

**Village of Lansing
Planning Board Meeting
June 28, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:33 P.M. by Chairman
2 Mario Tomei. Present at the meeting were Planning Board Members Phil Dankert and Lisa Schleelein;
3 Alternate Board Member Jonathan Kanter; Trustee Lynn Leopold; Code Enforcement Officer Marty
4 Moseley; Village Attorney David Dubow; Village Engineer Brent Cross; Dan Veaner from the Lansing
5 Star; Russ Maines from Harris Beach Law Firm; Residents Phil and Yasamine Miller, Lowell Garner,
6 Nora and Bill Shang, Jenn Goffrey, Neil Snyder, Greg and Matt Hartz, Debra Dawson, Nick Vaczek and
7 Wayne Knoblauch; Chris Dirr from the NRP Group; John Spence from Better Housing of Tompkins
8 County; Liz Frisbie and Andrew Rosen from the Solomon Organization

9 Tomei appointed Kanter as an acting member for the meeting due to the absence of Planning Board
10 member Maria Stycos.
11

12 **Public Comment Period**

13 Tomei opened the public comment period. Garner explained that he was concerned with the
14 amount of dirt that was leaving the Village, from the BJ's project and being dumped in the Town of
15 Lansing. Garner indicated that he called Moseley to inquire about the dump site, whereupon Moseley then
16 directed him to the Town of Lansing Code and Zoning Office. Garner added that the Town of Lansing
17 personnel stated that it was mostly topsoil material and that they are monitoring the fill site. Garner noted
18 that he stopped at the fill site and found that they were stockpiling the topsoil to cover the rest of the fill.
19 Garner asked if the Village, with a large project, could take into consideration where the fill is going to
20 end up as part of the Village's SEQRA (State Environmental Quality Review Act) review. Garner added
21 that if there was any toxic fill in the existing site it is now being spread around at the fill site. Leopold
22 noted that one of the pieces of data that was included in the Lansing Meadows SEQRA was how much fill
23 would be removed. Garner expressed concern for the fill site and what measures would be implemented
24 to maintain soil and erosion control standards. Garner added that the Town of Lansing also was not aware
25 of this fill site until after the fill began to be brought in and dumped. Cross indicated that a company was
26 hired by the owner of the property from which the fill is being removed to prepare a phase two
27 environmental study, which included a historical background check of the property and what was actually
28 at the site; meaning were there any contaminants in the soil. Moseley indicated that the Village is working
29 with the State Department of Environmental Conservation to determine if the Village has any legal right
30 or obligation to control fill sites if located outside of the Village boundaries. Garner asked if the Village
31 would look over the consultant's documents to determine if it is acceptable for the fill to leave the
32 existing site and be transported somewhere else. Moseley indicated that for the Village to look over a soil
33 analysis they would need to hire a third party consultant to evaluate the report. Kanter noted that the
34 traffic analysis should reflect all of the construction traffic as well related to the removal of fill from the
35 site in the Village. Tomei indicated that, in the future, the Planning Board would take all the items
36 discussed into consideration when working through a SEQRA review. Cross added that the Village did
37 take into account all that was asked with the Lansing Meadows PDA. Dubow noted that the municipality
38 where the potential fill site would be located most likely would need to issue a site fill permit, and it then
39 would be that municipality's responsibility to make sure that soil and erosion control methods were being
40 used. Garner stated that the Village should call the neighboring municipality where the fill site is and
41 inform them of what is going on. Moseley indicated that he had in fact called the Town of Lansing
42 approximately a day after the fill started being dumped there due to complaints that he had received.

43 Garner noted that the Town of Lansing was not aware that the site was being used as a fill site. Cross
44 noted that the Town of Lansing made an erroneous statement. Garner noted that he would hope that is
45 true. Dubow noted that there is reason to believe that the Town of Lansing has been notified of the fill
46 site, but the Village does not have any direct control over the issue at hand. With no one else wishing to
47 speak, Schleelein moved to close the public comment period. Seconded by Dankert; Ayes: Tomei,
48 Dankert , Schleelein and Kanter.

49

50 **Public Hearing to Consider:**

51 Special Permit #2569, Greg Hartz, to construct a single family house at 49 Blackchin Boulevard in
52 the Low Density Residential District, Tax Parcel Number 42.1-1-37.211. Because the property
53 includes land in the Steep Slope Conservation Combining District, Special Permit review is
54 required pursuant to Section 145-48 of the Village of Lansing Code.

