
12 regular gas. About a third of the sign would read "Tops Gas" in smaller letters and the
13 remainder would include the digital LED readout. Curtis responded that they would need to
14 propose exactly the signage that they wanted as an amendment to the Tops Plaza Planned
15 Sign Area and secure the agreement of the other property owner. The Planning Board would
16 then consider the proposed amendment and make a recommendation to the Board of Trustees
17 whose decision it would ultimately be.

18
19 Hickey stated he would expect them back on May 11 with a revised site plan showing the
20 landscaping and a more formal proposal to amend the Planned Sign Area. Cross asked that
21 they include details on the catch basins showing the FloGard system. Hickey noted that the
22 Board would also need to see the revised report from FRA acknowledging the new location
23 of the station, and Fisher's comments on that revised report. Biehler noted that the plan
24 would result in the loss of 24 parking spaces, and though their study indicated the spaces
25 were not needed, they would like the site plan to show the replacement spaces in the
26 northwest corner to be designated for employee parking. The parking analysis on the site
27 plans confirms that there will be sufficient parking on site to meet the Village's zoning
28 requirements for the businesses in the Plaza as well as the Tops store. Terragnoli explained
29 that Tops had done a parking lot study, counting and mapping vacant parking spaces at
30 various peak times and determined that they currently had over 60 vacant spaces at the
31 busiest times. They are asking, however, that the Board approve the spaces in the northwest
32 corner so that Tops can build them if needed, but permit Tops to operate without the spaces
33 until Tops determines that additional spaces are needed. Hickey replied that they should
34 include the spaces and a note to that effect for the Board to consider at the May 11 meeting.
35 Hickey opened the public hearing. There being no one who wished to speak, Durst moved to
36 close the public hearing, seconded by Stycos, all in favor.

37
38 Summarizing, Biehler stated that at the May 11 meeting, they would provide the revised
39 traffic reports; details of the catch basins and FloGard system; a graphic showing exactly
40 what they are proposing for the pylon sign; and a landscaping plan showing exactly which
41 trees are being removed and a description of what trees will be planted to replace them and
42 where. They prefer not to present for approval curbed islands for the reasons mentioned, but
43 if the Board insists, they will, of course consider curbed islands. Hickey noted that the curbed
44 islands were one of the items in the County's 239 comments. He asked that Tops take
45 another look at this issue from a safety perspective.

46
47 **Approval of Minutes**

1 Stycos moved that the minutes for the March 9 meeting be approved as amended, seconded
2 by Dankert, all in favor.

3
4 **Reports**

5 *Trustees* –Hickey reported that at the April 6 meeting the Trustees simply approved the
6 budget. At the April 20 meeting the Trustees heard a report on the transfer of the Northwood
7 entrance to the Village which seems to be moving forward. Dart Drive is scheduled to be
8 paved this year and the sidewalk will be constructed on the north side. There was a report
9 from the Health Insurance Consortium (of Tompkins County Municipalities), but they did
10 not seem to been able to identify any compelling savings. There was some general discussion
11 of the extension of sewer to the Town on Warren Road. There was also some discussion of
12 the proposed townhouses on North Triphammer in the Town. There are over 100 units
13 proposed and they are talking about putting in a sewage pump station and connecting to the
14 sewer in the Village. It is not clear it will be feasible to do so.

15 *Code Officer* - Curtis reported that he had received an application for a farmers market in the
16 vacant lot on North Triphammer Road in front of the YMCA. They are trying to work out the
17 details regarding days of operation, parking, traffic control, etc. They hope to be up and
18 operating this summer.

19
20 **Other Business as Time Permits**

21 Dubow directed the Board's attention to letter in their packets from the Bolton Estate
22 explaining what the developer Ed Crossmore intended for the "limits of disturbance" depicted
23 on the Bolton Estate Subdivision Final Plat. Along with the letter was a draft of the proposed
24 Conservation Easement for the Subdivision to be conveyed to the Village. He suggested that
25 Members review these documents for discussion perhaps at the May 11 meeting. Hickey
26 noted that the letter indicated that the archeological survey had only been done on the areas
27 within the limits of disturbance whereas he had thought the whole subdivision had been
28 studied. Stycos noted that there were discrepancies between where the limits of disturbance
29 are shown on the preliminary plat and the final plat, particularly with regard to lot 9. Curtis
30 added that the limits of disturbance were intended to show the 1 ½ acres per lot that was used
31 to calculate the stormwater runoff and it did not matter where on the lot the 1 ½ acres is in
32 terms of stormwater runoff. The limits were apparently also used to delineate where
33 archeological investigation was required. The boundaries could be moved without effect with
34 regard to stormwater as long as the total area per lot remained the 1 ½ acres , but with regard
35 to archeological impact, any change in the boundaries could trigger additional investigation
36 even if the enclosed area is still 1 ½ acres. Dubow responded that he believed that the
37 Conditions of Approval of the Final Plat define the limits of disturbance as the areas shown
38 on the plat that was filed, and, if that is the case, in addition to any other approvals a change
39 in boundaries may require the Village's approval.

40
41 Noting that at least one application is coming in to build in the Subdivision, Hickey stated
42 that it is important that the Planning Board resolve any confusion about the terms of
43 development and organize the information so that it is readily available for anyone proposing
44 to build in the Subdivision. He will get together with Curtis, assign an address for each lot
45 and create a folder for each address. In that folder he proposes to put information stating the
46 limits and requirements for each lot, including a memorandum of understanding between the

1 Village and Crossmore regarding the specific meaning of terms like “limits of disturbance” –
2 i.e. what can and can not be done within those limits, what is required to change those limits,
3 etc., There would be a check list of what had to be done for each property and a map showing
4 the limits of disturbance. Building on some lots requires a Special Permit, and some lots are
5 subject to the Conservation Easement, and instructions for compliance with these restrictions
6 will also be included in the files. That way if someone comes in ten years from now wanting
7 to build and different people are overseeing the process, there will be clear guidance as to
8 what is required.

9
10 Dubow suggested a face to face meeting with Crossmore, his Engineer, Andy Sciarabba, and
11 his Attorney and from the Village, Dubow, Hickey, Curtis and possibly the Village Engineer
12 and anyone Hickey decided should be involved. The purpose of the meeting would be to
13 finalize a memorandum of understanding regarding the specific meaning of the Conditions of
14 Approval for the Final Plat, the Covenants and Conservation Easement. This Memorandum
15 could then become part of the files Curtis is proposing and could be filed with the County
16 Clerk as well. Hickey stated he would like the Planning Board to review Crossmore’s letter
17 and the proposed Conservation Easement, discuss the issues and decide what the Planning
18 Board wanted prior to a face to face meeting with Crossmore.

19
20 **Adjournment:**

21 Stycos moved to adjourn at 9:45 P.M. Seconded by Tomei. Ayes by Hickey, Dankert,
22 Durst, Stycos and Tomei. Motion carried.

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24
25