

**Village of Lansing
Planning Board Meeting
November 13, 2006**

The meeting of the Village of Lansing Planning Board was called to order at 7:33 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; Board of Trustees 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, Dankert moved to close the Public Comment Period. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Ross Subdivision:

Stycos moved that the Public Information Session from the last meeting's agenda be further adjourned and continued to the next meeting on November 28th as the applicants were not in attendance. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Amendment to the Lansing Trails 2 Subdivision:

Hickey stated the next item on the agenda was an amendment for the Lansing Trail 2 Subdivision per a request submitted by developer Ivar Jonson to have the rear yard setbacks of the properties around the cul-de-sac, Bomax Circle, reduced from 50 feet to 40 feet. This will increase the size of the buildable area on these lots. Dubow stated the envelope of buildable area will be 10 feet closer to the rear lot line, and also indicated that the rear yard setback required for this zoning district is 40 feet. Hickey asked Jonson for clarification on who would own and maintain the walkways around the circle and interior parkland. Jonson stated they would be owned by the Village as part of the recreation land. Dubow noted open space will be owned by the Homeowner's Association and the Village would have the right to intervene if it is not maintained. Curtis stated the walkways are part of the Greenway Plan. Dubow is uncertain if the diagram was intended to show trails or sidewalks. This needs to be clarified. Curtis stated there is a small section of sidewalk in another phase that will need to be addressed as it crosses open space.

Dubow stated there is a section of Subdivision Law which includes a provision for minor changes to a subdivision. Klepack moved to classify this amendment as a minor amendment to the Lansing Trails 2 Subdivision. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Klepack moved to approve the amendment to change the rear setback lines from 50 feet to 40 feet for those parcels on Bomax Circle. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Nextel Cell Tower – Discussion:

Hickey stated the next item on the agenda was for the Nextel Cell Tower proposed for the Pyramid Mall property. Steven Elsbree, Site Acquisition Consultant for Nextel Partners, made the presentation. Elsbree stated he had come before the Board more than a year ago for the roof-top location on the Marriott Hotel. Now, there is a need for coverage in and around Pyramid Mall. His proposal is to place a temporary short pole in the area between the Ramada Inn and Pyramid Mall. Included in the packet of materials distributed was a photo simulation showing the temporary pole behind the Ramada Inn on Pyramid property. Dubow stated this Board has the ability to approve a cell tower but there are no specific regulations for temporary units and all requirements for cell towers must be met as if it were a permanent structure. The Board would need to make its determination on the temporary unit the same as if it were a permanent unit. Elsbree stated the construction timeframe is approximately 60-90 days and they would like the pole to be in place for the holiday season. Hickey stated the Board would not be favorably inclined towards doing a full review and approval process for a temporary unit with possible extensions and then have to repeat the process for a

permanent tower. Dubow asked about leases with the property owner. Elsbree stated that document should be forthcoming this week for the proposed location. Hickey thought this location might be in the area where Pyramid Mall is proposing the Ring Road to go in the final phase of their development. Elsbree stated this is the proposed location for the temporary unit and the permanent location and height of the proposed tower is not yet determined. Hickey stated that because of the requirement that this proposed temporary tower meet all the requirements for any cell tower coupled with the fact that there are only two meetings left before the year ends, it would not be feasible to review and approve the temporary tower before the holidays.

Hickey stated the Board would be glad to look at an application when it is complete. Curtis noted that T-Mobile might be able to accommodate a co-location if they replaced their tower with another one 10 feet higher, but there may be problems associated with this. Elsbree thought that, as revised, the Village's Cell Tower regulations permit the Planning Board under certain circumstances to approve structures that do not meet the requirements of the fall zone. Dubow stated this would be subject to review of each individual case to show the intent was satisfied by other means. Cross asked about the height. Elsbree stated the tower would be at 44 feet which Cross noted is the same as T-Mobile's tower.

