

**Village of Lansing
Planning Board Meeting
January 30, 2007**

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 Phil Dankert, Carol Klepack, Maria Stycos and Mario Tomei; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross, Code Enforcement Officer Ben Curtis, and members of the public.

Public Comment:

Hickey opened the Public Comment period.

A member of the audience stated she has heard that Tops Market is up for sale. Hickey stated the rumor has been flying lately but the Village has no actual knowledge of that.

Sorel Gottfried, 1016 Cayuga Heights Road, asked for approval to ask questions after the presentation. Hickey stated that would be acceptable.

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

Continuation of Public Hearing – Preliminary Plat Approval of Bolton Estate Subdivision:

Hickey stated the first item on the agenda for tonight's meeting was the continuation of the Public Hearing for the Preliminary Plat Approval of the Bolton Estate Subdivision, a major subdivision by Edward Crossmore dividing one 128.1 acre lot into 21 building lots for one and two family homes and residual land to be dedicated for recreation and infrastructure. The parcel is located on the west side of East Shore Drive just north of 1510 East Shore Drive in the Low Density Residential District, Tax Parcel No. 42.1-1-37.2.

Hickey stated the Public Hearing was opened in December which was subsequently adjourned to January 8 and again until tonight. Andy Sciarabba Jr of TG Miller PC Engineers and Surveyors, engineers for the project, will be asked to make a short presentation and then the Public Hearing will be reopened.

Sciarabba briefly reviewed the changes made since the last meeting. First, the Unique Natural Area from the SW corner across the existing access road to the northern corner has been depicted on the plat. Secondly, lots 7 and 8 have been relocated to the interior of the proposed loop road. Also notes have been added indicating the stormwater management facilities will be offered for dedication to the Village. Although 4 stormwater management pretreatment facilities were previously proposed, they have been combined into 3, approximately ½ an acre each along the inside of the loop road, and a detention pond on the west side of the road. Thirdly, regarding the concerns about the protection of the cliff area, there is a proposed conservation easement 200 feet wide extending eastward from the existing train tracks, and extending from the southerly boundary of the property north to include all of the cliffs. This will provide a buffer for the cliffs varying from 100 to 200 ft. in response to the recommendations of both the Tompkins County Environmental Management Council and the County Planning Department that at least a 100 buffer be established from the top of the cliffs. The easement will be conveyed to the Village and there will be no development or disturbance in those areas. Fourth, in response to the County's letter, the developers have proposed buffers for the 4 streams. These are in the Drainage Conservation Combining District and will provide 100 ft. setbacks which will make the buildable area of the affected lots smaller. Sciarabba stated that the easterly extension of one of the streams along the loop road will also have a 50 ft. setback to assure the stream areas are not built upon or otherwise adversely impacted. Fifth, lots which could not be developed without municipal sewer have been eliminated. Lots 7 and 8 have been relocated to above the loop road and now all lots are to be developed with on site septic systems. Construction on lots 4, 5, 6, 9, 10, 16 and 17 will require a Special Permit and independent environmental review. Hickey asked Sciarabba to indicate the limits of disturbance with a line on the plat and Sciarabba pointed this out to those present.

Sciarabba stated the developers are assuming about 1.25 acres per lot for disturbance and stormwater management facilities were based upon that number.

Hickey opened the Public Hearing.

Walton Cottrell, 15 Windjammers Way, asked to be shown where lots 7 and 8 were moved to. Sciarabba indicated both on the map. Additionally, original lots 1 and 15 were reduced and a shift made to accommodate these 2 new lots.

Gorttfried asked how the land previously included in the old lots 7 and 8 was allocated. Sciarabba stated some area was added to lot 6 and lots 16 and 17 were also changed to give them lake frontage. Gottfried stated the access to the beach area is restricted and Sciarabba confirmed this.

Stycos asked where the septic fields would go. Sciarabba stated the initial septic and provision for a replacement septic as well as the house would all be placed within the limits of disturbance shown on the plat.

Tomei asked what became of Phase 2. Sciarabba stated there is no longer a Phase 2 as all proposed lots can now support a private septic system. Sciarabba stated that if someone chose to build on an area with greater than 15% slopes, they would need to wait for sewer and go through the Special Permit process.

Michael Fishman from Cazenovia, a certified wildlife biologist from Stearns and Wheler, next gave his report of his review of the area. Fishman stated he has received a report back from the Natural Heritage Program indicating there are rare species in the critical habitat area of Cayuga Lake which includes this area. The first rare species, which is unlisted, is a blackchin shiner which is a small fish considered critically imperiled in NYS. This fish, if present, could be found in Cayuga Lake. Since the Subdivision will not impact Cayuga Lake, Fishman stated it will not have an adverse impact on this fish species, if the species is still present in the lake. Other threatened or endangered species included on the state list are Drummond's Rock Cress and Rock Cress which were located south of the site, although there may be some on this site as well as it has the same type habitat. Given the proposed conservation easements and limits of disturbance, however, Fishman stated there should be no impacts.

