

**Village of Lansing
Planning Board Meeting
November 9, 2009**

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

6
7 **Public Comment:**

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

11
12 **Horizons Detention Pond and Swale**

13 Hickey directed the Board's attention to a letter in their packets from Candace Cima offering to the
14 Village in dedication a detention pond on property she owns in the Village. Along with the letter was a
15 plan drawing showing the location of the pond and information Curtis had compiled regarding the
16 original subdivision approval process which resulted in the construction of the pond. The detention
17 pond manages stormwater runoff from the Horizon Subdivision, most of which is in the Town of
18 Lansing with a lesser part in the Village. The Subdivision was approved in 1985. Curtis explained that
19 he had included a map from 1984 showing the original plan to simply drain the runoff into the road
20 ditch along Bush Lane, a letter and notes from the Environmental Assessment from 1984 and 1985.
21 The letter indicates that John and Carol Hoff who owned Sun Downs Farm across North Triphammer
22 had raised concern that the increased flow of runoff in the Bush Lane road ditch would cause flooding
23 on their property. The notes indicate that in response to this concern a detention pond was required to
24 reduce the rate of stormwater discharge into the ditch to be the same as before development.

25
26 Hickey noted that Alex and Candace Cima had retained ownership of the detention pond and the issue
27 at hand is whether the Village should now accept ownership of the pond. Leopold added that it is the
28 current practice for the Village to require dedication of stormwater management practices for
29 subdivisions. Hickey asked Village Engineer Brent Cross to give his report which is as follows:

30
31 **VILLAGE OF LANSING**
32 **ENGINEER'S REPORT**

33
34 **DATE:** November 9, 2009

35
36 **TO:** Board of Trustees

37
38 **FROM:** Brent A. Cross, Village Engineer

39
40 **RE:** Horizon Villages Pond

41
42 **NOTE:** As a result of Mrs. Cima's request to dedicate the pond to the Village, I offer the following
43 observations and comments:
44

1 Although it may be obvious and “ancient history”, I would point out that the pond was installed
2 as a result of Stormwater run-off from land development in the Town of Lansing. Because the
3 project was constructed prior to current Stormwater regulations, no Stormwater management
4 was required/provided in the Town. Therefore, it appears that the developer installed the pond
5 in the Village as a way to protect the downstream property owners in the Village.
6

7 Beyond the proceeding observations, I do not know any details about the engineering design or
8 performance criteria of the pond as installed. The drawing shows a total volume of 34,414 cf,
9 but no actual contours are provided to be able to verify the actual volume as constructed.
10 Although I would not expect the pond to meet current design standards, no information is
11 provided to indicate what level of performance was intended.
12

13 I inspected this site a couple of years ago (for some other reason). I found it to be very over-
14 grown and the outlet to be obstructed. The drawing shows a 20’ easement across lot #29 and
15 part of the subject property to transmit the Stormwater flow into the pond with a reference to
16 “rip-rap material along ditch”, but none was evident during my inspection. The drawing also
17 indicates a “security fence”, but none was found. The reference to a 27” diameter outlet pipe
18 does not provide any details about its elevation or other standard engineering details.
19

20 If the Village wishes to control this Stormwater management pond on behalf of the Village’s
21 downstream properties, I would recommend the following before acceptance:
22

- 23 -overall clearing and clean-up of the entire area to be dedicated.
- 24 -verification of the rip-rap ditch from Leslie/Rosina Drive.
- 25 -decide if the security fence is desired, and installed if needed.
- 26 -an engineering report to verify any information about the original design and constructed
27 features (consistent with the regulations in effect at the time).
- 28 -a new subdivision map to delineate the proposed lot dimensions with details of existing
29 features.
30

