

**Village of Lansing
Planning Board Meeting
June 29, 2004**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, and Carol Klepack; Alternate Member John Piscopo; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross, Code Enforcement Officer Ben Curtis; and members of the public.

Hickey opened the meeting and appointed John Piscopo to serve as a voting member at tonight's meeting in place of Maria Stycos.

- **Public Comment:**

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Dankert moved to close the Public Comment period. Seconded by Brown. All aye.

- **Public Hearing – Special Permit No. 1931 – McElwee Home Occupation:**

The next item on the agenda was a Public Hearing for Special Permit No. 1931, Patricia McElwee, to operate a home occupation consisting of a bed and breakfast in her home at 1481 E. Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-46.12.

Patricia McElwee made her presentation. She stated she has a house of over 3000 sf where she resides alone and she has always been interested in the idea of running a bed and breakfast. The McElwee residence has three extra bedrooms and each has an attached bath. McElwee wants to remain in the house which was built by her parents in 1970 and the extra income would help with the costs of keeping up the house. She feels this will also provide a needed service in the community.

Curtis confirmed that he had received the required proof of mailing of the supplementary notification.

Hickey opened the Public Hearing.

John O'Neill, 53 Janivar Drive, asked about taxes associated with the property. McElwee stated she would be collecting Tompkins County Room tax, as well as NYS sales tax.

Klepack moved to close the Public Hearing. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack, and Piscopo. Motion carried.

Klepack appreciated the pictures provided with the application. Klepack also stated the parking would be sufficient. Klepack then asked about advertising. McElwee responded that she has already spoken with the Visitors Bureau and they think it will be good as it would be easy to find. McElwee is also a realtor and plans to have an open house for neighbors, friends, Planning Board members and others. Her biggest advertisement in the first year would be word-of-mouth. Klepack noted that signage for a Home Occupation is not allowed. Curtis stated there can be a small sign with McElwee's name and address. McElwee stated the residence floor plans will not change as it was once a two-family residence. McElwee stated she has mailed information to the neighbors and they have not expressed any concerns. Leopold noted that this is probably the first bed and breakfast located within the Village.

Hickey noted this is a Type II action under the Village's list of exempt SEQRA actions (Zoning Law Section 304.06.3)

The Board then reviewed the General Conditions for all Special Permits (Zoning Law Section 304.05). Dankert moved

that the Board finds that the General Conditions a-j have been met by the applicant. Seconded by Piscopo. All aye.

The Board then reviewed the Additional Conditions for the Special Permit for a Home Occupation (Zoning Law Section 304.06d2). Hickey asked about the number of employees. McElwee stated at the most there might be a part-time employee. Curtis asked about the crafts on premises and McElwee stated local crafts would be displayed and utilized as vases, serving pieces, etc. and the occupants would be directed as to where they could be purchased locally. Klepack moved that the Board finds that the Additional Conditions for the Special Permit have been met. Seconded by Brown. All aye.

Dubow noted that there is no 239 Review by the County as Home Occupations are exempt under the agreement recently executed between the Village and the County Planning Department.

Dankert moved the following resolution:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR APPROVAL OF SPECIAL PERMIT 1931,
ADOPTED ON JUNE 29, 2004**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit No. 1931, Patricia McElwee, to operate a home occupation consisting of a bed and breakfast in her home at 1481 East Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-46.12.
- B. The Village of Lansing Planning Board, in accordance with (i) Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, (ii) Section 304.06, subsection d.3, of the Village of Lansing Zoning Law, and (iii) Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. On June 29, 2004, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this proposed action, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On June 29, 2004, in accordance with Section 725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby finds that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 1931 is granted and approved, subject to the following additional conditions and requirements:

There are no additional conditions.

The motion was seconded by Piscopo, and the vote was as follows:

AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack and John Piscopo

NAYS: None

The motion carried.

Preliminary Plat Approval – Lansing Trails 2 Subdivision – continued discussion:

Hickey stated this is a continued discussion for the Preliminary Plat Approval of the Lansing Trails 2 Subdivision, a major cluster subdivision dividing three lots totaling 32.78 acres into 100 building lots for townhouses and single family homes. The lots to be subdivided are east of the Lansing Trails 1 Subdivision and west of Borg Warner and the Bomax Business Park and are located in the Medium Density Residential District, Tax Parcel Nos. 45.1-1-50, 51.2 and 113.

Tom LoTurco of Clough, Harbour & Associates, Engineers, made the presentation for developer, Ivar Jonson. LoTurco stated he had new plans incorporating recommendations from the Planning Board including changes to the sanitary system as well as drawings done to a larger scale. Hickey request these be displayed on the board for discussion purposes.

