

**Village of Lansing  
Planning Board Meeting  
May 30, 2006**

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; Alternate Member Mario Tomei; Trustee Liaison Lynn Leopold; Attorney David Dubow; Code Enforcement Officer Ben Curtis and members of the public.

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**Public Comment:**

Hickey opened the Public Comment period.

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

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**Dart Estate Subdivision Preliminary & Final Plat Approval:**

The first item on the agenda was Preliminary and Final Plat approval of the Dart Estate Subdivision, a major subdivision by John Dart in his capacity as executor to divide one 61.69 acre lot into two 23.5 acre lots, one 10.14 acre lot and one 4.55 acre lot for the purpose of settling an estate and with no development proposed at this time. The parcel is located between Graham Road and Warren Road and between Route 13 and Wood Thrush Hollow Road in the Medium Density Residential District, Tax Parcel Numbers 46.1-1-6.2, 46.1-1-21, 46.1-3-8.1 & 8.3, and 46.1-4-1.

Curtis stated he had received proof of mailing.

Hickey stated that there was a copy of the subdivision posted on the bulletin board and that Attorney William Shaw had made a presentation on behalf of the applicants at the last Planning Board meeting.

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

Next, the Board did the SEQRA Short Environmental Assessment Form Part II. Answers were as follows: A - No, B - No, C1 - No, there is no ground action at this time as this is only a subdivision of the land. C2 - No, C3 - None, C4 - No, there is no change in the zoning and this property will remain residential, C5 - No, growth will be determined by the regulations in the Zoning Law for this District, C6 - None, C7 - No, D - No, E - No.

Stycos moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON MAY 30, 2006 FOR SEQRA  
REVIEW OF DART MAJOR SUBDIVISION**

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Preliminary and Final Plat approval of the Dart Estate Subdivision, a major subdivision by John Dart in his capacity as executor to divide one 61.69 acre lot into two 23.5 acre lots, one 10.14 acre lot and one 4.55 acre lot for the purpose of settling an estate and with no development proposed at this time. The parcel is located between Graham Road and Warren Road and between Rt. 13 and Wood Thrush Hollow Road in the Medium Density Residential District, Tax Parcel Numbers 46.1-1-6.2, 46.1-1-21, 46.1-3-8.1&8.3 and 46.1-4-1; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and

- C. On May 30, 2006, the Village of Lansing Planning Board, 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"), (i) pursued its thorough review of the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (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), and (iii) completed the Full EAF, Part II;

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

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of 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), and (iii) its completion of the Short EAF, Part II (and, if applicable, Part 3), including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and:
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF Part 3 confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

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.

Dankert then moved the following resolution to approve the subdivision, second by Brown:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON MAY 30, 2006 FOR PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL FOR THE DART SUBDIVISION**

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Preliminary and Final Plat approval of the Dart Estate Subdivision, a major subdivision by John Dart in his capacity as executor to divide one 61.69 acre lot into two 23.5 acre lots, one 10.14 acre lot and one 4.55 acre lot for the purpose of settling an estate and with no development proposed at this time. The parcel is located between Graham Road and Warren Road and between Rt. 13 and Wood Thrush Hollow Road in the Medium Density Residential District, Tax Parcel Numbers 46.1-1-6.2, 46.1-1-21, 46.1-3-8.1&8.3 and 46.1-4-1; and