31 Hickey pointed out that there are two questions - whether or not to accept the detention pond and who is
32 responsible for the maintenance. Curtis responded that the Village’s position with regard to stormwater
33 maintenance practices has evolved over time and currently in cases like the Cardiology Associates building
34 where the Village does not own the stormwater management practice, it requires in lieu thereof a maintenance
35 agreement obligating the property owner to document required inspections and perform required maintenance.
36 Failure of the owner to do so entitles the Village to undertake the work and bill the expense back to the owner.
37 Curtis stated that he was unable to find any agreement in the file regarding maintenance of this detention pond,
38 however. Hickey noted that there are a number of stormwater management practices in the Village that predate
39 current policies which the Village neither owns nor for which there is any maintenance agreement and the
40 Village needs to decide how it will respond to concerns about maintenance of these practices. Cross pointed out
41 that the Village has no inventory of storm practices, both publicly and privately owned, in the Village, nor does
42 it have any systematic process for ensuring their maintenance.
43

44 Curtis reported that while the Bush Lane road ditch has been piped and filled above the detention pond
45 discharge pipe and further down where the stormwater goes under North Triphammer Road, the ditch is open for
46 a considerable distance in between. Cross added that if the Village wanted to pipe the rest of the ditch, they
47 would probably put in some sort of junction box to receive the discharge from the detention pond. Commenting
48 on Cross’ report, Curtis reported that stormwater is collected on both sides of Rosina Drive and Leslie Lane and
49 is channeled through a substantial buried drainage pipe down to the inlet for the detention pond. The buried
50 drainage pipe seems to have replaced what is shown as a rip-rap drainage swale on the plan drawing. There are
51 also several 4” drain tiles discharging into the inlet. The pond is very overgrown with some trees maybe 6” in

1 diameter in the bed of the pond. The discharge pipe from the pond has been partially blocked by stone, and
2 water has scalloped out around it to the road ditch on Bush Lane. The discharge pipe is 12" or 15" rather than
3 the 27" indicated on the drawing. There is evidence of water flowing along the bottom of the pond. Hickey
4 noted that the Planning Board's function in this case is simply to make a recommendation to the Trustees. In this
5 case there is evidence that the detention pond was constructed to protect downstream property owners in the
6 Village from stormwater runoff resulting from a subdivision developed primarily in the town. The detention
7 pond has not been maintained and the extent of remedial work that might be required is yet to be determined.
8 Cross added that in order for the pond to be transferred to the Village in dedication, it would have to be
9 subdivided off of the larger parcel at the corner of Bush Lane and North Triphammer Road which would require
10 Planning Board approval. Dubow stated that he was cautious in his comments because a member of his firm
11 represents Cima. The Trustees will need to consider accepting the pond and its current policy with regard to
12 ownership of stormwater practices, as well as assessing the costs of restoring the pond and determining who will
13 pay those costs. Durst moved that the Board authorize Hickey to send a recommendation to the Trustees that
14 they accept the pond in dedication, seconded by Dankert, all in favor.

15
16 **Bolton Estate Subdivision Conservation Easement Agreement – Continued Discussion**

17 Hickey reported that he had visited the Subdivision and that it has been paved and much of the
18 landscaping has been installed. Parking in the Village Park area has been striped and offers a
19 tremendous view of the lake. He has received a number of compliments on how well the subdivision
20 turned out. People seem to be satisfied with the way the development process worked in this case
21 which Hickey attributes substantially to the developer.

22
23 That being said, Hickey noted that there was still work to be done. The Board has had for some time
24 the developer's proposal for a Conservation Easement for the environmentally sensitive area along the
25 cliffs overlooking the lake. For the previous meeting Curtis distributed a copy of the boiler plate
26 easement agreement used by the Finger Lakes Land Trust. Board members were to have reviewed the
27 Finger Lakes Land Trust agreement and recommend any language in that agreement they thought
28 should be included in the Bolton Estate Easement. Dubow explained that the Conservation Easement
29 applied to an area 200' wide along the top of the cliffs extending from the southern boundary of the
30 Subdivision up to approximately the Bolton Point pump station. Curtis noted that the proposed hiking
31 trail is north of the Easement. In addition to the Conservation Easement, the Board has also been
32 discussing additional layers of protection such as the clearing policy and Special Permit approval
33 which also apply in the Subdivision and in some cases overlap. Language included in the Conservation
34 Easement will only apply to that particular 200' wide area.

