

**Village of Lansing  
Planning Board Meeting  
December 14, 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; Code Enforcement Officer Ben Curtis; Eric Goetzmann and Jim Bold from Triax  
5 Management Group; and Stu Grinnell observing for the Community Party.  
6

7 **Public Comment:**

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

12 **Generic PDA**

13 Hickey directed the Board's attention to a revised draft, prepared by Dubow and included in the  
14 Planning Board packets, of provisions enabling the Village Planning Board and Board of Trustees to  
15 consider a proposed Planned Development Areas. Dubow explained that he had tentatively labeled the  
16 revised provisions "Appendix B" to distinguish them from "Appendix A" which includes the previous  
17 PDA provisions under which the Shannon Park development was approved and continues to be  
18 governed.  
19

20 Hickey stated that the revised provisions incorporate changes based on previous discussions by the  
21 Planning Board and comments from the public. He hopes to finalize the review and forward the draft  
22 to the Trustees for their consideration, noting that the Trustees will not meet on Martin Luther King  
23 Day in January, nor Presidents Day in February. Curtis added that he had passed along to the Mayor an  
24 earlier suggestion by the Board for a joint meeting with the Trustees, and the Mayor had indicated that  
25 the Planning Board's regular meeting on January 26 might provide an opportunity for such a joint  
26 meeting.  
27

28 Hickey stated that he had carefully reviewed the draft and thought that Dubow had done a very good  
29 job responding to the concerns raised by the Board and members of the public with regard to the  
30 original provisions and earlier draft provisions. He is satisfied with the current draft. He then polled  
31 each of the members individually and Dubow responded to questions and noted minor corrections.  
32 Dubow pointed out that under these proposed provisions a proposed PDA would go first to the  
33 Trustees and would only be referred to the Planning Board if the Trustees determined that there was  
34 some potential benefit for the Village. He also noted that he had included language authorizing the  
35 Village to require some sort of security to ensure that aspects of a PDA that are beneficial to the  
36 Village are completed along with those that benefit primarily the developer. He emphasized that a  
37 PDA is a rezoning procedure and that he had therefore drafted the provisions such that the Trustees  
38 retained complete control of the process along with the ability to reject a PDA at any point where they  
39 determine that conditions are insufficient to ensure an outcome beneficial to the Village as a whole,  
40 just as would be the case with any rezoning.  
41

1 Dankert moved to authorize the Planning Board Chair to forward the draft PDA provisions to the  
2 Trustees with the Planning Board's recommendation that they be incorporated into the Village Zoning  
3 Law; seconded by Tomei; ayes by Hickey, Dankert, Stycos, Tomei and Durst. Motion carried.  
4

5 **Bolton Estate Subdivision Clearing Policy**

6 Hickey directed the Board's attention to a revised draft of the Clearing Policy for the Bolton Estate  
7 Subdivision prepared by Dubow to reflect changes suggested by the Board at the previous meeting.  
8 Curtis noted that the only significant change is the addition of language authorizing the Code  
9 Enforcement Officer to permit a landowner to remove up to three additional trees 4" or more in  
10 diameter outside the clearing limits in consideration for preserving a tree determined by the Code  
11 Enforcement Officer to be a significant tree. He added that this language is intended to reflect the  
12 consensus of the Board as a method for addressing the issue of significant trees raised at earlier  
13 meetings. Dubow noted that this is only one layer of protection, but one that applied to all of the lots in  
14 the Subdivision. Some of the lots in the various Conservation Combining Districts are also protected  
15 by Special Permit requirements, and some of these lots are afforded additional protection under the  
16 Bolton Estate Subdivision Conservation Easement. Responding to a question by Stycos, Curtis  
17 explained that in order to change the location of a clearing area, a landowner would need not just the  
18 Planning Board's approval, but also that of the State Office of Historical Preservation as they only  
19 surveyed the land actually designated on the Final Plat for clearing and construction. They stipulated  
20 that if additional land is slated for disturbance, they must be notified and given the opportunity to  
21 assess the newly designated areas for historic or archeological significance.  
22

23 Curtis stated that while reading through the draft he noticed that no provision had been made for dead,  
24 diseased, dying or dangerous trees. Common sense suggested there should be a process that would  
25 permit a property owner in this development to remove such trees just as property owners elsewhere in  
26 the Village must do from time to time. After some discussion it was agreed that a provision would be  
27 added permitting such trees to be removed with the approval of the Code Enforcement Officer. The  
28 Code Enforcement Officer, in turn, could enlist the advice of an arborist, forester or other authority as  
29 needed to help determine if the tree should come down. Dubow and Curtis will develop language to  
30 address this issue. The Board agreed that when this change was made, Dubow will forward the revised  
31 Clearing Policy to the developers for their comments.  
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33 **Bolton Estate Subdivision Conservation Easement**

