

**Village of Lansing
Planning Board Meeting
July 27, 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, Carol Klepack and Maria Stycos; Trustee Liaison John O'Neill; Attorney David Dubow; Code Enforcement Officer Ben Curtis; and members of the public.

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 Stycos. All aye.

Road Name Change – Millcroft Subdivision:

Hickey stated he has received a letter from Robert Miller regarding the Millcroft Subdivision requesting the change of name of Millcroft Drive in the proposed subdivision to Millcroft Way. The change seemed appropriate given the modest extent of the road. Klepack moved to change the name as requested. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried. Copy of request letter given to Curtis for records.

Public Hearing – Special Permit No.1941, Lustick, 2nd Curb Cut, Pembroke Lane:

The next item on the agenda was a Public Hearing for Special Permit No. 1941, Susan Lustick for a second curb cut to allow a circular driveway at her residence at 10 Pembroke Lane, in the Low Density Residential District, Tax Parcel No. 48.1-2-2.5.

Hickey has visited the site and feels a second driveway is appropriate given the constraints of the lot.

Klepak stated she has not seen the site and asked why Hickey felt two driveways would be better. Hickey responded that the applicant desires to place many trees in the front yard. There is also not sufficient space in the front yard to make a turnaround so vehicles can safely exit the residence rather than backing out.

Hickey opened the Public Hearing.

As there was no one who wished to speak, Dankert moved to close the Public Hearing. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Motion carried.

Stycos questioned which direction the residence would be entered and exited. Stycos recommended entering from the bottom driveway and exiting from the upper driveway due to the swing in the roadway. Hickey noted there are currently only two residences on the road. The observation and suggestion have been made although the Board can not dictate the direction of travel. Lowell Garner, 10 Pembroke Lane, stated that vehicles often come down the road possibly thinking it is an extension on Oakcrest Road and then have to turn around. Curtis asked if there is a no outlet sign posted for the road. Garner did not think there was; Superintendent of Public Works Dennis Reinhart will be notified about placing such a sign on Pembroke Lane.

The Board then reviewed the General Conditions for all Special Permits (Zoning Law Section 304.05). For Item d, Hickey noted that the circular driveway would allow the residents to take cars off Pembroke Lane. Stycos moved that the Board finds that the General Conditions a-j have been met by the applicant. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Motion carried.

Curtis noted this is an exempt action under SEQRA and he has received the proof of mailing.

Dankert Moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL ADOPTED
ON JULY 27, 2004**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit No. 1941, Susan Lustick for a second curb cut to allow a circular driveway at her residence at 10 Pembroke, in the Low Density Residential District, Tax Parcel No. 48.1-2-2.5.
- B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, 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 July 27, 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 July 27, 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. 1941 is granted and approved, subject to the following conditions and requirements:

None

The vote on the foregoing motion was as follows:

AYES: Phil Dankert, Doris Brown, Edward Hickey, Carol Klepack, Maria Stykos

NAYS: none

The motion carried.

10 Pembroke Lane – Landscape Plan:

Hickey noted that the Pembroke Lane is located in a Unique Natural Area (UNA) and there is concern about the trees