55 Dubow indicated that Greg Hartz is a client of Dubow's law firm, but he and his office have not
56 directly participated in this particular matter other than the acquisition of the property. Hartz noted that
57 none of the improvements of the land or the proposed house will interfere with the steep slopes area.
58 Kanter noted that there appeared to be a grouping of mature trees near the steep slope area according to
59 the map. Cross indicated that he had personally visited the site two years ago, and at that time wrote a
60 report specifically for a number of the lots in this subdivision with small steep slope areas. Dubow
61 explained that the Village had encouraged the developer to obtain special permits for each of the lots that
62 have the small steep slope areas on them, but the developer decided, at that time, not to work through the
63 special permit process for those lots. Dubow added that this is the second lot of the lots in question in the
64 Bolton Estates subdivision that has worked through the special permit process for a small amount of steep
65 slopes located on the lot. Dubow noted that there are two more lots that are in the subdivision that will
66 still need to work through the same process for the same reason. Leopold asked if a SWPPP (Storm Water
67 Pollution Prevention Plan) would be needed. Moseley indicated that, typically, a single family residence
68 would not need a SWPPP if it is less than one acre. Moseley added that since the lot was already cleared
69 previously, by the developer for staging purposes, the owners would probably only be disturbing the area
70 of the proposed installation of a house, septic tank and driveway. Leopold asked if erosion and sediment
71 control practices would be implemented. Moseley indicated that they would. Dubow noted that this
72 project would be subject to the general list of conditions that apply to all general special permits and the
73 additional conditions with respect to the steep slopes area. Cross noted that according to the documents,
74 all of the construction would not be in the steep slope area. No members of the public commented. Kanter
75 moved to close the public hearing. Seconded by Schleelein; Ayes: Tomei, Dankert, Schleelein,
76 and Kanter.

77 Tomei read the special permit general conditions, which read:

- 78 *(1) It will not be detrimental to or endanger the public health, safety or general*
79 *welfare.*
80 *(2) It will not be injurious to the use and enjoyment of other property in the*
81 *vicinity or neighborhood.*
82 *(3) It will not impede the orderly development of the vicinity or neighborhood and*
83 *is appropriate in appearance and in harmony with the existing or intended*
84 *character of the vicinity or neighborhood.*
85 *(4) The street system and off-street parking facilities can handle the expected*
86 *traffic in a safe and efficient manner.*
87 *(5) Natural surface water drainageways are not adversely affected.*
88 *(6) Water and sewerage or waste disposal facilities are adequate.*

89 (7) *The general environmental quality of the proposal, in terms of site planning,*
90 *architectural design and landscaping, is compatible with the character of the*
91 *neighborhood.*

92 (8) *Lot area, access, parking and loading facilities are sufficient for the proposed*
93 *use.*

94 (9) *The requested use or facility conforms in all other respects to the applicable*
95 *regulations of the district in which it is located.*

96 (10) *The applicant has shown that steps will be taken where necessary to meet all*
97 *performance standards and all other applicable general regulations.*

98 Dankert moved that all items in the general conditions for special permit approval have been satisfied.

99 Seconded by Kanter; Ayes: Tomei, Dankert, Schleelein and Kanter. Kanter was concerned about the
100 unnecessary removal of trees on the lot. Dubow explained that there are subdivisions limits on what trees
101 can and cannot be removed, which possibly falls back to the oversight of the Code Enforcement Official
102 who would be required to make determinations with respect to those regulations. Kanter suggested that a
103 condition be included restricting the removal of trees in the steep slope area on this lot. The following
104 proposed special permit approval resolution was moved by Kanter and seconded by Schleelein:

105 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**
106 **APPROVAL ADOPTED ON JUNE 28, 2011**