35
36 Hickey suggested the Board review the Finger Lakes Land Trust Agreement page by page. Discussion
37 ensued about various provisions in Finger Lakes Land Trust Agreement and the proposed Bolton
38 Estate Subdivision Agreement. Schleelein noted that the Land Trust Agreement is very comprehensive
39 and the Bolton Estate Subdivision Agreement is very general and much less detailed. It is hard to
40 determine what level of detail is appropriate for the Bolton Estate Subdivision Agreement. Dubow
41 reminded the Board that they had turned to the Land Trust Agreement because some of the language in
42 the proposed Bolton Estate Subdivision Agreement pertaining to what sorts of structures and activities
43 would be permitted seemed ill defined and overly general. The real question is what exact structures
44 and activities is the Board is comfortable permitting in the Conservation Easement area. Discussion
45 ensued of compatible uses. Hiking, fishing, bird feeders seemed OK; horse riding not so much so; four
46 wheelers and snowmobiles probably not; a picnic table is probably OK, but a gazebo might require
47 review and approval. Dubow stated that it is important to balance the rights of the property owner to
48 the enjoyment of the property with the legitimate purpose of the easement and not go too far by

1 enjoining activities and structures that are not incompatible with the purpose of the easement. Dubow
2 read from some easements his firm had prepared for other clients and which included more specific
3 lists of permitted and prohibited activities and uses. At the Board's request, Dubow will integrate
4 pertinent sections of his office's sample easement agreement with the proposed Bolton Estate
5 Subdivision Agreement for the Board to review at the next meeting.

6
7 **Bolton Estate Subdivision "Specimen Trees" – Update**

8 Hickey suggested that the Board discontinue the use of the term "specimen tree" as it has proved
9 difficult to define and hence confusing. The Board will use the term "significant tree" instead. Hickey
10 reported that he and Curtis had met Bolton Estate Subdivision Project Engineer Andy Sciarabba at
11 Lots 3 & 4. There are clearly some large trees that would be worth preserving. The honey locusts are
12 not natural to this area and can be problematic as they may split or rot from the inside as they get
13 larger. There are only about five trees on Lot 3 that are of concern and three are in the clearing area.
14 Lots 4 and 5 are covered by Special Permit approval.

15
16 Hickey suggested that it might be productive to negotiate with property owners to encourage
17 preservation of trees identified as significant trees. If the owner of Lot 3 will forgo cutting down any or
18 all of the significant trees on the parcel, including the ones in the clearing area, the Village might
19 authorize the removal of more trees outside the clearing area. Hickey noted that there are a lot of junk
20 trees that are of little value. Dubow noted that there is already an approval requirement for taking down
21 specific trees outside the clearing area even though there is a general provision permitting four trees
22 over 4" diameter per acre to be removed with such approval. He also noted that at some point a tree
23 identified as a significant tree might, for a variety of reasons, such as disease or damage need to be cut
24 down. It is simply not reasonable to identify a tree and require that it be preserved in perpetuity. It
25 would be preferable to identify significant trees and give the Code Enforcement Official the authority
26 to negotiate with the property owner to save such trees to the extent feasible. Hickey responded that for
27 that to work the Board must establish a policy and provide specific criteria and guidelines for the Code
28 Enforcement Officer. Curtis stated that if he had the latitude to offer a property approval to cut down
29 three junk trees in exchange for preserving one significant tree, he suspects that might be an effective
30 tool. Dubow reminded the Board that they had negotiated a clearing policy with the developer that is
31 beneficial to all concerned and any additional provisions to preserve significant trees should be
32 carefully tailored to fall within the spirit of that agreement.

