

**Village of Lansing
Planning Board Meeting
October 24, 2006**

The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Carol Klepack, Maria Stycos; Alternate Member Mario Tomei; Trustee Liaison Lynn Leopold, Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis and members of the public.

Hickey stated that he was appointing Mario Tomei to serve as an Acting Member tonight for Planning Board Member Doris Brown who could not attend..

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 Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Hickey noted that Jay Downs, the representative for the Rosses in the application for subdivision approval, was not present and moved on to the stormwater management discussion as the first item of business while Curtis called Downs to see if he was on his way.

Stormwater Management Regulations, Gap Analysis – Nick Schipanski:

Hickey introduced Nick Schipanski from the Tompkins County Planning Department who is working on stormwater regulations. It was acknowledged that Schipanski had previously completed a Gap Analysis to examine how the existing Village Zoning Law and Subdivision Regulations conform to the requirements of the state regulations for stormwater management.

Schipanski gave some background on stormwater regulations and SPDES permits. Phase I EPA storm water regulations adopted pursuant to the Clean Water Act have been in effect for some time. In 1999, EPA promulgated the Phase II regulations increasing the requirements for stormwater management and further requiring municipalities with separate municipal storm water systems (MS4s) to implement additional regulations. These regulations need to be addressed in local law by Jan. 2008. Schipanski stated the State has written a sample local law containing all the provisions which need to be locally adopted. Schipanski was hired by the County to compare existing local codes to the sample law written by the State to identify gaps in the existing codes that would need to be addressed in whatever law the municipality adopted to comply with the EPA regulations.

To comply with the State and Federal laws, the local law must contain all of the following provisions: 1. It must apply to all construction activities disturbing 1 or more acres. In the case of a subdivision, potential disturbance on all parcels is added together. 2. It must require developers or landowners to produce a stormwater control plan prior to construction. 3. Erosion and sediment controls must be utilized during construction and must meet State standards. Post-construction storm-water management practices must also be consistent with State standards. These are required for parcels over 5 acres, multi-family, commercial over an acre, and those draining into an existing water body. 4. The stormwater plan must be reviewed by the Planning Board or Code Enforcement Officer. 5. It must require management of waste on construction sites. 6. Responsibility must be established for ongoing maintenance of the stormwater management facilities. 7. Technical standards and access must be provided for ongoing maintenance. 8. It must specify requirements for inspections, penalties and enforcement that apply to the stormwater management program.

Schipanski conducted a Gap Analysis for the Village of Lansing to compare the Village Code with the state sample law. The result was that the Village has about 10 of the necessary provisions and is lacking about 65 provisions.

Schipanski stated this was better than many other municipalities.

Hickey asked for options on how the Board could proceed. Schipanski stated the Board could make 65 individual amendments of the Zoning Law, adopt the state sample law, or adopt the sample law proposed by Tompkins County or some combination of the above. Schipanski stated the Village must decide.

Leopold stated she attends the Stormwater Coalition monthly meetings with representatives of other MS4 municipalities. The MS4s have been making comparisons of their respective laws. Although the Village has until 2008 to adopt the law, Leopold recommended it be adopted sooner. Hickey asked for clarification as to when the law must be adopted. Dubow stated the law must be in place by January 1st, 2008. Hickey stated there are some large parcels in the Village and it would be good if the best stormwater management practices were in effect before the parcels were developed. Leopold stated the parcels within the Village would not drain directly into the lake as they drain into a tributary first. Hickey stated the exception would be the Bolton Estate and Poison Ivy Point which would have water running directly into the lake.

Hickey stated he, Leopold, Schipanski and Curtis met to review the Gap Analysis prior to this meeting. The consensus was that the Village would be better adopting the state model law rather than making 65 amendments to the Zoning Law. Cross stated that the work done by Schipanski met a requirement of the 2006 report and this analysis was a tremendous savings to the Villages of Lansing and Cayuga Heights. Cross also agreed that passing this law soon is a good idea and agreed that adopting the state model would be the easiest solution. Dubow stated the state model law is to be a working document and the Board of Trustees does not want this to be costly to the Village. Dubow stated that in the interim it would be helpful to continue having a Planning Board condition included in its approval of a proposed development requiring that the stormwater management plan be subject to review and approval by the Village Engineer. Hickey recommended Board members mark up the sample law as to what should/should not be included. Curtis reviewed the sample law and found the law to be written clearly and simply and generally pretty good in substance. Members are to review the document prior to the next meeting for further discussion.

Leopold stated that on page 17 of the state sample law, there was an item which would take some of the enforcement load off of Curtis by providing for fees to pay third party inspectors from funds collected from the developer. Curtis stated that there are provisions for escrowed monies in the current Zoning Law and Subdivision Regulations, and Curtis sees this as an extension of this mechanism.

Tomei has reviewed the sample state law and thought that the Board was to go through and insert "the Village of Lansing" or whatever in the blanks as needed. Now, after listening to Dubow he feels the Board needs to read the document more carefully, eliminate what is redundant, and add requirements as may be necessary. Hickey stated Board members should review the document and make notes. Dubow stated the Board needs to determine what should be included. Curtis stated there could be a new section in the Codification for stormwater management and the information would all be in one location. Dubow stated the section could then reference other sections of the Village Code which are applicable.

Dubow requested an electronic version of the Gap Analysis and sample law if that could be provided. Schipanski will provide both electronically to Dubow.