Hickey asked for clarification on the first letter from Fishman regarding the 500ft. area from the cliffs to the shorelines. Fishman stated the 500 ft. also includes the steep areas above the cliffs.

Klepack asked about the location of the mature eastern hemlocks and northern hardwood forests. Fishman stated these fall within the stream and ravine areas on the northwest portion of the subdivision which is comprised of lots 4 and 5. Klepack asked about critical or endangered habitats. Fishman stated there is for the habitat of the silver maple throughout NYS but he is not aware of any such habitat on this site. Fishman stated that setbacks as well as Special Permit review will protect any rare or endangered species in the area.

Hickey asked about the indicator status letters on the previous biological chart submitted by Fishman. Fishman stated they are standard indicators by the US Fish & Wildlife Service.

Ed Marx, County Planning Commissioner, stated that he was pleased to see some of the recommendations made by the County were noted and revisions made accordingly. Marx feels important natural areas such as this one are quickly being lost in the County. Marx stated the County would like to reach out to the developer to try and protect this area for permanent protection for the public to always enjoy. Marx stated he appreciates the efforts made to date by the Planning Board, owner and developer. Marx has spoken to others about the public acquisition of what are proposed to be the Special Permit areas. Acquisition of those lots would not impact the remainder of the development although the two lots extending across the road may cause difficulties. The next step to move forward would be to work together to obtain an appraisal of the property. In conjunction with that appraisal process, NYS should be approached to see if funding might be available. Marx feels this might be a good possibility due to the fact that this is shoreline property and is also a part of a defined Unique Natural Area. Marx stated this is the type of property NYS has indicated they would like to preserve. Acquisition of this land would lead to permanent protection from the land side as well as from the lake side. Marx stated that it is difficult to assess this property for potential impacts at this time of year, but the Special Permit process will allow for additional review when construction is actually proposed on a particular lot at

some time in the future. Regarding the archeological sensitivity, the Village should await a response from NYS before action is taken. Marx stated that by "stream buffers" the County meant protection from all potential adverse impacts and no disturbance should occur in those areas. Marx then thanked the Board for the opportunity to share his comments with the Board.

Klepack asked about clarification on the stream buffers and setbacks. Marx stated that stream buffers cannot be disturbed in any way and must remain in a natural vegetative state. In comparison, a setback distance would allow for the lawn to go directly up to the streambed. Hickey stated that in the Village, 200 ft on either side of the thread of a stream is included in the Conservation Combining District which requires a Special Permit and environmental review as a condition for any proposed construction. Marx stated clarification is needed for the 50 ft. stream setbacks. Sciarabba stated the 100 ft. setbacks on the larger streams would be a non-disturbed area but in the 50 ft. setbacks there could be lawn.

Dankert asked about the area for acquisition. Marx stated the area should be the entire amount within the Special Permit area as NYS or Land Trust is only interested in larger parcels of land.

Cross asked for an explanation of the various lines depicted on the map. Sciarabba responded that one showed the Unique Natural Areas. Another shows lots which require Special Permits. If any portion of the lot falls within a drainage area, steep slope or Unique Natural Area, that would make the lot subject to Special Permit review.

Cross asked for clarification on the depiction of buildable areas with setback lines and why setback lines are shown in areas where no building would be permitted. For example, if for lot 17 the house must be built on the east side of the loop road, why is there a setback line shown on the portion on the west side of the loop road? Dubow stated those are zoning setback lines. Sciarabba stated these lines would also apply to benches, gazebos, etc. Dubow stated it is customary to indicate such lines on a plat.

Cross stated that in the preliminary plans all lots were 5 or more acres. Cross stated this may have been because of Health Department requirements and septic system designs. Cross noted there are now 2-3 lots under 5 acres. Sciarabba responded that so long as there are less than 5 lots under 5 acres this does not trigger a Health Department review.

Cross stated that the 50 ft. stream setbacks outside the Unique Natural Area are not required and therefore can include a road and driveways. Sciarabba stated the 50 ft. is not a buffer in the sense that no disturbance could take place, but rather an area where improvements could be restricted to protect the stream.

Finally, Cross wanted to be certain the Town of Lanisng proposed sewer line is considered. Hickey stated that does not need to be discussed as part of the SEQRA review, but will be addressed at a later time.

Hickey stated the issue of the size of the conservation easement needs to be discussed. Hickey feels there are areas that are not protected. Hickey asked if it is possible to expand the 200 ft. setback line to the east to include 400 ft. especially on lots 7 and 8. Crossmore stated nothing is cast in stone but it is a balancing act. Crossmore stated that Knappen built a house directly to the south of his property and it is obvious from the other side of the lake that his house is built back from the cliffs rather than on the cliffs like other properties. Crossmore stated the Knappen house was built around the 200 ft. line and the cliffs were not disturbed as well as some area behind them.