34 Hickey directed the Board's attention to a revised Conservation Easement for the Bolton Estate  
35 Subdivision Dubow had prepared and distributed at the previous meeting incorporating language he  
36 had referenced at an earlier meeting and from the Finger Lakes Land Trust Easement. Curtis suggested  
37 that the prohibition of the use of "fertilizers, pesticides, biocides, fungicides, herbicides and other  
38 similar substances" might have the unintended consequence of restricting the property owner's ability  
39 to protect this delicate environment from natural calamities such as the tent caterpillar onslaught that  
40 the area experienced in the early 90s. Hickey noted that while he too has a problem with such blanket  
41 proscriptions, the area covered by the easement drains almost directly to the intake point for the Bolton  
42 Point Water Plant and there is legitimate concern about protecting the intake from contamination by  
43 substances such as those listed. He suggested possibly including a provision authorizing the Code  
44 Enforcement Officer to approve specific applications on a case by case basis. This would provide an  
45 opportunity to tightly control the types, quantities and application methods to mitigate any potential  
46 adverse impact in cases where application of such substances is warranted to protect the environment.

1 The Board agreed that this would strike a good balance. Dubow will add language to the Easement to  
2 that effect and then forward the document to the developers for their review.

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4 **Other Business as Time Permits**

5 Hickey directed the Board's attention to a recreation study for the Bolton Estate property he had  
6 included in the Board packets. The study was done in 1997 by a landscape professional, Linda Tsang,  
7 at the Village's request. Hickey stated that he was distributing it to the Board now because Ed  
8 Crossmore of the Bolton Estate Subdivision development team had notified him that they may be  
9 interested in enhancing the recreation resources in the Subdivision in response to comments from  
10 potential buyers. Hickey suggested that the Board review Tsang's study in preparation for any future  
11 discussion of recreation opportunities in the Subdivision. Curtis reported that he had forwarded a copy  
12 of Tsang's study to Andy Sciarabba, the Project Engineer for the Bolton Estate Subdivision.

13  
14 Dubow added that he had been contacted by Crossmore as well with regard to the proposed trail  
15 easement along the west side of the access road for the Bolton Point pump house. Crossmore and  
16 Sciarabba have determined that due to topography it may not be feasible to construct this trail where  
17 shown on the Plat. Crossmore suggested that in lieu of the trail, Bolton Point might convey an  
18 easement permitting use of their access road as a trail. Further discussion between Dubow and the  
19 Bolton Point Commissioners has led to a proposal that Bolton Point simply convey the access road to  
20 the Village so that it can be used as a trail and the Village can convey an easement to Bolton Point so  
21 that they can continue to use it to access the pump house. He expects this to be a topic of discussion  
22 over the next few months, possibly in conjunction with the discussion of recreation opportunities in the  
23 development.

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25 On an unrelated matter, Curtis reported that Target is proposing to install a redemption center for  
26 deposit containers in their parking lot on the east side of the building. It will be only 148sf and Curtis  
27 has determined that a Special Permit is not required, but he wants the Board to know it is being  
28 installed and will relay any comments back to Target. Stycos asked that Curtis suggest to Target that  
29 redemption center colors match those of the Target store.

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31 **Approval of Minutes**

32 Durst moved the minutes of November 24 as submitted, seconded by Dankert; Durst, Hickey and  
33 Dankert in favor, with Tomei and Stycos abstaining because they were not present at the November 24  
34 meeting.

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36 **Reports**

37 *Trustees* – Dankert reported that the Trustees set public hearings for two proposed Local Laws, one  
38 extending and raising property tax exemptions for income-qualified seniors and the other making  
39 those with significant disabilities eligible for the exemptions. Progress is continuing toward the  
40 decommissioning of the water tank behind the Village Office and its subsequent demolition. Some  
41 consideration is being given to possibly constructing a new office building for the Village in its place  
42 which could house all of the Village departments in one building. In that case the existing Village  
43 Office would continue to be used for meetings and various other functions.

44  
45 **Adjournment:**

46 Tomei moved to adjourn at 8:52 P.M. Seconded by Stycos. Ayes by Hickey, Dankert, Stycos, Tomei  
47 and Durst. Motion carried.