

**Village of Lansing
Planning Board and Trustees Joint Meeting
February 9, 2009**

1 The joint meeting of the Village of Lansing Planning Board and the Village of Lansing
2 Board of Trustees was called to order at 7:35 P.M. by Planning Board Chairman Ned Hickey.
3 Present at the meeting were Planning Board Members Maria Stycos, Phil Dankert, Carol
4 Klepack and Mario Tomei; Mayor Don Hartill; Trustees John O'Neill, Julie Baker, Lynn
5 Leopold and Larry Fresinski; Village Attorney David Dubow; Code Enforcement Officer
6 Ben Curtis; Village Clerk Jodi Dake; Lisa Schleelein, observing for the Community Party;
7 Dan Veanor from the Lansing Star, Judie Ritter, General Manager of Homewood Suites and
8 resident John Dennis.

9
10 **Public Comment:**

11 Hickey opened the Public Comment Period. Judie Ritter introduced herself as the General
12 Manager of Homewood Suites. She stated that she was interested in improving way finding
13 signage in the Village for businesses such as hers that are more difficult to find. She
14 understood that a group of business people had gotten together previously to explore ways to
15 improve way finding and she hoped to contact these and/or other business people and pick up
16 where they left off. She would like to return to the Planning Board at their March 9 meeting
17 to discuss some ideas. Hickey will put her on the March 9 agenda, but noted that the Board
18 welcomes informal discussions as well if she and other business people would like to bounce
19 some ideas around before appearing before the Board at a public meeting.

20
21 John Dennis, a local resident, stated that he had visited the Bolton Estate property, as he and
22 his wife had done on many occasions over the years. He indicated that had he been paying
23 closer attention at the time the Subdivision was approved, he would have urged the Planning
24 Board to extend the conservation easement required for the cliff area to include all of the
25 Unique Natural Area. He referred the Board's attention to a paper he had handed out, noting
26 that prices of the lots had dropped substantially since they were first approved from a total of
27 \$7,905,000 to \$5,630,000, or about 28.8%. He is particularly concerned about Lot 9 the value
28 of which lies in a lake view which would require clearing substantial vegetation. As he reads
29 the plat, the limits of disturbance for that lot extend to within 30 feet of the edge of the cliffs
30 and would do little to protect the significant vegetation. Lot 6 is another lot about which he is
31 concerned. He has spoken with Andy Zepp from the Finger Lakes Land Trust who has
32 indicated that there is still an opportunity to apply for State funds to help purchase land such
33 as this environmentally sensitive one. There is often a long delay between when money is
34 expended by the Trust or, in this case, potentially the Village and when it is reimbursed by
35 the State, but eventually the money is forthcoming. He strongly urges the Boards to pursue
36 these resources to purchase land in this environmentally important area. He noted also that
37 over 30,000 people use water from the Bolton Point intake which is in the immediate vicinity
38 of the Bolton Estate Subdivision and that, according to Ken Butler from the water plant,
39 agricultural chemicals can not be filtered out of the water. It would take minutes for
40 chemicals from a yard in one of the lakeside lots to reach the lake and he is concerned that
41 the dilution factor over such a short distance will be inadequate to mitigate the
42 contamination. Another point he wished the Board to consider is that the concept of docks

1 has grown exponentially over the years. He is very concerned that nothing would prevent
2 someone who owned lake frontage in this subdivision from building a dock of whatever
3 proportions. Curtis noted that at the very least such construction would require a Special
4 Permit and Planning Board review. Nonetheless, Dennis would like to see additional
5 protection for this area which is environmentally important and important for the quality of
6 drinking water as well. He would propose working with the State to establish a marine
7 conservation area that would preclude jet skis, motor boats, etc. in this area.