107
108 **WHEREAS:**

- 109
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- 111 A. This matter involves consideration of the following proposed action: Special Permit #2569,
112 Greg Hartz, to construct a single family house at 49 Blackchin Boulevard in the Low Density
113 Residential District, Tax Parcel Number 42.1-1-37.211. Because the property includes land in
114 the Steep Slope Conservation Combining District, Special Permit review is required pursuant
115 to Section 145-48 of the Village of Lansing Code; and
116
 - 117 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State
118 Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),
119 and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special
120 permit is a Type II action, and thus may be processed without further regard to SEQR; and
121
 - 122 C. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not
123 large-scale and therefore is not subject to a full and extensive environmental review under the
124 Village of Lansing Zoning Law; and
125
 - 126 D. On June 28, 2011, the Village of Lansing Planning Board held a public hearing regarding this
127 proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and
128 information presented by and on behalf of the applicant in support of this proposed action,
129 including information and materials related to the environmental issues, if any, which the
130 Board deemed necessary or appropriate for its review, (ii) all other information and materials
131 rightfully before the Board, and (iii) all issues raised during the public hearing and/or
132 otherwise raised in the course of the Board's deliberations; and
133
 - 134 E. On June 28, 2011, in accordance with Section 725-b of the Village Law of the State of New
135 York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the
136 Village of Lansing Planning Board, in the course of its further deliberations, reviewed and

137 took into consideration (i) the general conditions required for all special permits (Village of
138 Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special
139 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions
140 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
141 (iv) any environmental issues deemed necessary and/or appropriate;
142

143 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
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145

- 146 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
147 information and materials submitted by the applicant and the details thereof are reasonably
148 related to the scope of the proposed project; (ii) waives the necessity for any additional
149 environmental information otherwise required; and (iii) finds that the proposed project will
150 not have a significant adverse impact on the environment; and
151
- 152 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
153 requirements, if any, set forth below) that the proposed action meets (i) all general conditions
154 required for all special permits (Village of Lansing Code Section 145-59E), (ii) any
155 applicable conditions required for certain special permit uses (Village of Lansing Code
156 Section 145-60), and (iii) any applicable conditions required for uses within a Combining
157 District (Village of Lansing Code Section 145-61); and
158
- 159 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
160 2569 is **GRANTED AND APPROVED**, subject to the following conditions and
161 requirements:

- 162
163 1. There shall be no disturbance of earth in the steep slopes area.
164

165 The vote on the foregoing motion was as follows:
166

167 AYES: Mario Tomei, Jon Kanter, Lisa Schleelein and Phil Dankert
168

169 NAYS: None
170

171 The motion was declared to be carried.
172

173 **Public Hearing to Consider:**

174 Special Permit #2571, Wayne Knoblauch, to fill in and grade depressions on vacant land
175 located on Bush Lane, in the Medium Density Residential District, Tax Parcel Number
176 45.2-1-45.11. Because the proposed construction will occur within 200' of the centerline of
177 a stream included in the Drainageway Conservation Combining District special permit
178 review is required pursuant to Section 145-48 of the Village of Lansing Code.

179 Knoblauch introduced himself and indicated that there is no construction involved with this
180 project, and that he is only requesting a special permit for filling in depressions. Knoblauch
181 provided photos to the Board of the existing conditions on the lot to indicate where the current
182 stream is located and where the depressions are located that he would like to fill in. Leopold
183 asked if Knoblauch would be preserving the natural vegetation. Knoblauch indicated that he

184 would be except for wild grape vines. Knoblauch added that he would also like to use an old
185 road to be able to remove brush, but would keep approximately 60 to 80 feet as a buffer from the
186 neighbors. Schleelein asked what the fill would consist of. Knoblauch indicated that the fill was
187 coming from a new house being constructed in the Millcroft subdivision. Tomei asked where the
188 fill would be placed in relation to the stream. Knoblauch indicated that the elevations of the
189 depressions are lower than the berm of the stream. Knoblauch added that based on the elevations
190 there is no way that any fill would find its way into the stream, and he would not want to get any
191 fill into the stream because he owns the stream for the next 1500 feet. Kanter asked for
192 something more specific on paper as to what this project would involve. Kanter added that a
193 possible site map and a description of the project would be helpful. Knoblauch stated that he
194 would not provide the documents. Knoblauch asked what other description, other than
195 photographs could be provided. Kanter noted that the items that would be helpful would be the
196 specific areas affected, what the re-vegetation would consist of, and what means for soil and
197 erosion control would be implemented.

