

**Village of Lansing
Planning Board Meeting
June 13, 2005**

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

Public Comment:

Hickey opened the Public Comment period.

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

Public Hearing: Spitsberg Subdivision Final Plat Amendment:

The first item on the agenda was a proposed amendment of the Final Plat of the Spitsberg Subdivision, a major subdivision dividing a 7.11 acre lot into seven building lots and two residual parcels with a short cul-de-sac road. The lot to be subdivided fronts on Bush Lane and is located in the Medium Density Residential District, Tax Parcel No. 45.1-1-45.1.

Hickey first explained the procedures to be followed. Engineer Gary Wood presented the proposed amendment to the plat which had already received final approval. Some of the proposed changes pertain to the relocation of the stream which will now be changed so that only two small portions are relocated. Secondly, because there will now be less than 5 acres of disturbance, instead of a large storm water management system meeting EPA Phase 2 regulations, there will be a smaller pond which will meet the Village storm water regulations. The detention pond will be owned by the Village and will have access to Village land in the Millcroft Subdivision. Wood is also proposing an easement for access from the cul-de-sac in Spitsberg's subdivision. These are all of the proposed changes.

Hickey declared the Public Hearing opened.

Hickey asked Wood to explain the changes in the stream relocation which have occurred in the course of the approval process. Wood stated that the original proposal was for 1200 feet of stream relocation and the proposed amendment reduces that to 200 feet.

Wayne Knoblauch, 145 Brook Way, spoke first. Knoblauch stated he had several comments. First, the diversion or drainage swale along the west side of the property starts in the middle of his property and after living there 20 plus years he can say that the problem starts back further north even beyond the Gibb's property, probably on Panzer's property. Hickey stated the Planning Board addressed this issue with a condition when final approval was granted, and the drainage swale will run from the edge of Panzer's property. Wood stated he reduced the extent of the swale to keep the area being disturbed under the 5 acres. Hickey stated he was under the impression Panzer would work with Wood and permit some of the work on his property to extend the swale beyond the Gibb's property. Knoblauch stated the situation would not be resolved unless the swale is taken at least as far as the northern edge of the Gibb's property. Hickey stated he felt the Planning Board had resolved this and it would be a condition which must be met.

Knoblauch was glad to hear the Village is taking ownership of the storm drainage area, but in his opinion these storm facilities rarely detain much water, cattails grow there and they are nonfunctional eye-sores. Knoblauch also feels they are a waste of public monies and the Village storm water regulations should be revisited. Cross stated EPA regulations must be met and the Village has little control over this. Knoblauch asked if there is any mosquito control for these areas. Hickey recommended that this be brought to the attention of the Mayor and the Village should be made aware of problems when they occur. Audience members also noted detention ponds become habitats for large animals such as skunks and muskrats in the area due to the water source.

Ron Furry, 143 Brook Way, spoke next. Furry was concerned about the water detention improvements and existing bushes and that minimum damage be done in the buffer zone. Hickey stated only the trees that needed to be removed will be removed and there will be no clear cutting. Wood does not recall this as a condition but he is attempting to stay under 5 acres of disturbed ground and will not be cutting any more than necessary. Hickey stated Condition No. 15 in regards to the Landscape Plan requires approval by the Planning Board and must indicate trees greater than 6 inches in diameter to be removed and new plants to be installed. Wood stated there would be clearing for the roadways but not elsewhere.

Cross stated this proposal is for disturbing less area and therefore less trees will be impacted. Furry stated there are large trees which should remain and there are smaller trees such as the fir trees with shallow roots which should be removed. Also, once the larger trees or buffer are removed it is more likely the wind will blow down the firs.

Furry wanted to know if the Village or contractor is responsible for cleaning up debris which will collect downstream as a result of the development. Cross stated during the construction period it is the responsibility of the developer's contractor and it is up to the Village to oversee it. Although the developer has found an exemption from the EPA Phase 2 regulations, he must still comply with the Village's storm water management regulations as well as EPA erosion and sedimentation control regulations. Cross stated that after the site is fully established the Village is then responsible for the maintenance of the detention pond. Cross stated the rate of storm water discharge from the pond should be equal to what comes off the property now. Furry stated he is not concerned about the pond but is concerned about the more hydraulically efficient stream. Cross again stated that during construction it is the responsibility of the developer to maintain soil, erosion and sedimentation controls. Hickey stated this will be a 2 year project so the developer will be responsible during that time. Curtis stated erosion sedimentation controls are required around the construction sites for individual homes and COs are not issued until grass is established or mulch is on the ground. Hickey stated it is also important that the Village be notified when there are problems so they may be addressed.