Stormwater Management Regulations – Discussion:

Hickey stated much of the work to be done on this will be between the lawyer, engineer, Code Enforcement Office and Mayor. Hickey made notes on the document as to what needed to be included from the Subdivision Law. The Board then went through the NYS Model Local Law page by page. Dubow stated he felt there should be a separate new chapter in the Codification that will address stormwater management specifically. Appendix G and other sections of the Subdivision Law may need to be pulled and made a part of this new chapter. Site plan review is included as part of special permit reviews in the Village Code and is covered under the Zoning Law. Cross referencing must be done for coordination.

Page 2, General Provisions looks fine to Hickey. Klepack stated there are some grammatical problems. Dubow stated those issues can be cleaned up when the final local law is written.

On page 3, Purpose, Hickey wants to be certain that erosion control measures are implemented when someone does any major disturbance of a property. As an example, Hickey stated someone on Bush Lane is cutting trees to get to the back of the property. While this property owner is not removing stumps and thereby creating a chance for erosion, how would the problem be addressed if he was creating an erosion issue and the area was less than an acre? How would erosion and sedimentation measures be addressed? Dubow stated this could be addressed in the definition of "land development activity" within the chapter on stormwater management. Dubow stated the Board could be more restrictive than one acre. Curtis stated that within the context of the State's Model Law, this would trip a stormwater mitigation plan, monitoring and reporting requirements, etc.. Hickey feels erosion control can be addressed without these more complicated requirements. There was discussion of having erosion control requirements separate from the stormwater management regulations required by the State. Curtis stated a project is a "site improvement" when it affects drainage on the property, but most landscaping does not significantly affect drainage and no building permit is required. If stumps were to be removed or the property grubbed, Curtis would require a site improvement permit as such work exposes the site to erosion. Curtis also stated that building permits routinely include language on erosion controls, requiring measures such as silt fences to be in place during construction and ground cover restored as a condition for a CO.

Curtis stated that Sections 2.5 and 2.6 should not reference "the volume of stormwater discharge" but rather "the increase in the rate of stormwater discharge". Curtis also feels statement 2.6 should be clarified by adding "due to development" regarding the events the section intends to regulate. Board members discussed rates and volumes of stormwater runoff and definitions. Hickey recommended the professionals deal with this at a later date.

On Page 4, Hickey stated Section 4.3's reference to "site plan review" should be deleted as this is included under special permit review in the Village. Hickey stated 4.4 is unclear. Dubow stated that this section references the definition of "land development activity" in the Model Law. Dubow stated it could reference a part of a parcel that is also less than one acre if it is a part of a larger plan of development.

On Page 4, Exemptions, members asked about the definition of silvicultural and it was noted that this refers to forestry. Dubow stated the language of this section would need to be coordinated with the Village Zoning Law. Dubow stated Curtis and Cross could address this. Dubow stated 5.3 is unclear as to what it applies to and if it applies to private or public property. Leopold questioned 5.8 and how cell towers would be addressed. Hickey stated they would be included under the special permit process. Dubow stated that language could be included at this point to state "...unless otherwise provided in the Code".

On the top of Page 4, Curtis noted that as written this Model Law requires the services of a registered professional engineer. The Village, however, would like to utilize staff at the Soil & Water Conservation who hold a NYS certification for Stormwater Management that is acceptable under State law to perform some of these functions. Dubow will include this position along with professional engineer.

On Page 5, Definitions, Dubow stated that the definition for "building" must be coordinated with that in the Village Zoning Law. Dubow stated that the definition of "Land Development Activity" must also be coordinated with other Village laws. Hickey recommended Curtis review these definitions.

On Page 6, Curtis felt the definition of "sensitive areas" was unclear in referencing "special concern species" without explaining what that means. Leopold stated there is a NYS list of such species. Hickey stated the Stormwater Management Officer is the Code Enforcement Officer. Regarding the definitions of "stormwater management...", Dubow recommended for consistency purposes that all three items reference the rate of run-off.

