

**Village of Lansing  
Planning Board Meeting  
October 26, 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; Alternate Planning Board Member John Piscopo; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis; and members of the public.

**Public Comment:**

Hickey opened the Public Comment period.

As no one wished to speak, Stycos moved to close the Public Comment period. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

**Public Hearing, Special Permit No. 1974, Remillard Addition, 1510 E. Shore Dr.:**

Hickey stated the next item on the agenda was a Public Hearing for Special Permit No. 1974, Fred Remillard to construct a 624 sf addition on his existing single family home at 1510 East Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-46.11. A Special Permit is required pursuant to Section 202.12 of the Lansing Zoning Law because the addition is proposed in a location designated as a Unique Natural Area by the Tompkins County Environmental Management Council (EMC) and because the lot includes land with slopes of 15% or greater.

Fred Remillard addressed the Board first stating he has been a resident of Ithaca since 1980 and a Village resident since 1991. Remillard has submitted an application for a small addition to his residence. Both neighboring parcels are undeveloped. Remillard owns 12 acres which are primarily in natural vegetation with a maintained pond. There is also a 5-6 acre mowed area between the road and the residence. He gave pictures to Board members to show the area, the house and the proposed location of the single story 26 x 24 addition. The farthest point of the extension was staked in the photographs for the Board to review. Remillard does not feel his addition will cause a problem in any way.

Hickey opened the Public Hearing.

Edmund Cranch, Trustee of the property to the south of Remillards spoke next. Cranch wanted to find out the definition of a Unique Natural Area. Hickey stated it is a designation by the Tompkins County EMC which has identified the area as having some special natural feature such as slope, soil, bird habitat, biological corridor, etc.. The County designated these areas as Unique Natural Areas (UNA) and they anticipated that the municipalities in which these UNAs were located would pass legislation to protect them as the Village has done. Hickey stated the Village is concerned about steep slopes, trees and ground cover, wildlife, etc. in this area. Dubow stated the Village has created more specific and more restrictive provisions regulating what can be done in these areas. If Remillard desired to construct an addition in the area and it was not a UNA, he would just need to apply for a building permit and meet the building code requirements. Since it is in a UNA, a Special Permit is required and conditions must be met where applicable. Dubow stated this area is considered an overlay or combining district since it is regulated both as a residential district as well as a UNA and steep slope district. The Board must review the project applying the General Conditions applicable to all Special Permits as well as review the special environmental issues applicable to steep slope and UNA areas. Dubow stated the review would be limited but environmental issues would be addressed and the Board would review all materials including the information submitted by architect Ernie Bayles and would make a determination.

Cranch wanted to know the environmental parameters of the UNA where Remillard's property is located. Leopold stated the parameters are spelled out in a hefty document that was produced by the Tompkins County EMC which is a county advisory board. There were several hundred areas designated as UNAs when the report was completed about 20 years ago and an update has been completed since then. Sites were selected on many criteria and they vary from

site to site. Leopold stated the lakewatch areas are unique in that they have magnificent views, steep slopes, thin soils and rocky outcrops as well as unique plant and animal habitats. They are often fragile and are not easily developable and may have aesthetic value. Leopold stated the areas are unique and natural and are thus designated. Leopold stated each specific area was evaluated on site and the document listing each site could be reviewed by Cranch if he thought that would be helpful.

Cranch wondered where the 15% slope would apply to Remillard's property and what environmental parameters would apply. Dubow responded that for steep slopes, the Board needs to address slope stability. Using information provided by the architect and Village engineer, the Board will determine if there might be an adverse impact on the slope if development were to occur. If so, measures would be required to protect the slope. Hickey stated 15% slope is the point where the Board needs to provide review. On a 25% slope, building can not occur. Klepack stated this addition does not appear to be on the 15% slope but there are 15% slopes on the parcel.

Cranch asked when the review of the 15% slope would occur. Hickey responded that the Village Engineer visited the site earlier today and the Architect was previously informed of the Village's requirements and took the 15% slope into account when he designed the addition. Hickey stated Curtis has also visited the site. Hickey also recommended that Cranch check with the Village Clerk and obtain a copy of the Zoning Law. Curtis stated the map behind him also depicts the UNAs.

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

Board members thanked Remillard for the photographs which were helpful.