which will be removed for the construction of the house. There are 9 trees which needed to be removed. During the clearing of the land, 12 additional trees were removed. There are 23 trees in total which have been removed and they must be replaced to maintain the forest cover in the UNA. Klepack felt the proposal (letter dated 7/23/04 from Trowbridge & Wolf) looks very effective although there are no sizes indicated. Hickey stated he has met with Garner about the trees to be planted and there is no final determination as to exactly which location each tree will be planted. Hickey requested information be provided as to what will be planted and then the Board could set conditions as to the size of each tree. After they are planted, the Planning Board will confirm that they are of the size and type required. Hickey stated shrubs are not required and the deciduous trees will all be of 2-3 inch caliper and the conifers 6-8 feet in height. Hickey noted that the 23 trees are all canopy trees to replace those which were removed. Garner stated the proposal is for 23 trees to be replaced in the first year but it does not state canopy trees or which species. Garner stated 2 of the 23 trees are pines which are dead or dying. Discussion ensued as to whether the 23 trees to be replaced had to be canopy trees or could be any type of trees. Klepack noted that some of the replacement trees are witch hazels, dogwood, or redbud which are not very big trees. Garner stated the proposed trees are fairly deer resistant, especially the juniper and spruce. Klepack would like to know from the landscape designer why there are so few canopy trees. Garner stated the back yard is all canopy trees and the owner would like some more light around the house without having to remove any additional trees on the lot. Wild flowers and lower trees are proposed to allow light to get to the house. Hickey noted the long-range plan is for the planting of 55 trees and shrubs over time. Garner noted that the back has existing natural screening and they are proposing additional screening for the road in front and the sides for the neighbors. Many of the replacement trees will also be evergreens. Hickey noted the Board would check in a year to confirm the number and size of trees are correct.

Klepak moved the approval of the Landscape Plan with the condition that the canopy trees be at least 2-3 inch in diameter and evergreen trees be 6 feet in height. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Motion carried.

Special Permit No. 1915, Arleo Eye Institute – continued discussion:

The next item on the agenda was a continued discussion for Special Permit No. 1915, Arleo Eye Institute to construct a 21,680sf medical office building on the lot on the northwest corner of Warren Road and Uptown Road in the Human Health Services District, Tax Parcel No. 46.1-6-6.21.

Hickey noted that there are two items the Board must complete. First, they must review and approve the variable buffer strip landscape plan. Secondly, they must go through the General Conditions for all Special Permits. Hickey also noted the SEQRA was approved at the last meeting.

Henry Cesari, architect for the project, presented the variable buffer strip landscape plan. Cesari stated plantings have been laid out to include evergreens, flowering plants and deciduous trees. Species were chosen to be deer resistant and of the size and count required by the Zoning Law. Black Pine, White Spruce and Douglas Fir were chosen for conifers. For deciduous trees Oleasters were selected. Shrubs chosen were burning bush and bayberry. The spacing for boundary trees was 1 tree for every 6 feet but these would be staggered to create a better screen and provide adequate space between trees. Hickey would like to know the recommended spacing to provide screening without choking out the trees. Cesari responded that the Landscape Designer stated the trees should be 8-10 feet apart depending on soil conditions. The plans call for 8 feet between the staggered trees but at the time of installation they could be spaced slightly wider to allow for growth.

Klepak asked about the landscape plans around the building. Hickey stated that would be addressed at a later time and the Board was only considering the buffer strip tonight.

Hickey then read Zoning Law Section 104.21 for the requirements for a variable buffer strip. For Item 1, Klepack noted that deer like Douglas Fir and what does not survive will require replacement. Hickey noted that if the Landscape Designer knows of an evergreen that is more resistant than Douglas Fir, it may be substituted. Hickey noted that the conifers are to be at least 6 feet in height and are proposed to be staggered. For Item 2, Cesari stated that to meet the requirement they are proposing 55 conifers. Hickey noted that in addition to the conifers they must plant deciduous trees and shrubs equal in number to at least 50% of the number of conifer and that at least 50% of the deciduous trees and shrubs must be at least 2-3" caliper. Cesari noted that there will be 15 Oleasters of the required 2-

3" caliper and 20 shrubs. O'Neill asked if the buffer would still provide adequate screening when the evergreens grow taller and thin out at the bottom. Hickey noted the screen must be maintained in perpetuity even as the trees grow taller or die out. Audience member John Sherbon noted that when trees are staggered and light gets to the lower branches, their lower branches will remain green.

Klepak moved to approve the Landscape Plan for the buffer strip. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepak, and Stycos. Motion carried.

Next, the Board reviewed the Special Permit for the building. Alex Urda, Keystone Associates, made the engineering presentation for changes since the last meeting. Urda stated he has met with Reinhart and discussed both sewer and lighting. Reinhart felt the Lighting plan was good. Spillage from the lighting at 12 feet from the property line is all zeros. Hickey stated this will need to go before the Lighting Commission for review and approval.

