

**Village of Lansing
Planning Board Meeting
June 27, 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, and Carol Klepack; Alternate Member Mario Tomei; 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 there was no one who wished to speak, Dankert moved to close the Public Comment Period. Seconded by Brown. Ayes by Brown, Dankert, Hickey, and Klepack. Motion carried.

- Hickey announced that he was appointing alternate member Tomei to be acting member for the meeting tonight in place of Maria Stycos who was unable to attend.

- **Lansing Trails 2 Update:**

Hickey stated the agenda included discussion of Ivar Jonson's Subdivision, Lansing Trails II, also known as the Heights of Lansing. Curtis had prepared an analysis of the conditions attached by the Planning Board to the approval of the Final Plat as those conditions might be affected by the temporary use of Ayla Way to access the subdivision instead of Bomax Drive as originally required. Hickey stated there have also been discussions between the Jonsons and the Deans who own the property on which Bomax Drive is to be constructed. Dubow stated that some time ago, there was an agreement executed between these parties for the road to be developed as a public road and offered for dedication. Dubow stated this agreement to complete Bomax Drive acted as a sufficient basis to allow for the issuance of permits as provided in the Conditions of Approval for the Subdivision. Subsequently, there has been some disagreement between the Deans and the Jonsons which has interfered with the implementation of that agreement. They have been struggling for some time to resolve these issues. They have been developing a plan for cost sharing for the construction of the remainder of Bomax Drive and also for sewer work which the Jonsons were to build for the benefit of the Deans. Dubow stated these negotiations came to a standstill about 4-6 weeks ago. The Jonsons then spoke to Curtis about the use of Ayla Way as a temporary private means of access for the 4 units which have already been built in the Subdivision. Dubow stated there was a meeting last week initiated by Mayor Hartill for all the parties involved. The original agreement for the construction of Bomax Drive and the sewer line to the Bomax properties was restructured so there is no need to consider the temporary Ayla Way option at this time. The Village has also agreed to contribute to the cost of building Bomax Drive so that it will be completed now rather than waiting until the Bomax properties are developed, and so that it be constructed as a heavier type of road as appropriate for commercial traffic. The Deans have no specific plans to proceed with the development of their subdivision at this time and would not otherwise construct the road. The exact use of the commercial property will not be known until a plan for its development is submitted. The Village is interested in having the road for connectivity now, however, and the Mayor has agreed that the Village would contribute some monies for construction of the road. In doing so he emphasized that this was one of a couple of legacy issues rooted in decisions made years ago that now needed to be resolved; new proposals for development would be handled in accordance with standard procedures in effect at this time. There are plans under the new agreement to move ahead relatively quickly. Dubow will conference call tomorrow with Jonsons' and Deans' attorneys to get an agreement for the road that all parties can sign. Sidewalks were proposed along the north side of Bomax Drive, but the consensus of the engineers was that the wider road would suffice at this time and separate sidewalks could be built at a later date if that seemed appropriate when the commercial area was finally developed. Hickey stated that with the development of both Lansing Trails Subdivisions with 194 units he feels there may be a lot of pedestrian traffic and he would encourage the construction of sidewalks. Cross stated the physical constraints of the site would require more clearing in the right-of-way for sidewalks, including some significant trees. Curtis stated the road drains to an open ditch which is deep in places and accommodating the ditch and the grass strip between the walk and the road would require pushing the walk north into the tree line. A sidewalk separated from the

road by a deep ditch can be problematic as well, and providing underground storm water drainage is expensive. Hickey and Klepack both supported the building of sidewalks on Bomax Drive. Jonson stated shifting the center of the road within the 30 ft. roadway would allow 10 ft. for the walkway on the north side. Dubow stated sidewalks at one point were proposed for the north side to connect with the Jonson subdivision sidewalks. Dubow stated this is an agreement between the parties involved and the Deans do not need to build the road to the Village specifications as they are not proposing a further subdivision of their property at this time. This is an agreement to construct Bomax Drive before the Deans otherwise would so that Jonson can continue with his subdivision and the Village can have a connector road to Warren Road. Hickey stated the Deans are benefiting from this as they will obtain a connection to the municipal sewer system over Jonson's property. If the Deans then sell their property with the sewers, will the provisions of the agreement apply to the new owner? Dubow stated they would. Dubow stated the agreement would go away when the new road is built and the new owners would not be responsible for sidewalks as the road would already belong to the Village. Hartill stated a similar sidewalk problem needs to be resolved on Dart Drive and it is likely underground drainage will be part of the solution; in the future it may also be the answer for Bomax Drive.