8
9 Hickey noted that in addition to the conservation easement, there is additional protection for
10 steep slopes and natural drainage ways. Dubow added that the Conditions for Approval of the
11 Final Plat which were filed with the Plat imposed significant conditions on development of
12 the lots and particularly those in the sensitive area. Special Permit approval is required for
13 development on those lots which opens a second level of review by the Planning Board and
14 the authority to impose additional conditions. Dennis noted that the project had been
15 approved by the Planning Board which from an environmental perspective did not, in his
16 view, serve the community well. Dubow responded that the circumstances in those cases may
17 well have been very different and that the Board always has to walk a fine line between
18 serving the interests of the public and acting within its authority with regard to the property
19 owner. Dennis noted that this was all the more reason to explore the possibility of pursuing
20 State funding and buying the most important parcels outright. Hickey asked if Dennis had
21 considered any private sources of funds that might contribute to the effort. Dennis said that
22 he could explore this possibility.

23 24 **Stewardship/Stormwater Management Programs**

25 Hickey asked Klepack to lead the discussion on the Stewardship Program. Klepack
26 commented that it was a natural transition from Dennis' concerns with regard to the Bolton
27 Estate Subdivision and the Stewardship Program. Klepack referred to her report which had
28 inadvertently been left out of the packet, but which appears below:

29
30 The Village of Lansing currently owns 22 tax parcels scattered throughout the Village, and will
31 soon acquire a conservation easement as well as some land for trails and Poison Ivy Point for
32 recreation in the Crossmore subdivision.

33
34 The largest of these parcels, a gift to the Village from Audrey Edelman, consists of 4 tax
35 parcels which together equal approximately 26 acres. The existing Dankert Park on Uptown
36 Road, consisting of a soccer field on one side and a playground on the other, is a little more
37 than 4 acres. The Village Office and DPW barn sit on 2 parcels which together equal about 4
38 acres. There are several small parcels obtained as recreation set aside land of 1 and 2 acres, and
39 a number of smaller pieces of land.

40
41 The Crossmore subdivision is in the early stages of development, so we can ask the surveyors
42 to mark the boundaries as they are surveyed. All the other village property, however, needs to
43 be surveyed and marked so that it is clear where the village property lies. It is important to
44 identify these parcels on the ground, as currently there is nothing marking the boundaries.

45
46 I would like to propose purchasing 500 aluminum boundary marker signs, 3 3/4" square, from
47 Voss Signs in Baldwinsville, with the Village logo in green on a white background @ \$.51, for

1 a total of \$255. I would also like to propose that the Village spend \$1000 per year on surveys
2 until all the properties are marked with these signs. At this point I do not know how many years
3 it would take to accomplish this.
4

5 I have prioritized the properties for surveying based only on my own knowledge of the Village
6 and what makes sense to me. I welcome further input on what other Village officials and
7 residents consider to be priorities.
8

9 I am hoping that we can develop a stewardship program in which residents would volunteer to
10 inspect these parcels at least once a year to be sure there have not been any infringements of the
11 property, to take pictures, and to replace any broken or missing signs. I am planning to consult
12 with the director of stewardship at the Land Trust to get his input into how such a program
13 should be structured and maintained. We would need to establish a protocol for who the
14 volunteer would report to and who would handle the situation if any infringements were
15 identified.
16

17 I anticipate that the conservation easement may need to be handled differently from the parcels
18 the Village owns outright, as the owners of the parcels with the conservation easements on
19 them may not welcome an inspector onto their property. For this reason, the inspector may need
20 to be a village employee or person contracted to do the inspection. I plan to talk with Jonathan
21 Kanter of the Town of Ithaca about how they handle this type of inspection.
22