Urda has also spoken with Brent Cross, Village Engineer, regarding concerns about access lanes of 20' width in the parking lots. Urda stated that while traffic standards suggest a minimum width of 24 ft. for driving lanes in parking lots, he thought that could be reduced for the short access lanes in question. Urda had proposed 24 ft. for the main drive lane and 20 ft. for the access. Urda and Cross agreed to beef up the spacing in the aisles and shift the landscaping to gain an extra 2 ft. for the access lanes to allow 22 ft. for easier maneuverability. The 24 ft. proposed drive lane will remain at 24 ft. The lane behind the building was proposed to be two-way but will be one-way and Cross agreed that 20 ft. would be adequate for that use. Hickey noted this would also save green space. Hickey noted that the easement on the east-side of property to go to Parcel B will be 24 ft. wide. Urda stated it would be 24 ft. as discussed with Cross, but that the paved portion would end at the parking setback line for the north boundary though the easement remained in force to the actual boundary.

Hickey then asked about the sewer line under the swale. Cross was concerned about infiltration and requested the line be encased in concrete underneath the swale which is a standard procedure. This will be done

Urda has spoken with the Fire Chief who recommended three fire hydrants around the perimeter. This is agreeable to the applicants.

Hickey asked about the dumpster area. Urda responded that the dumpster enclosure is a 2-dumpster enclosure of a color to compliment the building with a 24x12 ft. layout to provide room for 2 dumpsters with a center corridor between them. The location will still be on the northeast corner of the site and will not interfere with the easement. Curtis asked if Superior or anyone else had reviewed the layout. Urda stated it will be accessible to trucks to turn around as needed. The dumpster area will also be screened with plantings.

Hickey asked about the brush line which currently exists between the Arleo property and Warren Road. Urda stated that between the parking and road, there is a natural swale. The brush will be cleaned up and plantings placed in that area similar to other landscaped berms in the area.

John Majeroni, Cornell Real Estate, spoke about the right-of-way. He has met with a representative of the applicant and the plan as drawn does not coincide exactly with the easement granted Cornell University for access to Parcel B. The applicant was resistant to changing the plan based on feedback from the Planning Board. Specifically, the current plan has parking within Cornell's right-of-way. The easement includes provisions to adjust the exact location of the right-of-way and Cornell would be happy to adjust it, but it takes both parties to agree to such a change. Hickey noted that he was incorrect at the last meeting when he suggested that language on the plat rendered the easement to be without effect. Hickey has since learned from Curtis and Majeroni that the easement is still in force. Hickey has also received a copy of the easement and feels the agreement must be worked out between the two parties. Majeroni wants to know if the Planning Board can legally approve a site plan that violates the terms of their recorded easement. Architect Cesari had additional plans showing the right-of-way. Majeroni stated Cornell would be agreeable to amending the right-of-way agreement to accommodate the proposed site plan. Dubow stated that if both parties are agreeable, the Board can proceed and the two parties will work out the agreement consistent with the application for the project. Hickey stated this can be a condition of approval that the parties work out the agreement and a copy be

sent to the Village for their records.

The Board set the following conditions: Approval of Village Engineer of storm water management plan, erosion control, parking and site work.; approval of a lighting plan by the Lighting Commission; approval of a landscaping plan by the Planning Board; approval by the Village Attorney of an agreement modifying the easement for Parcel B and submission of letter of agreement and a site plan showing the modified easement.

The Board then reviewed the General Conditions for all Special Permits (Zoning Law Section 304.05). Klepack moved that the Board finds that the General Conditions a-j have been met by the applicant. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Motion carried.