- B. On May 30, 2006 the Village of Lansing Planning Board, based upon (i) its thorough review of the applicant's Short Environmental Assessment Form (the Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of 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), and (iii) its completion of the Short EAF, Part II including the findings noted thereon, 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
- C. On May 30, 2006, the Village of Lansing Planning Board reviewed the Preliminary Plat and Final Plat and accompanying subdivision application materials submitted by the applicant and determined, having completed the SEQR review and having made its SEQR determination, that the preliminary and final plat application was complete; and
- D. On May 30, 2006, the Village of Lansing Planning Board held a duly noticed public hearing on the Dart Subdivision Preliminary Plat and Final Plat, and thereafter reviewed and analyzed the issues raised during such public hearing and otherwise raised in the course of its deliberations, including any environmental issues or considerations that might require reconsideration of its Negative Declaration and any possible conditions that might be imposed in conjunction with preliminary and final plat approval to be granted for such subdivision; and
- E. On May 30, 2006, the Village of Lansing Planning Board (i) determined that no further public hearing would be required for the purpose of acting upon the Preliminary and Final Plat approvals for the Dart Subdivision, (ii) further reviewed the possible conditions and requirements to be attached to any approvals to be granted for the Preliminary and Final Plats, and (iii) confirmed what, if any, condition(s) and requirement(s) should be attached to any approval to be granted for the Preliminary and Final Plats;

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

1. The Village of Lansing Planning Board, based upon all of its foregoing review and action, hereby grants approvals of the Preliminary and Final Plats for the Dart Subdivision, subject to the following conditions and requirements:

**none**

2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such approved Final Plat (i) upon compliance with all of the foregoing conditions and requirements for which compliance is required prior to such signing of the final plat, and (ii) in accordance with Section 80312 of the Code of the Village of Lansing.

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.

**Greenway Plan** - Continued Discussion:

Klepack stated she drew up a document for a work plan for the student intern. The intern from Tompkins County Planning will be Dominic Frongillo. Klepack listed eleven items or goals for the intern to accomplish. Goals include:

weekly or bi-weekly meetings to discuss progress and goals for the coming week; walking the entire built Greenway and correcting maps as necessary; making recommendations for maintenance, repairs and surface treatments; researching approved subdivisions to add segments of Greenway to map; examining existing neighborhood parks and correcting maps as necessary; adding approved neighborhood parks to map; making recommendations for maintenance, repairs and surface treatments in parks; attaching addresses to tax parcels detailed in original Greenway Plan; researching previously proposed trails and parks in large undeveloped parcels in order to incorporate these ideas in the Greenway Plan; addressing needs for parks and/or trails in parcels where nothing has been proposed but where there will be a need (esp. Dart property) and propose a design; and presenting a written addendum to the Greenway Plan to the Planning Board and Board of Trustees for approval and adoption.

Leopold stated she would also like a presentation along with the written addendum. Klepack stated she would hope Frongillo would do one.

Hickey asked about time frames. Klepack stated this is a summer 2006 project and Frongillo would begin about June 1st. Hickey recommended that as the meetings with Frongillo proceed, then a completion date be set. Hickey asked about the stipend. Klepack responded that since Frongillo is on the County payroll, money would not go directly to him but to the County.

**Review of Village Code Section 145-60K, Additional Conditions for Telecommunications Facilities:**

Dubow presented a draft of the changes proposed for the Telecommunication Facilities portion of the Zoning Law (145-60K). Dubow stated he based the recommendations upon the last two applications received by the Village and the Planning Board's comments in the course of reviewing those applications. The first change would allow the Planning Board to waive the co-location requirements where circumstances warrant. The second change addresses the fall zone and allows the Planning Board to waive or modify the fall zone area required. He further suggested permitting the Planning Board to require a Visual Assessment rather than requiring it to. With regard to the process for correcting unsafe conditions stated in Subsection (9)(b), Dubow asked the Planning Board to consider if this rather involved process is necessary or workable and whether it should or should not remain in the law. Leopold felt that if the Planning Board has not had experience with this thus far, it should remain in the law. Other Board members were in agreement with this. The next proposed change pertained to the minimum amount for a security bond. Board members agreed to leave in the current \$50,000 minimum dollar amount. The next couple of changes were language changes incorporating the changes proposed earlier. Subsection (11)(g) authorizes the Village to require funds to be deposited in escrow to offset its costs for consultants to review applications. Curtis stated this provision is currently being used for the Omnipoint/T-Mobile application and works well. It was noted that engineering and legal charges might also be billed to the applicant, particularly where very specific technical expertise is required. Curtis will discuss this with Clerk Dake.