Public Meeting – Sketch Plan Review of Ross Subdivision:

The next item on the agenda was Sketch Plat Review of the Ross Subdivision, a major subdivision by Jim and Nancy Ross to subdivide one 4.56 acre parcel (Tax Parcel No. 46.1-4-1) into six or eight residential building lots, and to divide one 10.14 acre parcel (proposed Tax Parcel No. 46.1-1-6.24) into one residential building lot and the residual land. The parcels are located near the intersection of Graham Road and Dart Drive in the Medium Density Residential District.

Hickey stated that Curtis made a telephone call and found out that Downs would not be attending tonight. Curtis suggested he open the Public Information Session and accept a motion to adjourn it until a representative for the applicants could be present. Curtis would then ask those in attendance for this matter to leave names and contact

information and he would notify them as to when the Public Information Session will be continued.

Klepack moved to open the Public Session. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Hickey noted for the record that the applicant failed to appear so the Public Information Session will be adjourned. Cross asked to discuss the project briefly. Hickey stated he and Curtis have spoken about the Sketch Plan which proposes 6-8 lots along the west side of Dart Drive and one on the north side. DEC has given permission to fill in the pond, but the Corps of Engineers must now give their approval. This property is part of the portion of the Dart estate inherited by Nancy Ross. Curtis and Hickey have talked with Downs about recreation and drainage lands and the possibility of considering the whole Dart Estate at one time or at least the two parcels that may be up for sale. The Rosses have indicated they would work with Nancy Ross' sister, Joanne Williamson, who inherited the 23.5 acre parcel just east of the Rosses'. Discussion included taking recreation land from Williamson's parcel and locating storm water management facilities on Ross'. This would satisfy the regulatory requirements for both parcels, but would be done only with prior agreement of the property owners. Cross stated meeting the EPA requirements with regard to the quality of stormwater discharge for the parcels on the south side of Dart Drive may be a problem and the developer must address this issue. Hickey stated when the applicant comes in for Sketch Plan Review the Board could ask about the drainage issues.

Dankert moved to adjourn the Public Information Session to Nov. 13th due to the failure of the applicant to attend tonight's meeting. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

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Reports:

Board of Trustees – Hickey stated Dave Putnam gave an Engineer's Report on the Triphammer Road Project and Suit-Kote is almost done for this year. There are 3-4 stone wall projects to be completed next year. Some of the trees will also be done next year. Electricians are working and the lamp posts are being installed. Hickey stated that Leopold spoke about common household waste and pollutants which are being dumped into the stormwater systems. It was recommended that this be an item to be addressed in each Newsletter. Hickey also made a presentation to the Board about wayfinding signs and learned that Kathryn Wolf is also reviewing this. Hickey and Klepack will work in conjunction with Wolf on this. Tomei will be an alternate as well if needed. Dubow stated the Board of Trustees discussed the Lansing Trails II Letter of Credit amount which expires at the end of November as a portion of it may need to be extended although most of the work is completed. The detention pond may pose a problem as it is not completed, but this will be evaluated by Cross. Any action on the Letter of Credit can be taken at the second Board of Trustees meeting in November. Dubow also stated that the process of conveying Bomax Drive to the Village is in the final stages. Hickey stated resident John O'Neill is concerned about the lack of street lights on Graham Road. Hickey stated that if sidewalks are being required throughout the Village for new subdivisions, then the Village must take responsibility for maintaining and lighting them which will entail additional cost. Hickey stated that the Graham Road intersection is much better as Superintendent of Public Works John Courtney addressed the problem of the timing of the lights and turn arrows.

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Other Business as Time Permits:

Klepack stated she was jogging along the B & T Park and saw signs saying this area had been treated with pesticides and was curious about their effect on the lake. She checked on the Internet and learned that the use of pesticides has grown and most state laws prohibit municipalities from passing regulations for the locally controlled use of lawn pesticides. Klepack questioned if this is true in New York. Dubow responded there are state or federal regulations for the application of pesticides which may supercede local laws. Cross stated that individual homeowners who apply pesticides themselves are not required to place signs and do not come under the regulations for commercial applicators. Board members discussed chemicals and their effects.

Cross stated he and Courtney have received letters from the EPA offering to do voluntary Department of Public Works yard inspections. Dubow stated the EPA is advising local governments that having the municipality voluntarily

complying might be beneficial and may reduce possible penalties and fines.

Hickey referenced handouts from Curtis and the possibility of future municipal parking or even a parking garage being needed for North Triphammer Road.

Stycos spoke about a plan being devised by the County for emergency situations. Hickey stated the Village would be subject to whatever disaster management plan and command structure that was developed by the County. Stycos thought this should go in the Newsletter. Discussion ensued about the possibility of having the County Coordinator make a presentation to the Board or to request a copy of the County Disaster Plan pertaining to the Village. Dubow stated that there is a new council of governments which has been formed and of which the Village is a participant and this might be a topic for intermunicipal discussions.

Planning Conference – Tomei:

Tomei reported that he attended 6 sessions at the NYS Planning Conference. The keynote speaker, Ed McMann, spoke about dollars and sense and the value of protecting the elements of a community that give it character. McMann stated that one acre of asphalt creates sixteen times more runoff than an acre of permeable land. McMann also stated that unique features of a municipality should not be torn down. Tomei stated he learned that large enclosed malls are dying out and in their place town centers are being developed. Other workshops Tomei attended included: Maps, Plans and Plats; Stormwater Regulations; Nature and Fragments; and Basic SEQRA. Tomei stated that effective January 2007, all Planning Board and BZA members are required to have 4 hours of training annually. Hickey stated there will be a variety of ways to achieve this. Cross stated there will be classes and each member will keep their own records of attendance. Hickey thanked Tomei for his report.

Adjournment:

Klepack moved to adjourn the meeting at 9:10 P.M. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.