Next, the Board reviewed the analysis of the Conditions of Approval prepared by Curtis for using Ayla Way. Curtis stated Jonson would like to be able to obtain Certificates of Compliance to sell the units currently built as well as to obtain additional building permits. Curtis reviewed the conditions attached to the plat, as well as the plat itself, to see what impediments there might be if Bomax Drive is not completed. Looking at the plat, Curtis noted that water and sewer lines must be accepted prior to issuing Certificates of Compliance. Cross stated there is a DOH form which needs to be signed by Jonson and the Village. Regarding the Homeowner's Association there must be an acceptable agreement. Dubow stated Jonson asked what needs to be done, but Dubow will need to talk with Jonson's attorney and inform him that it is his responsibility to see that all conditions are met. Last week, Jonson gave Dubow the Homeowner's Association agreement which was submitted and filed in May although Dubow has not yet had the opportunity to review it. Dubow stated there are other conditions which also must be met such as the drainage and conservation easements on the back of several units. There is also the requirement for covenants and restrictions for protective measures for hedgerows and undeveloped lands which must be reviewed to see if they apply to any of the units currently built. Dubow stated there are items which need to be reviewed. Dubow stated nothing is insurmountable but all parties must address the issues. Dubow stated some of the conditions deal with the completion of Bomax Drive and these might need to be amended if the completion of Bomax Drive is blocked. Dubow stated there are a number of such conditions which must be addressed if Bomax Drive is not completed, and any final plat approval amendment must then be classified as either minor or major. Klepack stated that if the one large insurmountable condition that there be two means of egress from the Jonson Subdivision is not met, then there is no need to consider any of the other issues which need to be addressed by the subdivision until the second means of egress is resolved. This was an essential condition of the approval. Hickey stated an amendment will be required for the use of Ayla Way and there is a strong likelihood that this Board would not approve such an amendment. Hickey stated there is nothing for the Board to consider at this time as the request for an amendment is incomplete until it specifies exactly what changes in the Conditions of Approval are being requested. Dubow stated there is a requirement for emergency access for Phase I and there has been access up to this time through Bomax Drive. Dubow feels there is enough incentive to have all the involved parties concentrate on the solution of Bomax Drive rather than a temporary road through Ayla Way. Jonson would like to see the barricades removed on Ayla Way as cars are driving around the barricades and are making a dirty mess of the road. Jonson will be contacting his contractor, Ottenschot Construction Company, and will begin the sewer line today or tomorrow. Jonson stated there will be a binder coat to the first building before the Certificate of Compliance is needed. Jonson will build the road to Warren Road but he can not come up with another Letter of Credit. If he can get started anyway, the road could be done in about a month. Cross stated in the past Ottenschot has issued a security bond to guarantee his work. Hartill stated if Cross approves the construction, that will be sufficient. Jonson will speak with his attorney about his agreement to build the road. Curtis asked Jonson if he was withdrawing his application to use Ayla Way as a temporary access. Jonson stated that at the meeting he attended last Friday, he was ready to sign the agreement to construct the road with his paying \$40,000, the Deans paying \$40,000 and the Village paying \$30,000. This was never signed and is still in process. Hickey asked if Jonson was withdrawing his application regarding Ayla Way. Jonson responded that the Board has already made it clear that they would not accept the road as an access. Klepack made the motion to accept the withdrawal of the application for the use of Ayla Way as a temporary access to NorWay. Seconded by Tomei. Ayes by Brown, Dankert, Hickey, Klepack and Tomei. Motion carried.

Hickey thanked Hartill for his input. Next, there was discussion about the process which has occurred in the past regarding the building of roads and access in this area.