33
34 Hickey stated that ultimately the Code Enforcement Officer is the one who is meeting with the
35 property owner on the ground, plans in hand, to determine whether it is feasible to save any one
36 particular tree. Hickey suggested that Curtis draft language to add to the Clearing Policy that would
37 give him the latitude and authority he thought he needed to negotiate for the preservation of significant
38 trees. Curtis noted that visiting the site had made him aware that there is a broad spectrum of trees on
39 these properties – some large, healthy, strong trees, but also a lot of junk trees, dead and sick or shaded
40 out even though more than 6" diameter. Having the flexibility to be able to negotiate with a property
41 owner to take out junk and leave significant trees and those with the potential to become significant
42 trees could be productive for all concerned. Hickey will work with Curtis to draft some language to
43 add such authority to the Clearing Policy and bring it back to the Board for discussion. Responding to
44 a question by Tomei, Curtis noted that the boundaries of clearing areas on each lot are established and
45 can not be changed without notice to the State Historic Preservation Office as they only investigated
46 the designated clearing areas when they assessed the property for historic and archeological impacts as
47 part of the Environmental Review.

1 **Zoning Review – Follow Up**

2 Hickey directed the Board’s attention to a compilation of all of the zoning review discussions to date
3 that Curtis had abstracted from the minutes and included in the packets as a single document. He noted
4 that there had been a lot of discussion, but not a lot of recommended changes. The real value was
5 educational in that the Board now has a much better knowledge and understanding of what is in the
6 Zoning Law. Hickey added that the Board will be credited with the full hours annual training
7 requirement for the time they have spent reviewing the Zoning Law. Hickey then led the Board
8 through a review of the abstracted discussion to identify actual changes to the Zoning Law that the
9 Board would recommend. In the course of the ensuing discussion the Board compiled the following list
10 of action items:

- 11
12 1. Definitions of Townhouse and Condominium – The term *townhouse* is used in the Zoning Law and
13 should be defined. A townhouse stands on its own lot and is attached to one or more other
14 townhouse with a property line passing through the center of the shared wall(s). The term
15 *condominium* does not appear in the Zoning Law and therefore it may not be appropriate to include
16 a definition. The Village considers a condominium to be equivalent to an apartment or a dwelling
17 unit in a multi-unit residential building.
18
- 19 2. Delete *rooming house* as a defined term.
20
- 21 3. Review the definitions of *building*, *principle building* and *accessory building* to see if the
22 definitions can be uncoupled from size. A barn and a garage are generally considered accessory
23 buildings whether or not they are 200sf or more in area and 15’ or more in height. It is not common
24 to think of a swimming pool or a solar collector as a building. Is a garage over 200sf a residential
25 building and if so does it constitute an *additional residential building on a single lot*? Perhaps the
26 terms “major” and “minor” buildings could be used to describe size and principle and accessory
27 used to describe function.
28
- 29 4. Develop a definition for *assisted living* and propose districts where such use might be permitted
30 and additional conditions, if any, that must be met for special permit approval. Hickey has a good
31 working definition to get started with. *Assisted living* under certain circumstances might be
32 compatible with a residential neighborhood in a way that a fraternity, club, nursing home or other
33 uses included under *group residential building* might not.
34
- 35 5. Revise the submission process for applications requiring Planning Board review. Currently the
36 Zoning Law requires applications be submitted “at least twelve days prior to the regular monthly
37 business meeting of the Planning Board” and states that the application is filed with the Village
38 Clerk. The Planning Board meets twice a month and neither meeting is designated as a “regular
39 monthly business meeting”; applications are accepted less than twelve days prior to a meeting as
40 long as the notice requirements can be met; and the applications are generally received by the Code
41 Enforcement Officer, though the Clerk does receive the fees.
42
- 43 6. Insert the Village’s standards for the width of drive lanes in parking lots (24’ for two-way and 12’
44 for one-way) into the Zoning Law so that developers will know in advance how to design their
45 parking lots.
46