198 Tomei asked if a silt fence would be installed. Knoblauch indicated that it would not be,
199 because it is impossible for any run off to enter the stream based on the elevations. Kanter noted
200 that if a hard rain were to fall there would be soil erosion that would get into the stream.
201 Knoblauch disagreed with Kanter, and noted that there was a pile of fill at the site now which
202 was not affected by the hard rain this evening. Cross suggested that Knoblauch draw a specific
203 area on the map which was provided to indicate where the fill areas were located, with rough
204 dimensions as to that site. Knoblauch agreed to Cross' request, and the map with notations and
205 other information was identified as document #1. Garner asked if there would be a heavy use of
206 herbicides or fertilizers in the initial years of establishing the ground cover. Knoblauch indicated
207 that he will use fertilizers to establish the ground cover and possibly use herbicides as he
208 currently does to kill weeds and thistles. Leopold noted that the Village cannot regulate how
209 much, if any, of these products would be used by individuals to kill weeds. Leopold added that it
210 is all about best application management practices. There were no further comments from the
211 public. Schleelein moved to close the public hearing. Seconded by Dankert. Ayes: Tomei,
212 Dankert, Schleelein and Kanter.

213 Tomei read the special permit general conditions as indicated in the previous special
214 permit review. Dankert moved that all items in the general special permit have been satisfied.
215 Seconded by Schleelein; Ayes: Tomei, Dankert, Schleelein and Kanter. Further discussion was
216 had as to the need for any possible conditions of approval. The following proposed special
217 permit approval resolution was moved by Durst and seconded by Schleelein.

218
219 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**
220 **APPROVAL ADOPTED ON JUNE 28, 2011**
221

222
223 Motion made by: Phil Dankert

224
225 Motion seconded by: Lisa Schleelein

226
227 **WHEREAS:**
228
229

- 230 F. This matter involves consideration of the following proposed action: Special Permit #2571,
231 Wayne Knoblauch, to fill in and grade depressions on vacant land located on Bush Lane, in
232 the Medium Density Residential District, Tax Parcel Number 45.2-1-45.11. Because the
233 proposed construction will occur within 200' of the centerline of a stream included in the
234 Drainageway Conservation Combining District special permit review is required pursuant to
235 Section 145-48 of the Village of Lansing Code; and
236
- 237 G. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State
238 Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),
239 and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special
240 permit is a Type II action, and thus may be processed without further regard to SEQR; and
241
- 242 H. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not
243 large-scale and therefore is not subject to a full and extensive environmental review under the
244 Village of Lansing Zoning Law; and
245
- 246 I. On June 28, 2011, the Village of Lansing Planning Board held a public hearing regarding this
247 proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and
248 information presented by and on behalf of the applicant in support of this proposed action,
249 including information and materials related to the environmental issues, if any, which the
250 Board deemed necessary or appropriate for its review, (ii) all other information and materials
251 rightfully before the Board, and (iii) all issues raised during the public hearing and/or
252 otherwise raised in the course of the Board's deliberations; and
253
- 254 J. On June 28, 2011, in accordance with Section 725-b of the Village Law of the State of New
255 York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the
256 Village of Lansing Planning Board, in the course of its further deliberations, reviewed and
257 took into consideration (i) the general conditions required for all special permits (Village of
258 Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special
259 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions
260 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
261 (iv) any environmental issues deemed necessary and/or appropriate;
262

263 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
264
265

- 266 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
267 information and materials submitted, including document #1 of special permit #
268 2571, by the applicant and the details thereof are reasonably related to the scope of
269 the proposed project; (ii) waives the necessity for any additional environmental
270 information otherwise required; and (iii) finds that the proposed project will not have
271 a significant adverse impact on the environment; and
272
- 273 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
274 requirements, if any, set forth below) that the proposed action meets (i) all general
275 conditions required for all special permits (Village of Lansing Code Section 145-
276 59E), (ii) any applicable conditions required for certain special permit uses (Village
277 of Lansing Code Section 145-60), and (iii) any applicable conditions required for
278 uses within a Combining District (Village of Lansing Code Section 145-61); and
279

- 280 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit
281 No. 2571 is **GRANTED AND APPROVED**, subject to the following conditions and
282 requirements:
283