**Review of Village Code Section 145-24, Buffer Strips:**

Dubow provided a draft for changes to the Buffer Strip portion of the Zoning Law (145-24). Curtis stated that the buffer strip requirements for the Human Health Services District were intended to follow those of the Commercial Low Traffic District. Hickey stated the variable width buffer strip came about because of the Village Office Campus where a residential district abuts a commercial district. Hickey felt the law should be consistent for all areas abutting a residential district. Curtis stated the variable width buffer has already been applied to the Human Health Services District. Hickey recommended the variable width buffer be an option for all non-residential districts. The only area not included might be the Commercial High Traffic District. Board members were in agreement with this and Dubow will revise the draft law to include this change. Subsection E was found to be very confusing and Stycos proposed the following revised language to make it easier to comprehend. "Within the buffer strip, the developer of the nonresidential site shall, at his expense, install a screen of plantings, designed, at a minimum, to obscure year round the visibility from the residential district of the development on the nonresidential site. The determination of whether the screening of the development on the nonresidential site is sufficient shall be based on the view at eye level from the setback line/s of the residential properties paralleling the boundary or boundaries between the two sites." Dubow will include these in his next draft. Dubow recommended that the language of (E)(6) be changed to allow the Planning Board to waive or modify any requirement of the buffer strip section of the Zoning Law rather than only those in Sections (E)(1-4). This provision for a waiver or modification is mentioned elsewhere in the various subsections on the buffer strip and these sections would need to be changed as well. Dubow will place the provision at the end of the

subsection to apply to the entire section if that is what the Board would like. Section (E)(3) deals with protective fencing and Curtis thinks the section is poorly written and probably does not need to be a part of the buffer strip law in any event. Hickey recommended the protective fence provision remain, but state "as directed by the Code Enforcement Officer or Village Engineer". Regarding Subsection (G)(1), there was discussion about the requirement to provide a landscaping plan for both a full and the variable width buffer strip when applying for a variable width buffer strip. Hickey stated that if the applicant is proposing a variable width buffer strip, there should not be a requirement to provide a full landscape plan for the 75 ft. full buffer strip. Hickey stated the Planning Board would require a full plan for the variable width buffer strip, but not for the 75 ft. buffer strip. This subsection will be revised based upon the discussion by the Board. Curtis stated the Planning Board would want the calculations for the full buffer strip plan simply to gauge the amount of impermeable development that would be possible. Curtis stated a full landscape plan for the 75 ft. buffer strip would not be necessary. The waiver provision discussed earlier could be expanded to permit the Planning Board the discretion to approve a plan that does not meet this or other requirements. By allowing the Board the option of waiving such requirements, the Planning Board could make a final decision as part of its overall review of a proposed project without having to refer the matter to the BZA for what might be an unnecessary and duplicative review. Regarding Subsection (I-J), Curtis stated that provisions for security and enforcement of Temporary Certificates of Compliance should be strengthened and recourse be more clearly described in general, but the section on Temporary Certificates of Compliance is elsewhere in the Code and the changes should be made there.

Stycos stated in Subsection (H)(1), there are references to other than visual requirements. Protection from items such as light, vision, noise, glare and odor should be consistent throughout the buffer strip requirements if that is the purpose of the buffer strip. Board members agreed that vibration and odor should be removed from the list.

Other minor changes were proposed in the course of the discussion and will be incorporated in the proposed amendment by Dubow.

**Approval of Minutes** - May 8:

Klepack moved to approve the minutes of May 8th as revised. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

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**Other Business as Time Permits:**

Curtis stated he sent out a notice for Planning and Zoning Summer Schools and BZA Chair Mary Sirois has expressed an interest in attending the session in Geneseo. Curtis also provided members with a Zoning Bulletin sample issue with some interesting case law.

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**Adjournment:**

Klepack moved to adjourn at 8:50 P.M. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack, Stycos. Motion carried.