LoTurco stated the detailed enlarged plan is easier to see. It shows the realignment of the sanitary system, includes the water system and also includes the raised intersections. The Planning Board's requirement that the street cross section be revised to provide greater separation between the road and the sidewalk moved the sidewalks beyond the raised intersections. Hickey asked about a line on the drawing. LoTurco stated it outlines the stream location on the property. The second outlined area is a seasonal stream. Hickey asked about the sewer system. LoTurco stated the sewers now go from the cul-de-sac, are on the opposite side of the street, have shorter laterals and flow downhill. LoTurco stated there is also provision for a connection with the sanitary system from Bomax Drive if that becomes necessary. Hickey then asked about where the water goes from the detention pond. LoTurco responded that there is an existing swale with an outlet and then it goes into a stream on the Village of Lansing property.

Klepack asked about phasing of the project. LoTurco stated the project is being presented as a whole for approval. Jonson would like to start the project south of Bomax Drive. Klepack would like to see the phasing and how well each fits together. Hickey stated a road would probably be installed and then houses built and sold. At that time, another road would be built and the same done again. Hickey clarified that this is phasing and the Board would like to have this phasing presented as a document with proposed schedule, order of sequence, etc. Dubow stated this could also have some bearing on the alienation of the parkland in Lansing Trails 1. LoTurco felt that Jonson would probably sell the two single family lots at the end of Ayla Way first and then begin in the southeast quadrant.

Regarding raised intersections, LoTurco noted the previous proposal indicated 6 ft. transitions and these have been extended 15 feet to provide for a smoother transition for drivers. Sidewalks, as noted before, have also been moved farther from the roadway. LoTurco went over the intersections indicating which are raised and which are not as well as which do/do not have stop signs. There would be a stop sign for traffic coming from the west, as well as at the end of Ayla Way. Traffic flowing to the Millcroft Subdivision would have a smooth flow. Hickey noted there would be foot traffic to the park land and there needs to be crosswalk indications. LoTurco stated there would be striping as well as pedestrian crossing signs but it would not be a raised intersection.

Klepack asked what determined where stop signs should be placed and which intersections should be raised. LoTurco responded that their traffic engineers made the decisions. Cross stated the rule of thumb is usually not to place a stop sign unless another lane of traffic is being crossed. Cross noted then that the three-way stop sign at the intersection of Ayla Way is for traffic calming purposes because it is not warranted from an engineering standpoint. LoTurco provided written information to the Board from the NYS DOT Manual of Uniform Traffic Control Devices regarding

stop signs.

Klepack addressed sidewalks. Klepack stated that the Village has plans for a sidewalk along the south side of Bomax Drive to Warren Road and she wanted to ascertain that the sidewalks for this development would tie up with that sidewalk. The proposed sidewalk for this subdivision is on the north side of the road. Hickey stated that he has spoken with Bob Dean who owns Bomax Drive and he is agreeable to placing his sidewalk on the north side of Bomax Drive. Hickey stated the sidewalks would both be placed on the same side of the road.

Klepack asked Cross if he had concerns about the size of the stormwater management. LoTurco will provide materials for Cross and the Planning Board prior to the Wednesday of the week before the next meeting.

Hickey asked if anyone from the audience wished to speak. A member of the audience expressed concern for traffic coming down Janivar Drive and Leifs Way. She felt there should be a stop sign at Janivar Drive. Hickey thanked her for bringing this concern before the Board and stated this would be addressed by the Village Engineer and Superintendent of Public Works as the Village already owns this road.

John O'Neill, 53 Janivar Drive, spoke next about the creek. Hickey stated the drainage must be addressed overall and a recommendation made for the runoff which goes onto the Village's property. Cross stated if the water currently drains into an area, it must continue to drain into that area. Dubow stated the rate of flow off the property cannot exceed the rate of flow which exists now.

John Sherbon, 2 Leifs Way, asked about the large pond just east of the property and south of Bomax Drive. Hickey stated this will be addressed later in the meeting. Cross stated this goes in the direction of the Village property and does not drain onto the Jonson subdivision property.

Ruth Sherbon asked about the proposed plan for the Craft Road extension where the road is to be built over a little creek. She was concerned about filling in the creek and the relocation of the water flow onto their property. Hickey stated this will be addressed and the engineers would find a solution.