284 The vote on the foregoing motion was as follows:

285
286 AYES: Mario Tomei, Phil Dankert, Lisa Schleelein and Jon Kanter

287
288 NAYS: None

289
290 The motion was declared to be carried.
291

292 **Continued Review of the Lansing Reserve PDA Proposal**

293 Tomei recapped the information that the Planning Board had asked for at the previous Planning
294 Board meeting. Dirr noted that they had submitted the information prior to tonight's meeting. Tomei
295 asked for a brief description of the information that was provided. Dirr indicated that the information
296 included a description on the other financing options, a summary of comments regarding the Planning
297 Board comments for the Full EAF (Environmental Assessment Form), a copy of the revised Full EAF, a
298 phase 1 Environmental Site Assessment, a geotechnical evaluation report, a copy of the traffic analysis
299 (from GTS consulting), a letter from the NY Natural Heritage Program, a map of Willow Point and a map
300 of the Tompkins County Aquifers. Dirr also explained briefly the additional options for financing for the
301 proposed project. Dirr noted that the funding from the NYHCR (New York Homes and Community
302 Renewal) is the preferred option because it allows for the greatest band width of income levels to reside at
303 the proposed development. Dankert asked if any of the other financing options were to be used, would the
304 proposed project then be taken out of the affordable housing category. Dirr indicated that it would.
305 Dawson asked where the tax credits would come from. Dirr indicated that the Tax credits would be
306 federally prescribed. Dirr explained how the tax credits worked in respect to the proposed development.

307 Dirr indicated that the access issue is being worked on and currently has options. Dirr noted that
308 the development would access Woodthrush Hollow Road, which would then either by way of the Village
309 obtaining the road or a private use agreement being in place, connect to Warren Road. Dirr added that the
310 NRP Group would be open to discussion on contributing funds to improvements that might be necessary
311 for the road under discussion. Dirr indicated that other possible options for access include a connection to
312 Dart Drive and an easement that would cross the adjacent parcel to the east, that would also connect to
313 Dart Drive. Cross asked if there was to be an access point connecting the proposed development to Dart
314 Drive, would it be a private access point only. Dirr explained that he would be open to Village comment
315 on the matter. Tomei asked the Planning Board if they would like Fisher Associates to re-analyze the
316 traffic situations, or just analyze the data that was provided by GTS consulting. Dubow noted that, if
317 needed, any additional data could be forwarded to Fisher Associates for additional review for the
318 proposed development. Cross asked, as a generic question, if the Village had a project that did not have
319 the correct amount of access per the Village's Code requirements, would the Village then accept
320 alternative solutions prepared by a traffic consultant. Tomei indicated that that would be a fair approach.
321 Kanter asked if Fisher Associates could provide any additional information, suggestions or concerns that
322 may not have been addressed in the original report. The Planning Board also indicated that they would be
323 requesting a preliminary 239-l and-m review from the Tompkins County Planning Department. Mr.
324 Shang asked for clarification on what the Village was asking of Fisher Associates. Dubow indicated that
325 Fisher Associates would be analyzing the GTS traffic study data and would eventually provide comments
326 back to the Village on that study.
327

328 **Temporary Commercial Activity Continued Discussion**

329 Tomei suggested that not all the uses would need to have a special permit approval, which would
330 then shift decision-making authority to the Zoning Officer in those circumstances. Leopold asked where
331 the sale of sheds for the mall would fit in. Moseley indicated that it would fall under the Temporary
332 Outdoor Sale (TOS) category. Moseley noted that the New York State Fire Code allows for a tent
333 membrane structure to be erected for a maximum of 180 days and a maximum size of 200 square feet
334 before a permit is needed. Kanter suggested that the TOS category be limited to 90 days instead of 120
335 days. Leopold noted that 90 days would be a significant amount of time for a temporary sale. Cross asked
336 if it would be allowed for the mall to permanently fence off a piece of their parking lot and use that area
337 on a yearly basis for the TOS activities. Moseley indicated that he would require them to remove all items
338 associated with the TOS at the end of the allowed timeframe. Cross asked if a vacant piece of land would
339 be allowed to be used solely for a Temporary Commercial Activity. Moseley indicated that it would be
340 allowed in the designated districts. Kanter suggested that there be limits to how many of these uses are
341 allowed, per tax parcel, at once. Schleelein asked about the parking requirement. Kanter indicated that if
342 the use required a Special Permit, the Planning Board would have the authority to weigh in on parking
343 requirements or concerns. Dubow suggested that the uses could be subject to some special conditions, and
344 would be subject to all other district regulations. Tomei noted that the Planning Board could discuss this
345 with the Trustees at their upcoming joint meeting.

346

347 **Approval of Minutes**

348 Kanter moved to accept the May 31st minutes as amended. Seconded by Schleelein. Ayes: Tomei,
349 Dankert, Schleelein and Kanter.

350

351 **Reports**

352 *Trustees- None*

353

354 **Adjournment**

355 Dankert moved to adjourn at 9:50.PM. Seconded by Kanter. Ayes by Tomei, Dankert, Schleelein
356 and Kanter.

357

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359