23 Klepack would like the Village to budget money for the signs and surveying so that she can
24 proceed with ordering the signs and lining up a surveyor to get the program under way.
25 Curtis stated that he had spoken with a surveyor and showed him information the Village had
26 about the parcels. The surveyor will give him a proposal. It will likely be a description of
27 services to be provided and an hourly fee. In this event Curtis suggests picking a property or
28 two, have them surveyed and marked and then review the product and costs before
29 proceeding with additional properties. The two properties he has heard most about are the
30 recreation land for the Beck Subdivision and that for the McLain Subdivision. People
31 wanting to hike those areas have complained that they cannot identify the boundaries and do
32 not want to trespass. Some of the other parcels are readily identifiable because they have
33 been developed or have finished trails and probably do not need additional markings. Hickey
34 and several others noted that the McLain land and the Beck land are both very steep and
35 challenging to hike. The Village should be careful about encouraging hiking on these parcels
36 until sufficient improvements have been undertaken to make it safe to do so. Klepack
37 anticipates implementation of the Stewardship Program over a number of years. She noted
38 that the Bolton Estates Subdivision is being laid out now and the road work is being done,
39 and it would be timely to have the developer mark the Conservation Easement and Village
40 land while they are doing this work. Curtis reported that he had discussed this with the
41 Bolton Estate Project Engineer, Andy Sciarabba , and Sciarabba had noted that laying out
42 and marking the easement with minimal disturbance would be difficult. The area is covered
43 with thick brush and other vegetation which the Village would like disturbed as little as
44 possible. Loose stone is at or near the surface over much of the area and setting pins will be a
45 challenge. Sciarabba has offered to meet at the site with Klepack, preferably after the snow
46 has melted off, and review the situation. There could be some cost sharing opportunities.
47

1 With regard to stewards, Klepack noted that a number of the parcels are small and otherwise
2 well suited for adoption by a steward from the neighborhood. Someone would need to
3 coordinate the efforts of such residents and she is willing to do so at least to get the ball
4 rolling. The Bolton Estate Subdivision Conservation Easement, however, may require greater
5 expertise than a resident volunteer could provide due to the scale and complexity of the
6 issues associated with this property. She will check with the new Director of the Stewardship
7 Program at Finger Lakes Land Trust and there may be some opportunity to subcontract such
8 services from the Town of Ithaca or another municipality with staff that performs similar
9 functions. Leopold noted that continuity is important where someone observing a property
10 over time is more likely to notice changes that might be significant. Klepack will do an
11 article for the next Village News Letter and see what kind of response it generates.
12

13 Stycos asked how the terms of the Conservation Easement would be enforced. Hartill
14 recounted an experience suggesting that criminal prosecution is difficult at best. Dubow
15 noted that there are State laws which provide for treble damages in situations where, for
16 example, someone wrongfully cuts down trees on someone else's property. Even though the
17 offended party may have to establish that the act met certain criteria such as being deliberate,
18 the provision for civil recourse is there. Criminal prosecution is more difficult. There may be
19 other remedies as well, but the greatest value of the Stewardship Program is preventative.
20 Stycos noted that the information about the restrictions should be made available to realtors
21 and others who might be involved in the sale and development of the properties. She noted
22 further that pursuing a civil remedy in court where appropriate sends a message that acts as a
23 deterrent in and of itself. Dubow reminded the Board that Hickey was to meet with
24 Sciarabba, and through him the owners of the property to clarify exactly what was and was
25 not permitted outside the limits of disturbance on the individual lots. He noted that this
26 should be a matter of agreement between the developer and the Village, both of which have
27 an interest in enforcing the restrictions. The Covenants and the Conditions of Final Plat
28 Approval are filed at the County Clerk's Office and should reflect any agreement with regard
29 to terms. In addition, the Village is named as an interested party in the Covenants and can act
30 to enforce those covenants even if other property owners in the Subdivision choose not to.
31

32 Hickey reported that he had spoken with Sciarabba and that limits of disturbance were based
33 on stormwater management calculations and are meant to curtail activities which disturb the
34 soil beyond those limits. Cutting down a tree would not necessarily be precluded, but
35 grubbing the stump would. Leopold noted that cutting down a tree can have a long term
36 impact on the soil's ability to resist erosion as the roots die and no longer hold the soil.
37 Hickey stated that the discussion underscored the importance of clarifying the terms.
38