Knoblauch asked if there is a bonding requirement and Hickey stated there is and it would remain in effect until the road is approved by the Village. Dubow stated the engineer would set the amount for a Letter of Credit or cash deposit and that there would be sufficient funds to address concerns that should have been addressed by the developer. Dubow also stated that there are warranty provisions for the road and infrastructure which must be met by the developer. This also secures the Village's interest to see that the work is completed in accordance with Village standards. Dubow stated these warranties are often for a year or two after the road is accepted by the Village. Knoblauch stated he is not as concerned about the road as much as issues addressed by Furry. Dubow said stream cleanup is an on-going responsibility of the contractor and money may be secured for it but when Cross signs off, the contractor's responsibility ends. Furry asked about a washout of the pond after Cross has signed off and it is owned by the Village. Dubow stated the Village relies on the expertise of Cross to review and approve a design for a 25 year storm which does not guarantee that a 50 or 100 year storm will not cause a problem. Cross stated that until the work is complete and accepted by the Village, the contractor would be responsible. After that time, it will become the responsibility of the homeowner of that portion of the stream on his or her property, and it will become the responsibility of the Village to maintain the detention pond and the associated property. Dubow stated that under certain circumstances the Village can go on to private property to rectify a problem. Hickey stated the homeowner is responsible to maintain the flow of the stream but if is not done, the Village can go in and do the work and bill the homeowner. Furry again stated the problem is not the water but the stone and silt washed down from above.

Wood spoke about the conditions of the federal permit which states that sedimentation controls during construction are required and land surfaces must be permanently stabilized after construction. Wood noted that there is already a problem in this area and that it his responsibility to address problems arising from this development only, not problems that predated this development. Hickey stated the developer is responsible for managing storm water during construction and until the site is reestablished and the Village Engineer has approved the work.

Cross stated that the letter provided by Wood from the Army Corps of Engineers requires stream relocation to be completed to their specifications. The Army Corps of Engineers stated that the small amount of stream relocation fell within their jurisdiction. Furry stated the problem is the right angle turn and the water is cut off further and further upstream. The erosion will not be from the pond. Cross stated if this project were not to occur, this would not change

the situation as it currently exists. The runoff created by this project will not change the situation and there will be no additional run-off to exacerbate the situation. Cross stated the problem is a current problem and this project will not change the situation. Cross stated there will be the same quantity of water and stream bed elevation as currently exists and there will be no changes. Furry differs in opinion and feels increased hydraulic efficiency of the stream will increase the velocity of the water. Hickey stated maybe the entire stream needs to be studied and not just the impact of this project. Knoblauch stated the point is that stream bank stabilization is an issue. Hickey stated Cross can review this. Cross will review this and take appropriate measures if needed. Cross can evaluate the situation when a storm event occurs. Hickey stated the stream bank will be stabilized when and if necessary. Anne Furry inquired as to the position of the Village on stream maintenance. Hickey responded that the Village can only respond to a complaint and determine what needs to be done. Hickey stated an article can be placed in the Newsletter regarding homeowners' responsibilities for streams, leaf removal, dogs, etc.

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

Hickey again stated that the Planning Board likes to hear comments by the public and can only act upon complaints if they are aware of them.

Leopold spoke about stream stabilization and stated that cleaning out the stream is not always the best practice. Often pulling materials from the stream will impact those downstream and may cause damage to them. Cross stated the SPDES program includes public education and outreach. A requirement is that municipalities provide this to help the public. Hickey asked if this could go in the Newsletter and Leopold stated it could and links could be provided. Dankert felt it important to have the information available in several sources as not everyone reads the Newsletter.

Cross passed out a report to address the proposed subdivision amendments. Comment 1 states the overall changes are not significant to the function of the infrastructure. The road has been shortened a small distance, as well as water and sewer services. Comment 2 notes that the change which may have an effect is the small amount of stream relocation. Jurisdiction here rests primarily with the Army Corps of Engineers which has given approval. Comment 3 notes the change in the project scope limiting the area to be disturbed to less than 5 acres which qualifies the project for a n exemption from the full EPA Phase 2 stormwater regulations. Now, erosion and sedimentation controls are required but quantity and quality control for a 100 year storm are not required. The project is subject to Village regulations which are based on a 25 year storm. Cross is still in need of the hydraulic calculations. Cross stated the rate of storm water exiting the site will be the same as currently exists and there can be no increase in the rate of flow. Cross wondered if the Planning Board wanted to impose some sort of storm water quality requirements as it had on some commercial projects. Cross needs to see from the developer where the 5 acres are located and the line which delineates it so checks can be made during construction. Comment 4 requires the developer to provide the underdrain information. Comment 5 suggests the plat show the pond as dedicated to the Village. Klepack asked about a trail connection. Wood stated he would like the trail on private property with an easement so that the strip could be included in the frontage calculations for the lot in question. Dubow stated the easement would be for access and maintenance and would be reflected on the deed. Hickey stated the Village would build the trail and bridge. Comment 6 refers to the requirement for permanent survey monuments.