Proposed Amendment - Village Code Section 145-21, Buffer Strips:

Hickey read through proposed Local Law E which is a draft amendment to the buffer strip provisions in the Village Code and felt it was good. Klepack agreed. Dubow stated there were several issues he wants to review with the Board. Dubow stated that the required width of the buffer strip in Residential, Commercial Low Traffic, Research, and Human Health Service Districts is 75 feet and under the proposed amendment the option of the variable width buffer strip would be allowed in all of these districts. The Commercial High Traffic District, as well as the Business & Technology District, is 150 feet wide and there would be no provisions for a variable width buffer strip. A second issue pertained to subparagraph D(3) which provides for the protection of existing trees used to fulfill the buffer requirements of D(1) and (2) by the installation of snow fence or similar structures as required by the Village Engineer or Code Enforcement Officer. The Board agreed that this authority should rest solely with the Code Enforcement Officer and he could confer with the Engineer. The third issue pertained to subparagraph J regarding Waivers and Modifications and is a catch-all to allow the Planning Board to waive various requirements and criteria elsewhere in the buffer requirements provided the resulting buffer is equal or greater in its intended effect, provided, however, that the Planning Board can not approve a buffer strip with a width less than required. Hickey feels the minimum width requirement should remain including the 25' for the variable width buffer strip and if there are unusual circumstances that might warrant a reduction as in the case of Colonial Vet, then that would be a matter for the BZA. Our Board members agreed.

Dankert moved to authorize the attorney to forward proposed Local Law E to the Board of Trustees. Seconded by Klepack. Ayes by Brown, Hickey, Klepack and Tomei. Motion carried.

Proposed Amendment - Village Code Section 145-60K, Additional Conditions for Telecommunications Facilities:

Next,. Dubow reviewed proposed Local Law D allowing for waivers or modification to the requirements for telecommunication facilities. One change would allow the Planning Board more discretion regarding the co-location requirement that facilities be designed to accommodate additional vendors; this latitude recognizes that new technology permits smaller more discrete towers. Other changes involved the fall zone requirements, and also cleaned up the existing law by making minor changes. Dubow stated the amendment is primarily to give the Board more discretion on the co-location of facilities and also in evaluating and accepting reduced fall-zones for towers. The latter provision again is intended to accommodate rapidly changing technology.

Hickey asked about the status of the tower at the McDonald's property on N. Triphammer Road. Dubow replied that he had prepared a proposed Encroachment License Agreement for the Village's drainage easement and sent it for review. The attorney for Omnipoint/T-Mobile responded with requested revisions to the document which were not acceptable. Dubow responded again and is awaiting a response. The attorney has called and Dubow has called him back but neither has reached the other. So, at this time nothing is happening. Curtis noted that he has subsequently had a call from another provider regarding co-locating on that tower.

Klepack moved to authorize the attorney to forward proposed Local Law D to the Board of Trustees. Seconded by Tomei. Ayes by Brown, Dankert, Hickey, Klepack and Tomei. Motion carried.

Approval of Minutes - May 30th:

Dankert moved to approve the minutes of May 30th as revised. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Tomei. Motion carried.

Reports:

Board of Trustees: Stycos provided a written report in the packets distributed to Planning Board members. Regarding the Town's sewer main that would traverse the Village, Dubow stated whatever plan was decided upon would be subject to a permissive referendum by those in the Town within the benefit district for the sewer system. Dubow stated that based upon the Mayor's calculations the Village would incur about 20% of the cost of the project based on the potential build-out in the Village. Dubow stated the County as well as Cornell are being approached by

the Town for additional funding for the project.

Green Way Plan Update: Klepack stated the proposed work plan has been prepared by the County with items listed in priority ranking. The intern has begun but has not yet reported back to Klepack. Curtis has not met him yet. Hickey stated the intern will need to walk all the trails. Klepack will notify the intern as to when she will be away so the intern can contact Hickey during that time if need be.

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Other Business as Time Permits:

Members discussed the articles provided by Curtis (Free Flowing [Ithaca Times], and Zoning for Universal Design and Visitability [Zoning Practice]). Members also discussed the Jonson subdivision and the Dean property.

Adjournment:

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