Engineer Cross noted the size of the addition is relatively small in relation to the size of the lot and residence. The actual footprint of the addition will not require trees or overgrowth to be removed as it is currently a deck and lawn area and there would be a small impact. The roof drains go underground and the discharge should pose no additional problems. Cross stated prior to the issuance of a building permit, as a generic condition, the site plan submittal should indicate the actual location of the erosion control measures. Curtis stated he usually requires silt fences to be in place and approved by the Village Engineer prior to excavation and Cross was agreeable to this.

Curtis stated this is an exempt action under SEQRA and that he has received the Proof of Mailing. Curtis stated the Village has also received the County 239 Review which determined that the project would have no negative impacts from the County's perspective.

Dubow stated this is exempt under SEQRA because it is a Type II action and does not require a review. However, since it is in a UNA and steep-slope area, Village regulations require an environmental review.. The Board then completed an environmental review using Part II of the short EAF as a guideline. All answers were "no" but a note will be added to C1 to indicate an erosion control plan approved by the Village Engineer will be required.

The Board then reviewed the General Conditions for all Special Permits to confirm that General Conditions a – j have been met by the applicant. Moved by Stycos. Second by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Dankert moved the following resolution, seconded by Brown:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL ADOPTED  
ON OCTOBER 26, 2004

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Special Permit 1974, Fred Remillard to construct a 624sf addition on his existing single family home at 1510 East Shore Drive in the Low

Density Residential District, Tax Parcel No. 42.1-1-46.11. A Special Permit is required pursuant to Section 202.12 of the Village of Lansing Zoning Law because the addition is proposed in a location designated as a Unique Natural Area by the Tompkins County Environmental Management Council and because the lot includes land with slopes of 15% or greater.

- 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. The Village Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law;
- D. On October 26, 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 in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (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
- E. On October 26,, 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), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305), and (iv) any environmental issues deemed necessary and/or appropriate;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

- 1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the detail thereof are reasonably related to the scope of the proposed project, (ii) waives the necessity for any additional environmental information otherwise required, and (iii) finds that the proposed project will not have a significant adverse impact on the environment;
- 2. 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
- 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 1974 is granted and approved, subject to the following conditions and requirements:

**Approval by the Village Engineer of the implementation of erosion and sedimentation plan prior to excavation.**

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack, and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

**Spitsberg Subdivision:**

Hickey stated the next agenda item was an update on the Spitsberg Subdivision. Curtis stated a DEC representative and one from the Army Corps came down and visited the property. It is their preference that the stream not be moved. Spitsberg is working with Engineer Gary Wood to modify the plan. Curtis does not see this as a major problem. The detention pond will also move from the SW corner of the property to the SE corner which will require a DEC waiver. The stream has stabilized where it is now and it would be less of a disruption if the stream were not moved. When a revised plan is developed, Spitsberg will return to the Board. Cross stated he has spoken with Gary Wood in the past and encouraged him to consider this option. Cross stated there is little Spitsberg can do to improve the situation as it currently exists but it is important not to make it worse. Dubow stated the Board will need to determine later if this is a major or minor amendment to the previously granted conditional final plat approval.

**Bomax Subdivision:**

Hickey stated he and Curtis met with Bob Dean about the Bomax Road. Legally, it appears that Dean is not required to finish the road until the Bomax Subdivision is completed. Hickey has a gentleman's agreement with Dean, however, that Dean will finish the road and install the sidewalk when they are needed for Phase 2 of Jonson's subdivision. Dubow stated if and when the Board approves the Lansing Trails Subdivision in final form, one of the conditions will be that the connection to Warren Road be provided. Dubow stated the Village might need to condition the issuance of building permits and final Certificates of Occupancies on achievement of specific levels of completion of the road. Hickey stated the roads for Jonson's subdivision should be done in conjunction with Bomax Drive. Binder coats could be done early in the project and the final coat and sidewalks completed later after most of the heavy construction traffic was done. Dubow stated it made sense then to have Dean make a formal Offer of Dedication for the entire road. Klepack noted another condition for approval might be to have construction vehicles enter and exit from Bomax Drive and not Lansing Trails I.

There was discussion as to whether a short section of Bomax Drive at the Warren Road end has already been dedicated to the Village. The Board thought that it had been dedicated.