The Board then reviewed the information given by the applicants for SEQRA Part 1. Hickey stated that on Page 2, condominiums should be removed from the description of action because that is not what is being built. Dubow recommended they be changed to zero lot line townhouses. On Page 3, Hickey asked why open space is not included in Item 2. LoTurco stated it is included in the 19.7 acres listed as non-agricultural. Hickey then asked about the existing 8.9 acres of forested acreage which will be 0 acres after completion. LoTurco stated trees would be removed. Hickey stated the Village is interested in preserving the trees near the drainage area as well as the hedgerows between the properties. LoTurco stated hedgerows would be removed. Hickey stated some should remain as they are on property to be dedicated to the Village and emphasized that there is to be no clear cutting of the property. Hickey also stated that placing street trees in the development would not be sufficient in itself. Hickey stated that trees should remain in the park areas. Hickey stated there can be selective cutting and any trees over 6 inches in diameter at breast height must be identified on the final plat. He noted that many trees had been preserved in front of the houses on the north side of Ayla Way. Klepack asked for revised figures for this line item.

Hickey stated that municipal park land (Item 2) is listed at 5.4 acres after completion yet the sketch plan submitted on 2/27/04 lists it as 5.5 acres and Hickey wanted to know about the discrepancy and if there was a reduction in park land. LoTurco stated there has been no reduction so the figure should be changed to 5.5 acres.

Leopold asked about the soil drainage where 70% is listed as moderately well drained and 30% is listed as poorly drained. LoTurco based his figures on soil survey maps of the area. Leopold felt the history of the area shows a lot of hard pan in that area and very poor drainage. Klepack asked what happens when the bedrock is only 1 foot down and LoTurco stated that drilling and blasting could be done. Cross noted that often the rock was flaky and could be broken up and scraped off. Curtis asked about Item 8 where the water table is listed at 0-5 feet as he feels it must be lower after watching basements in the area being built. LoTurco stated it is based on USGS mapping for the area and is an assumption. Cross recommended 6 holes be dug and the depth of the water table as well as the soil types confirmed.

On page 4, Item 16, Hickey noted there is no mention of the big drainage pond in Lansing Trails I. LoTurco stated that he was unaware of this pond. Hickey stated it follows the stream on down from the proposed subdivision. LoTurco will note this drainage pond on the SEQRA form.

Curtis asked about the notation for Line Item 11 asking for the source confirming that no rare flora or fauna were on the property. LoTurco stated he has contacted the Dept. of Interior Fish & Wildlife Service and Dept. of Environmental Conservation who found no evidence of any. LoTurco will provide copies of documentation for the village office files.

Page 5, Item 1c project acreage to remain undeveloped lists 0 acres. Hickey and Dankert asked about open space and park lands which would not be developed. LoTurco will revise this figure. For Item 1e, it indicates this subdivision is not an expansion. Hickey noted that this is an expansion of Lansing Trails but is a separate subdivision because of the length of time that has transpired between Lansing Trails I and Lansing Trails II. Line Item 1h needs to have the term condominium changed to zero lot line townhouses. Hickey noted that Line Item 3b has been left blank and normally Ivar Jonson scrapes the top soil off for stockpiling and then spreads it for lawns and landscaping so this item should be checked yes. Item 3 will also be changed from N/A to yes. Hickey also noted that Item 4 must also be changed.

Page 6, Item 7 states there will be three anticipated phases with commencement on 7/04 and the completion of the final phase on 11/05. LoTurco stated these are anticipated dates. Hickey again reiterated that the Board wants to see a phasing plan.

Item 11 must be yes as the park will be relocated and an explanation must be noted.

Page 9, Item 4 must add clustering. Item 7 should include Industrial and Business and Technology Districts.

Page 7 anticipated usage per day is noted at 31,000 gallons per day. Cross stated the figure should be 20,000 gallons per day based on recent surveys of local use which confirmed that the average dwelling used 200 gallons per day rather than 300 gallons per day. This provides a more accurate number because it is based on actual usage by Village residents rather than national averages.

Page 8 needs to be changed for permit approval date. Also clustering requires Trustee approval, but no zoning change is involved. Item C should state "subdivision" rather than "site plan". Next, Hickey addressed the Bomax/Warren Road situation. A study was done by traffic engineers for the developer (Clough Harbour & Associates, dated June 2004) and then reviewed by Village consultants (Fisher Associates, 6/25/04). The Clough Harbour & Associates report states that this intersection is now operating at Level F or failure at the PM peak hour. The addition of traffic to the intersection from the proposed development would exacerbate the problem. Hickey suggested that the developer determine if there is some way to mitigate the situation before the Board proceeds further with the environmental review. Since the County, not the Village, owns Warren Road and, at this point, Bomax Drive is still owned by the developer of the Bomax Business Park, Jonson and his engineers should consult with those entities. The Village will wait to hear back from the developer before proceeding further. Hickey and the Village Engineer could sit in on a meeting with the County to represent the traffic concerns the Village has. Curtis noted that Page 10, Item 12 pertains to this sort of traffic concern. Dubow noted that the "no" boxes must also be checked where appropriate for Item 25.