- 1 7. Consider adding illustrations throughout the Zoning Law for such things as driveway and turn
2 around regulations to make the Zoning Law more user friendly.
3
- 4 8. Add *additional residential building on a single lot* to uses permitted with a Special Permit, General
5 and Additional Conditions in the Shannon Park Planned Development Area. It's omission was
6 clearly an oversight.
7
- 8 9. Change the reference to "the Official Map of the Village of Lansing" in Section 145-16 of the
9 Zoning Law to "the Official Village of Lansing Zoning Map".
10
- 11 10. Alphabetize the uses in Section 145-82 to make the Zoning Law more user friendly.
12
- 13 11. Amend the description of the use *multiunit residential building* in Section 145-82 to clarify that
14 three dogs per dwelling unit are permitted.
15
- 16 12. Delete *cluster housing* as a category of use as it is a type of subdivision and is defined and
17 regulated under Section 125-17 of the Subdivision Regulations.
18
- 19 13. Correct a typo in the description in Section 145-82 of low *impact technology* changing "leading
20 dock" to "loading dock".
21
- 22 14. Delete the stipulation in Section 145-51 that "parking space... must not... be in any required front,
23 side or rear yard." As a practical matter this requirement is unworkable and makes no sense.
24
- 25 15. Review Section 145-54B, off-street parking requirements for residential buildings, which requires
26 and therefore limits parking spaces for dwelling units to two per dwelling unit which seems
27 unrealistic for modern families. Also review Section 145-54E(a), off-street parking requirements
28 for medical offices which recent experience has demonstrated is no longer adequate for today's
29 medical practices. Some provision must be made for paraprofessionals. Herman Sieverding from
30 Integrated Acquisition and Development has offered to help with the medical office requirement
31 and may be able to help with the residential buildings as well.
32

33 The hour being late, Hickey suggested the Board wind up its review for this meeting. He and Curtis
34 will work on the list generated to date and the Board can complete its review at the next meeting.
35 Hickey commended the Board for their efforts, noting again the educational benefits.
36

37 **Approval of Minutes**

38 Stycos moved the minutes of October 27 as corrected, seconded by Durst; Dankert, Stycos, Durst,
39 Hickey and Tomei in favor.
40

41 **Reports**

42 *Trustees* – no report
43

44 **Other Business as Time Permits**

45 Hickey reported that he, Curtis and Tomei had met with Eric Goetzmann and Jim Bold from Triax
46 Management Group regarding their proposed PDA on the lots immediately west of the YMCA. Triax
47 has revised the proposal in response to concerns expressed earlier. The proposed big box store has

1 been turned 90 degrees and moved closer to the Mall ring road so that it is screened to a considerable
2 extent by the firehouse. Hickey directed the Board's attention to the revised plan on the board behind
3 him and compared it to the earlier plan. He noted that moving the building also preserved more of the
4 wetlands. He noted that it was by no means a done deal, but he, Tomei and Curtis considered it a
5 substantial improvement over the first proposal. Until and unless PDA provisions are reactivated in the
6 Zoning Law, the proposal can not come forward to the Planning Board for consideration. At this point
7 there are no additional details on the proposed senior housing. Curtis explained that the generic PDA
8 provisions would require that the developer identify specific benefits for the Village, and in a specific
9 PDA proposal the developer might identify senior housing as such a benefit and define what it is and
10 describe how it will be managed to ensure that the benefit continued into the future. The big box is a
11 prototype and there is probably very little flexibility with regard to its size and shape.
12

13 Quorum check – Hickey confirmed that a quorum consisting of himself, Dankert and Durst will be
14 available for the meeting on November 24. He wished the other members a happy Thanksgiving
15 Holiday.
16

17 **Adjournment:**

18 Stycos moved to adjourn at 9:50 P.M. Seconded by Durst. Ayes by Hickey, Dankert, Durst, Tomei
19 and Stycos. Motion carried.