39 Leopold commented that the Bolton Estate site is difficult because the upper lots are covered
40 with brush which does not need to be protected or preserved, but there are important
41 hardwoods on the lower lots near the cliffs which do very much need to be protected and
42 preserved. Disturbing one part of the Subdivision is not really comparable to disturbing the
43 other. Hickey noted that the two areas were treated differently with development in the more
44 sensitive area subject to additional requirements and requiring additional levels of review.
45

1 Stycos noted that it was difficult to locate on the ground the limits of disturbance shown on
2 the map. Hickey responded that the exact location of the line was not that important as long
3 as the disturbed area remained within the 1 ½ acres that the stormwater runoff calculations
4 are based on. Dubow added that in the case of the sensitive lots such as lot 9, the Planning
5 Board, through the Special Permit approval process, could require that the limits of
6 disturbance be precisely laid out and could attach conditions to ensure important trees and
7 environmental features are not disturbed. As with the Jones house on Twin Glens Road, the
8 Planning Board can require the proposed buildings and limits of disturbance be staked out
9 and trees to be removed marked so that Planning Board members can visit the site and assess
10 the potential impact.

11
12 Hickey stated that he would like to shift the discussion to Village Engineer Brent Cross'
13 proposal to monitor storm water practices in the Village. Hickey noted that he had linked the
14 programs because there were some similarities, but in fact they were very different programs.
15 As an MS4 municipality the Village owns or is responsible for a growing number of storm
16 water management practices throughout the Village. They must be monitored and
17 maintained. Assessing their condition and maintenance requirements requires special
18 expertise which Cross has. Cross is proposing a program to monitor the stormwater practices
19 and the Planning Board endorses the plan.

20
21 **Amendment to “No Parking” Regulations**

22 Dubow reported that he had drawn a proposed Local Law designating “No Parking” areas in
23 the Village pursuant to the Board’s earlier discussions and direction. The Planning Board was
24 responding to the potential for overflow parking from a proposed church in an area where on-
25 street parking would be hazardous. In the course of the discussion the Planning Board
26 attempted to identify other areas in the Village where on-street parking might be a problem.
27 He directed the Boards’ attention to a map in their packets on which was marked in yellow
28 the areas identified by the Planning Board for designation as “No Parking” areas along with
29 two areas so designated previously in the Traffic Regulations. Dubow noted that in order for
30 the law to be effective such areas must be signed as “No Parking” areas. Hickey stated that
31 he had considered the potential impact of installing so many signs in the Village at one time
32 and is concerned that it might send an unintended message of greatly increased regulation.
33 He suggested passing the law and purchasing the signs, but only putting them in if and where
34 there is a problem. Dubow suggested that it would be preferable to delete the areas that are
35 intended not to be signed at this time and amend the law later to add them as the need arises.
36 Hickey stated that the areas proposed were ones where there seemed to be a potential for
37 problems more so than an actual record of problems. Baker responded that she would prefer
38 to designate the areas where a need currently exists and hold off on the other areas until the
39 need is manifested. Curtis asked if the law could be written to permit additional areas to be
40 added later by resolution rather than another amendment. Dubow responded that this could
41 be done, but doing so would preclude a public hearing which the Trustees might want to
42 retain to ensure the opportunity for public input.

43
44 Curtis stated there had been problems at Burdick Hill and North Triphammer due to
45 attendance at special events at Tikkun V’or and the Planning Board anticipated the potential