On Page 7, Section 2, "Stormwater Pollution Protection Plans" needs to be compared to the existing Appendix of the Village's Subdivision Regulations. This will need to be cross-referenced. Hickey stated that Section 2.2.1 (4) needs to allow for more flexibility by the Code Enforcement Officer. Curtis recommended that a "notwithstanding clause" be added to allow the Stormwater Management Officer to deal with smaller as well as larger parcels of land. Dubow will include this language.

On Page 8, Cross will review Item 16 under Section 2.2.1. Regarding Conditions A-C under Section 2.2.2, it was determined that the majority of the Village would be in Conditions B & C. Cross noted it would be up to the applicant to address the applicable conditions.

On Page 9, regarding contractor certification, it was explained that this simply requires each contractor to certify that he or she has read and understands the Plan and is taking the responsibility for ensuring its implementation within the scope of his or her work.

On Page 10, Cross stated Sections 3 & 4 are intended to ensure that generally accepted standards are being met. Curtis stated he has the book titled NY Guidelines for Urban Erosion and Sediment Control. Hickey stated the Village will be certain all such referenced materials are available prior to the law taking effect.

On Page 11, Section 4.1.3 states that the applicant, developer or their representative must be on site at all times when construction or grading is taking place. Board members discussed the feasibility of this. Board members felt this concern was sufficiently addressed in Section 4.1.2. Curtis recommended that if Section 4.1.2 is not being met, then language can be added allowing the Code Enforcement Officer to require more inspections. Regarding Section 4.2, Curtis and Dubow stated that language must be changed to include easements and /or dedications or conveyances to the municipality. Dubow stated for Section 4.3, the Board must be aware that the Village will ultimately be responsible for maintenance of stormwater management facilities after construction if it continues to require that it take title to such facilities. Hickey stated this will be a Board of Trustees decision as to how the Village will manage this responsibility.

On Page 12, Dubow will address Section 4.4, Section 5, Article 3, and Article 4.

On Page 13, Dubow will address anything referencing site plans. Dubow will also change Article 5 to state that these regulations supercede any other regulations and the more restrictive regulations will apply. Hickey stated the rest of the document is also legal and Dubow will address them.

On Page 14, Section 1.1, Curtis would like it to state that notification need not be in writing and allow work to continue at the discretion of the CEO as remedies are implemented. Dubow recommended that Cross, Curtis and himself review the document. Dubow stated penalties are listed on Page 16 which are more than others currently in Village laws. Curtis stated consistency with other Village laws is needed. Dubow also noted that Cross would need to review Schedule B on Page 19.

Approval of Minutes – September 26th and Oct. 24th:

Dankert moved to approve the minutes of September 26th as revised. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Stycos moved to approve the minutes of October 24th as revised. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

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Other Business as Time Permits:

Hickey noted that Board members received a document entitled *Draft Executive Summary of the Transportation Plan for the Town of Ithaca*. Hickey stated this is well done and a good reference, but is for information only at this time.

Cayuga Lake Waterfront Plan:

Hickey stated he received a telephone call from Joan Jurkowich of Tompkins County Planning regarding the recommendation by the Village of the Cayuga Lake Waterfront Plan. Although the Village does not have much land to which the Plan is applicable, the Mayor asked the Planning Board to make a recommendation.

Brown thought it was very well done and felt comfortable making a favorable recommendation tonight to the Board of Trustees. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

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Reports:

Board of Trustees: Leopold stated there was no meeting last week. Leopold stated the trees along N. Triphammer Road are in place. Hickey is concerned that structural soil was not used. Hickey called Superintendent of Public Works John Courtney regarding this and learned electrical lines are in a conduit 18 inches below the ground surface. Structural soils must go down more than 18 inches. Good topsoil was placed but structural soils would have encouraged the roots to grow down rather than outward where they can possibly heave sidewalks and such. Hickey stated that the ribbon cutting for the road is this Friday.

Leopold stated the Village also voted to join the Tompkins County Council of Governments. The representative will be Mayor Hartill. Leopold attended one meeting regarding deer management.

Other Business as Time Permits:

Hickey and Klepack are still working on revisions to the Greenway Plan and will finish this year.

Adjournment:

Stycos moved to adjourn at 9:20 P.M. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.