Hickey clarified the requests by Cross. First, the delineation of the 5 acres to be disturbed must be delineated on the map. Secondly, information must be provided from Wood on the quality treatment of storm water runoff subject to approval by Cross. Third, the easement must be shown on the plat as a public easement. Fourth, public monuments must be installed.

Next, the Board reviewed the short form EAF Part 2 of the SEQRA for the original negative declaration to see if any of the changes will affect that determination. C1- No, because the new proposal is reducing the amount of stream that is being disturbed. Also, the Village Engineer will supervise and monitor the project and there has been approval from the Army Corps of Engineers. Dubow noted that compliance with EPA Phase 2 regulations will no longer be required and the Board confirms there will still be no adverse effects. Cross also stated the project would now be managed according to the Village of Lansing Subdivision Law and Army Corps of Engineers. C2 - None. C3 - None C4 - None C5 - None C6 - None C7 - No D No Controversy; Impacts - No. Hickey stated the residents' comments tonight

are concerns and will be addressed by the Village as much as possible. Part 3 No significant environmental impact on the environment.

Brown moved the following: The Planning Board reaffirms the negative declaration based on previous information as well as that received in the new proposal with a correction made to C1 to reflect that the EPA standards will no longer apply and the project will be managed according to the Village of Lansing Subdivision Law and the Army Corps of Engineers. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Hickey did not review the June 14, 2004 conditions which were previously approved as the 18 conditions are available in the document or on the internet. A 19th condition which will be added regarding neighbor John Panzer, 67 Bush Lane, being agreeable to lengthening the swale on the west side of the property to alleviate some of the drainage issues on the Gibbs property at 147 Brook Way and others abutting the west boundary.

Dubow recommended the Board amend the final plat approval of June 14, 2004 with the additional condition regarding the Panzer property as well as deleting condition 11 as the Airport Combining District no longer exists and need not be placed on the final plat. Cross stated the language should state extending the swale on the west side northerly to the Panzer property.

Regarding the other items discussed earlier, Cross felt he could work with Wood and many of the items such as delineation of the area to be disturbed, technical issues such as the size of the outlet control, and quality of water could be on the drainage maps or documentation rather than on the final plat. Regarding the ownership of the drainage pond, this will be part of the final plat although the shape has changed. The easement for the trail access would be included on the plat. Cross felt the plat should delineate the future proposed trail. It was acknowledged that all of these matters would be covered by the previously imposed Final Plat Conditions.

Klepack moved to amend the final plat approval of June 14, 2004 with the deletion of condition 11 regarding the Airport Combining District and to add the condition to extend the swale along the west boundary of the Spitzberg property to the Panzer property to protect the adjoining properties. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Crystal's Spa - Landscape Plan, Minor Amendment:

The next item on the agenda was an amendment to the Crystal's Spa Special Permit. One condition required a Landscape Plan and this has been submitted by Crystal Mullenix. Along with this was a proposed change in the amount of parking spaces. Mullenix has gone before the BZA to get approval for 12 additional parking spaces and they referred her back to the Planning Board for further review and a recommendation. The Board reviewed the Landscape Plan first. On the plant schedule, Hickey has never heard of *green luster*. Mullenix stated it is an evergreen bush. Hickey thought it might be a variety of boxwood. Mullenix will check with the landscaper and let the Board know what it is. Klepack asked that the size of plants being planted as well as the size they would grow to be included on the plan. Klepack recommended Mullenix find out the size of containers or balls for each species. Hickey stated all the lilacs near the road would be removed for road expansion, but the hope is that they can be transplanted to another location on the site. Regarding the parking, Mullenix is authorized to have 11 parking spaces by square footage and she would like to request 23 spaces. Calculations for the 11 spaces included the 20% she is permitted over what is required. Hickey asked Mullenix why she needed the additional 12 spaces. Mullenix responded that since coming before the Board in December business has gotten better and she has gone from a staff of 7 full-time employees to a staff of 10 plus 2 part-time workers. She is also working 6 days a week rather than 5 days a week. Mullenix stated each employee usually deals with two people at a time. Walk-ins are also accepted as well as scheduled appointments which are usually 1/2 hour each. Mullenix has better utilized the space and did not anticipate maximizing her capacity back in December. Mullenix feels she will probably not use all the spaces most of the time but she will be using them all during the holiday seasons. Hours are 9-7 and most of the employees are usually there 9-5 or 11-7 and they are all there from 11-5. The business provides massage, manicures, pedicures, facials, tanning, waxing and hair dressing and there are a total of 11 services. Mullenix stated it is possible for one customer to see 4 or 5 different employees.