Dankert moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL ADOPTED
ON JULY 27, 2004**

WHEREAS:

- B. This matter involves consideration of the following proposed action: Special Permit No. 1915, Arleo Eye Institute to construct a medical office building (originally proposed at 24,150 sf, and subsequently modified to a reduced size of 21,680 sf) on the lot on the northwest corner of Warren Road and Uptown Road in the Human Health Services District, Tax Parcel No. 46.1-6-6.21.
- C. On April 27, 2004, the Village of Lansing Planning Board initially reviewed the proposed action and the plans and materials submitted by the applicant, after which it determined that the proposed plans required modification and that further information and materials were necessary;
- D. On July 12, 2004, the Village of Lansing Planning Board held a public hearing regarding the proposed action, and thereafter thoroughly reviewed and analyzed (i) the modified plans (reduced to a 21,680 sf medical office building) and supplemental materials and information presented by and on behalf of the applicant 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, after which it directed that final plans and materials be submitted for approval;
- E. Also on July 12, 2004, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- F. On July 27, 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, again reviewed the plans and materials submitted 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. 1915 is hereby granted and approved, subject to the following additional conditions and requirements:
 1. **Approval by the Village Engineer of storm water management plan, erosion control, parking and site work.**
 2. **Approval of exterior lighting plan by the Village of Lansing Lighting Commission.**
 3. **Approval of a landscape plan by the Village of Lansing Planning Board.**
 4. **Delivery to and approval by the Village Attorney of a written instrument executed and duly acknowledged by the applicant and Cornell University confirming their respective agreement to the relocation of the 24' wide right-of-way reserved by Cornell University over the applicant's property and in favor of Cornell University's adjoining parcel to the north, such agreed upon right-of-way relocation to be depicted as required on all final site plans and documents submitted by the applicant in conjunction with this special permit approval. Such written instrument shall be in recordable form, and proof of recording at the Tompkins County Clerk's Office shall be delivered to the Village Attorney prior to the issuance of any building permit(s) for improvements on the applicant's property.**

The vote on the foregoing motion was as follows:

AYES: Edward Hickey, Doris Brown, Carol Klepack, Phil Dankert, Maria Stykos

NAYS: none

The motion carried.

The Hamlet – Landscape Plan:

Next, the Board needed to review and approve the Landscaping Plan for the Hamlet. Hickey stated the previous plan showed the pines used for screening spaced 20 ft. on center and the Board required 15 ft. centers. The revised plan showed the pines spaced at 15 ft. on center. Klepack had questions about the symbols on the plan and the numbers of each type of tree to be planted, but there was no one present representing the applicant to respond. Hickey asked Curtis to call the applicant to say the numbers could not be resolved and a new copy with corrected information would be required for the Board to proceed.

Approval of Minutes – June 29:

Klepack moved to approve the minutes of June 29th as revised. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack, and Piscopo. Minutes approved.

Reports:

Trustees: Dankert stated there was nothing important to relay to Board members as not much was done because there were only three Trustees present.

Other Business as Time Permits:

Hickey informed the Board that the County Transportation Facilities Committee was meeting tonight and will hopefully discuss a light at Bomax Drive. Hickey made a presentation two weeks ago.

Hickey noted the NYS Planning Federation is scheduled for September 19th at Lake Placid. Last year, Curtis and Piscopo attended. Interested members are to notify Hickey by August 20th.

Hickey has requested Clerk part-time Willard to compile the updates to the Comprehensive Plan. Hickey is requesting Board members to review all sections of the draft plan. This will be placed on the agenda for September 13th. Curtis noted he has spoken with County Planning regarding housing and there are some suggestions which should be discussed by the Board as they relate to the basic vision for the Village. Curtis will pull together the information on the housing suggestions from the County and this will also be placed on the agenda for August. Hickey stated the summary and implications should be supported by the previous data so they should be reviewed carefully. Regarding the transportation section of the document, O'Neill wondered if there was any more current numbers for traffic counts. Stycos stated the County was working on their computer system so she got her information from Albany although she could try again to get more recent information from the County prior to the next meeting. Hickey stated some of the figures could be obtained from the Clough Harbour Report which would be more recent for Warren Road. O'Neill also mentioned that Fisher Associates would have more current numbers for N. Triphammer Road.

Adjournment:

Klepak moved to adjourn at 9:00 P.M. Seconded by Dankert. All aye.