**Regulation of Political Signs:**

The next item on the agenda was requested by Curtis who had recently received a call regarding political signs in the Village. A resident called because of a political sign which was installed in front of her rental unit. It was determined that the owner of the complex had not approved the installation of the sign and when informed of the problem the owner had the sign removed and a policy set that there would be no political signs erected on the property. This issue caused Curtis to reread Article V, Section 4 of the Sign Law which states signs may be erected for no more than 30 days and must be signed and dated. Curtis said other municipalities have been reviewing their legislation on such signage, and that there had been controversy and threatened litigation. In the Village, ROWs are owned by the Village and signage is often placed there. Superintendent of Public Works Reinhart has the authority to remove signs in the Village's ROW if they are a problem. Realtors have also been notified in the past to remove their signs. There was discussion about what other municipalities in the County were doing about such signs. Dubow stated this is a concern throughout the country, especially this year. Hickey felt that possibly the signs could be allowed for a 60 day limit. Cross stated that Cayuga Heights ordinance states signs are allowed for 30 days and then must be removed and may be re-installed only after 11 months. Another option is to regulate signs only within the Village ROWs. At present the consensus is to do nothing until after elections and place it on a future to-do list. Dubow stated some ordinances are difficult to enforce..

**Tompkins County Comprehensive Plan – Future Development Scenarios**

Hickey stated there is a paragraph on page one which was troublesome to both Curtis and himself. The County has designated both an urban center and a suburban center for the County. The report stated the suburban center consists of the core areas of the Villages of Lansing and Cayuga Heights. Hickey feels the B & T Park should be included as a part of the core of the suburban center. Curtis does not feel the Village should be depicted as "large-scale retail development, apartment complexes, and moderate-density single-family residential development" as there are also

major employment centers such as the B & T Park, Borg-Warner as well as low density residential development. Hickey feels the Village should include the urban area from Craft Road to the Village of Cayuga Heights line. Curtis stated there is no acknowledgement that the Village is a place where residents both live and work. Hickey feels the Village should be included in the urban core. Dankert felt this is a draft and changes could be proposed. Hickey stated there is a meeting on the Comprehensive Plan tomorrow night, but doubted the Village would have much impact on getting it changed. Dubow stated the Village might want to go on record as having concerns about the language in the report. Dubow stated that the report might mean that there are portions of the Villages of Lansing and Cayuga Heights which would be urban in nature and would be suburban cores to the urban center which is the City of Ithaca. Curtis stated there is no indication as to where people go to work in the Village of Lansing. Dubow stated the report does not really address where people go to work and this could be addressed or clarified with the County if desired. After much discussion, the Board concluded that this paragraph could be improved, but that it was not that important in the County Comprehensive Plan and can be interpreted in different ways.

### **Approval of Minutes** – Sept. 28

- Klepack had questions about the Millcroft Subdivision map that appeared in the paper and if Hickey contacted Viola Miller. Hickey responded that he did not contact her as Dubow has contacted her lawyer Michael May and the map has subsequently been revised indicating that Phase I is now for sale and the master plan is subject to “refinement”. The current map shows only Phase I and the connection road is indicated. Dubow stated this is a move in the right direction and addresses the Board’s concern that the other phases have not been finalized.

Klepack also has spoken to someone about Urban Forestry and was given the name of Tom Whitlow as someone who is knowledgeable about trees, slopes and soil erosion. Klepack offered to contact Whitlow to see if he would speak to the Board. Hickey thought this would be a good idea and recommended the second meeting in November.

Klepack asked Dubow if he had gathered background information on the requirements for lots in the Cayuga Hills subdivision where special permits are required. Dubow stated he gathered the documents with conditions for the development of these sites in the Beck Subdivision and forwarded them to Curtis. Dubow stated the Board’s recent review of the Adler site was consistent with the original conditions. Hickey has visited the Adler site and was satisfied with what he saw. Trees have been removed and care has been taken to protect the site.

Leopold noted that the minutes reflect topping of trees and she feels it is not an option that is acceptable.

Klepack moved to approve the minutes of September 28<sup>th</sup> as revised. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack, and Stycos. Minutes approved.

### **Wood Thrush Hollow Road:**

The Board discussed the road which connects Northwood Apartments to Coventry Walk. There was discussion as to whether the road name was ever adopted. Hickey moved to recommend the Board of Trustees name the unnamed road from Northwood Apartments to Coventry Walk Wood Thrush Hollow Road. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

### **Other Business as Time Permits:**

Hickey provided Board members with a letter and report from the Community Foundation of Tompkins County about the downtown Ithaca Business Improvement District. Hickey feels the report contains a lot of useful information and an extensive set of goals for the 24 block area.

### **Adjournment:**

Klepack moved to adjourn at 9:00 P.M. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.