Dubow stated that the BZA's concern was evaluating the criteria for an area variance for the additional parking when the Planning Board had not received that plan. They were uncomfortable because the Planning Board approved the

parking for the permitted number of spaces – the required number of spaces plus 20%. The BZA felt granting a variance for 23 spaces might not meet with the Planning Board's approval. The BZA wanted the Planning Board to address the plan with the larger proposed parking area and then they, the BZA, would consider granting a variance for what the Planning Board had approved. The BZA requested the Planning Board determine if they would grant approval for a Special Permit for this business to include the 23 requested parking spaces. The BZA would like to be sure the Planning Board has reviewed setbacks, landscaping, lighting, buffering, etc. for the project with the increased parking. Dubow stated the parking number is based solely on the square footage of the building. Curtis stated the parking ratio is the same used for offices such as those of lawyers, realtors, etc.

Next, the Board reviewed the comments by Cross. First, the new plan increases the area of disturbance but there is still less than 2/3 of an acre involved. Hickey asked about the surface of the driveway and parking and Mullenix responded that it would be blacktop. Cross stated the original plans had a minor increase in impervious surface but now, with additional parking, it will double the impervious surface and Cross was not sure the impact would still be minor. In addition, the open lawn to the west was to function as a filter and the area of this lawn has been somewhat reduced. Curtis stated there is a wetland area which will remain. Leopold spoke of a new surface treatment which is for paving but is also pervious and through which grass can grow. Cross feels with the entire area a paved surface the impact can no longer be assumed to be minor and a storm water plan must be developed. Dubow stated there is already a condition that storm water management must meet the approval of the Village Engineer. Cross will meet with Mullenix and work out the details. Cross would like to meet with her engineer to review the project.

Regarding the lighting, Dankert was concerned that the amount of lighting in the winter hours after 5 PM may not be sufficient for safety. Mullenix stated she tried to limit the amount of lighting and minimize light trespass. Dankert stated the Lighting Commission would review this information when spec sheets are provided, but that there must be enough light to ensure the safety of those using it when it is dark.

Hickey stated Mullenix would be returning to the BZA on June 21st. Hickey is unsure the Planning Board will be ready by that time with reports about the storm water management, lighting commission, landscape information, etc. Packets must also be prepared for the BZA ahead of time. Dubow asked if a Landscape Plan is approved by the Planning Board, and if the Lighting Commission approves a Lighting Plan, will the Board be agreeable to amend the original approval to include the 23 parking spaces. Hickey feels the applicant needs the additional parking spaces due to the number of employees and customers. Hickey also likes the fact that the parking is all in the rear and there are buffer areas on the western and southern sides. All sides are also surrounded by commercially zoned properties.

Dubow stated the BZA would like to see a site plan which has been approved by the Planning Board. Curtis stated the BZA would also like to see the full site dimensions and surrounding area. Mullenix stated this could easily be provided.

Dankert moved to approve an amendment to the original special permit approval to permit 23 parking spaces and to include the following condition: 1) Amendment of the Landscape Plan with the additional requested information on size and variety of plantings satisfactory to the Planning Board, and indicating that the driveway will be paved rather than gravel.. This will be forwarded to the BZA along with a letter of recommendation from the Planning Board. Mullenix also stated that approval of the curb cut onto N. Triphammer Road has been requested by the BZA. Dubow stated the curb cut must be approved by the Village Engineer as this is a condition of the previously granted special permit approval. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Curtis and Hickey will write the letter to the BZA and it will be ready for the June 21st BZA meeting.

Forestry Documents:

Hickey stated this item will be placed on the agenda for the next meeting.

Approval of Minutes – May 9 & May 31:

Klepack moved to approve the minutes of May 9th as revised. Seconded by Stycos. Ayes by Brown, Hickey, Klepack and Stycos. Abstain by Dankert. Minutes approved.

Stycos moved to approve the minutes of May 31st as revised. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, and Stycos. Minutes approved.

Alternate Planning Board Members:

Hickey stated the Planning Board would be going into Executive Session to discuss the appointment of an Alternate Member to the Planning Board. Applicants John Wisor and Mario Tomei were available to answer questions of the Board.

Executive Session:

Stycos moved to go into Executive Session at 9:45 P.M. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

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Adjournment:

The Board returned from Executive Session and Dankert moved to adjourn at 9:57 P.M. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.