Hickey noted the Board would like to finish the SEQRA on July 12th and must have final submittals prior to the meeting. LoTurco will have the 6 holes completed prior to the meeting. Cross would like the traffic control drawings and study as well prior to the meeting.

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Bomax Subdivision – Sketch Plan Review:

Hickey stated the Board has a Sketch Plan for the Bomax Subdivision. Jason Demarest, the project architect, briefly explained the project. The applicant is proposing to subdivide the property on Bomax Drive west of TransAct Technologies (off of Warren Road) into 8 lots. Access to the lots would be 2 dead-end T turn-around cul-de-sacs. Building sizes range from 11,500 sf to 19,800 sf. and will be used for business and technology.

Klepack asked about having the buildings closer to the road and the parking behind. Demarest stated some of the buildings can be shifted about 25 ft. but the Village's 75' front yard setback is the major hindrance. Hickey noted that there would need to be plenty of trees and shrubbery to screen the parked vehicles. Curtis stated berms have been very effective in the B & T Park. Hickey asked if the developers have considered two buildings using one parking lot. Hickey stated this could make it easier for snowplowing and for the maintenance of the asphalt as well as allowing for more attractive site development. Demarest stated the shared parking lots might make selling of the properties more difficult. Hickey would still like to see shared parking lots considered.

Hickey asked about a time frame for the project. Demarest stated the process is starting all over again and they would like to move it along to completion this time as expeditiously as possible..

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Hickey then asked about sewer capabilities. Demarest stated the owner Bob Dean has spoken with TG Miller Engineers regarding a sewer connection in the apartments. Dean has also discussed tying in at another location which would require pumping uphill. They are currently pursuing these and other options to see which or what combination of them would be most feasible.

Cross stated the proposed storm pond in the corner was done by TG Millers about 5 years ago and assumptions were made for impervious surfaces based on the last proposed project. Those assumptions must be compared to what is being proposed today. Cross also stated water pressure in that area is very low. Demarest stated a fire pump was installed for the TransAct Bulding and it was sized to provide fire protection for the whole subdivision if necessary. Cross also feels the T turn-arounds must be reviewed by the Town of Lansing Fire Department, as well as the Highway Department. Cross also asked if the Zoning Law permitted two curb cuts for each property so there could be an entrance and exit for use by larger trucks. Curtis stated this would be at the discretion of the developer.

Klepack and Cross expressed concerns about the drainage area which is within the required 150 ft. buffer and the maintenance/ownership of it. Cross' concern is that if all the properties are sold, then either the developer, Bob Dean, would need to retain the buffer to assure maintenance or it would need to be transferred to the Village.

Curtis asked how this project would work with the Phase II guidelines as it was started under Phase I and the detention pond was built under those regulations; the development being proposed and for which the detention was constructed is now governed by Phase II regulations. Cross said that was a good question and he is not sure what the answer is.

Klepack asked about sidewalks. Hickey stated they would be on the north side of Bomax Drive and Dean has agreed to this.

Hickey asked Demarest to convey the traffic information about the Bomax Drive/Warren Road intersection to Bob Dean. Hickey also recommended Dean consider a Traffic Impact Statement for parking and employees. Cross will discuss the issue with the County.

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Approval of Minutes – May 25 & June 14:

Klepack moved to approve the minutes of May 25th as revised. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack, and Piscopo. Minutes approved.

Klepack moved to approve the minutes of June 14th as submitted. Seconded by Piscopo. Ayes by Brown, Dankert, Hickey, Klepack, and Piscopo. Minutes approved.

Other Business as Time Permits:

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Brown spoke on the value of the buffer strips for bird habitats.

Dubow stated the Mayor reported after the last Board of Trustees meeting that the Kline Road project has been approved and the moratorium should come to an end and the Village should have additional sewer units in the fall.

Hickey noted that he has spoken with Viola Miller regarding the Millcroft Subdivision and she stated they now have approval by John Andersson of the County Health Department.

Leopold stated she has reviewed the Open Space Plan. Hickey asked Board members to determine how to utilize it and determine whether it should become a part of the Comprehensive Plan.

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Adjournment:

Klepack moved to adjourn at 10:00 P.M. Seconded by Dankert. All aye.