1 for similar problems for the proposed Vineyard Church at the Small Mall. In both cases the
2 Planning Board had sought to restrict on-street parking, but were advised that this could only
3 be done if the sections of the streets affected were designated by law and signed as “No
4 Parking” areas. Baker asked if organizations like Tikken V’or would have to construct or
5 enlarge parking lots. Curtis responded that that was an option in that particular case, but that
6 the last time the issue arose when they hosted Cooperative Extension’s Annual Meeting, they
7 had simply stationed someone in the parking lot to manage the parking. As a result there was
8 no on-street parking. Fresinski noted that signing some areas “No Parking” might have the
9 unintended consequence of implying that on-street parking is permitted except where there
10 are signs. Curtis noted that in any event parking in a drive lane is not permitted by the New
11 York Vehicle and Traffic Law, but where a car can park along the road without encroaching
12 on the drive lane Fresinski’s point is valid. Dubow noted that in the case of the Vineyard
13 Church, the Board had a reasonable expectation that on-street parking would be a problem
14 and had required the applicant to secure alternate off-street parking capacity. In addition, the
15 applicant had indicated a willingness to pursue other methods for ensuring there would be no
16 on-street parking such as stationing attendants in the Small Mall parking lot and bussing in
17 some of its members. The designation and signage in this case was intended to reinforce
18 these measures in a preventative way. He cautioned, however, that with the designation and
19 signage goes the obligation of enforcement which can be a burden for small municipalities
20 with no police force of their own. Fresinski stated that he was inclined to limit the
21 designation to the areas where a problem or imminent problem had been identified – Burdick
22 Hill Road at North Triphammer and Sheraton, Cinema and Uptown Roads. Curtis stated that
23 the section of Bush Lane currently designated “No Parking” was so designated because of
24 real problems associated with on-street parking near the crest of the hill not visible to
25 oncoming traffic. This area should continue to be designated. The other area currently
26 designated on Wedgewood Drive was designated to prevent nuisance parking in what was
27 then a dead end cul-de-sac. It is no longer a dead end cul-de-sac and the designation is no
28 longer needed. Dubow reviewed the list of proposed areas one by one. After discussion of
29 each proposed area, the two Boards agreed that at this time only the Burdick Hill Road
30 section, the currently designated section of Bush Lane at the crest of the hill, and all of
31 Sheraton Drive, Cinema Drive and Uptown Road should be designated and signed. Dubow
32 will revise the Proposed Law accordingly.

33 34 **Workforce Housing**

35 With regard to the Guest Speakers from Cornell, Hickey reported that he had heard from
36 Tom LiVigne of Cornell Real Estate that LiVigne was ill and would not be able to attend.
37 LiVigne anticipated, however, that the Director, Steve Lauvier would be at the meeting. It
38 appeared there was some confusion and Hickey will contact them and, if possible, schedule
39 the discussion for a future meeting.

40 41 **Zoning Review**

42 Hickey stated he had a couple of items for the Planning Board. With regard to the proposed
43 review of the Zoning Law, he had a homework assignment for the Planning Board members.
44 First review the previously distributed article *Overhauling Your Zoning Code*; and from *All*
45 *You Ever Wanted to Know About Zoning* read Chapter 2 , pp. 4-8 of Chapter 3 pertaining to

1 “Zoning in Accordance with a Comprehensive Plan”, and Chapter 4 about “Adopting and
2 Amending Zoning”. In *Overhauling Your Zoning Code* the author emphasizes the importance
3 of involving stakeholders in the review and Board members should think about who the
4 stakeholders might be and how to engage them in the process. Hickey would like to first
5 develop a process by which the review would be conducted before getting into the review
6 itself. If anyone needs a copy of the revised Comprehensive Plan, they should check with
7 Village Clerk Jodi Dake. Dubow suggested that members read through the section on
8 housing when reviewing the Comprehensive Plan, starting on p. 25.

9
10 **Approval of Minutes**

11 Dankert moved to approve the minutes of January 12 as amended, seconded by Tomei, all in
12 favor. The minutes of the January 27 meetings were not ready for the Board’s review and
13 will be considered at a future meeting.

14
15 **Adjournment:**

16 Klepack moved to adjourn the Planning Board meeting at 8:56 P.M., seconded by Stycos.
17 Ayes by Hickey, Dankert, Klepack, Stycos and Tomei. Fresinski moved to adjourn the
18 Board of Trustees meeting, seconded by Leopold, all in favor. The Joint Meeting was
19 adjourned.