Stycos asked about lots 16 and 17 which go across the loop road and where exactly the boundary lines were. Sciarabba stated the larger maps depict all the lots and it is easier to see where the lines are.

Klepack asked Marx about how fast the State would act on this. Marx felt there would be an indication soon as to whether they are interested in this. Klepack stated she is impressed with Crossmore's interest in protecting this area. Crossmore stated he has investigated this to some extent, but in dealing with NYS, he does not want to lose control of the project. Crossmore is open to hearing from the State, but does not want to put a hold on this project. Crossmore has time constraints on having this road built and needs to proceed, but he is willing to leave the option open to pursue this.

Hickey stated the Board would proceed on completing the SEQRA although it needs to hear from the State regarding historical and archeological concerns. Hickey stated this can be resolved at a later time when the SEQRA is finalized. Hickey is still concerned about lots 16 and 17 since part of those lots are now in the area requiring Special Permit review. Hickey asked if Crossmore would consider a change in lots 16 and 17 if parts of those lots become land which may be acquired for the public. Crossmore was amenable to this. Hickey stated he is then comfortable with proceeding.

Stycos further stated that lots 16 and 17 would still be viable lots if they stopped at the roadway and did not extend to the west of the roadway. Crossmore stated that monetarily he is not willing to donate the area of those lots located on the west side of the loop road because as the lots are presently proposed he would get a better return for his investment. Crossmore further noted that he would be willing to consider selling the area to the west of the loop road if the land were to remain undeveloped.

Crossmore stated he would like to see the final approval of this project by March or April so he can proceed with the building of the road and installation of utilities.

Next, the Board began work on the SEQRA Part 2. Hickey recommended the Board refer to the mitigation measures described in the matrix provided by Sciarabba. Responses to SEQRA Part 2: Question 1 impact on land is yes, potential large impact, but mitigated by road and home construction on slopes of 15% or greater have been minimized. Lots 4, 5, 6, 9, 10, 16 and 17 will require a Special Permit and be subject to further environmental review under Chapter 145 Section 48 of the Village of Lansing Code. Dubow also noted there has already been mitigation by removing lots 7 and 8 and relocating them to the east of the road. Construction on land where depth of bedrock is 0-3 ft. will have a small to moderate impact. The phasing has also been eliminated so it will not be a concern.

Question 2, effect on unusual land forms, is yes, potential large impact, and mitigated due to the cliff areas being taken out of the developable area. A 200 ft. Conservation Easement is proposed across lots 9, 10, 16 and 17 which will result in a buffer from the cliff of between 100 and 200 ft. These lots will require additional review under the Special Permit process. Stearns & Wheler performed a flora and fauna study. Refer to this study for findings of flora and fauna in the cliff areas. In addition to this study a deed restriction will be added to those lots requiring the owners to hire a professional consultant to perform an updated inventory of flora and fauna on each lot for submission as part of the Special Permit process for any proposed construction.

Question 3, impact on a protected body of water, answer is no. Question 4, non-protected body of water, is small impact on small and/or intermittent (streams) but no mitigation is required. Question 5, surface and ground water quality and quantity, is yes, potentially large impact because a discharge permit is required for construction for stormwater management. It will be mitigated through the required storm water management plan. Also, there is a potentially large impact due to siltation as noted in the comment from the EMC Report indicating temporary sediment basins may alter hydrology enough to create gradual and long-term changes within the Unique Natural Area communities. This will be mitigated by the erosion control measures in the stormwater management plan.

Question 6, drainage patterns, answer is yes, potential large impact due to substantial erosion to be mitigated by retention ponds and temporary and permanent stormwater quantity and quality practices to be constructed in accordance with Village and DEC regulations to mitigate impacts on Cayuga Lake. Also mitigated due to lowering of density to 21 lots on 128 acres with deed restrictions prohibiting further subdivision. Question 7, impact on air, answer is no.

Question 8m, endangered species, answer is yes but impact may not be large. All identified species are in conservation areas. The records will also reference the Fishman Report. Sensitive areas will also be evaluated on a lot by lot basis through the Special Permit process when and if any construction is proposed. Question 9, non-threatened species, answer is no. Question 10, agricultural land, answer is also no. Question 11, aesthetic resources, answer is no. Question 12, historic and archeological resources, the Board is awaiting the letter from the State on historical/archeological issues. Question 13, open space and recreation, answer is no as open space is being preserved and recreation space acquired for the Village. Question 14, critical environmental areas, answer is no because there is

no Critical Environmental Area on this parcel. Question 15, transportation, answer is no. Question 16, energy, answer is no. Question 17, noise and odor, answer is no. Question 18, public health, answer is no. Question 19, character of the neighborhood, answer is no. Question 20, public controversy, answer is no; even though there are concerns, there is not controversy.

SEQRA Part 2 has been completed with the exception of Question 12 which will be completed when documentation is received by the Board.

Hickey stated that one other item the Board needs to address is whether to reserve land as a potential route for the public sewer. Cross stated there is a potential for the Town of Lansing sewer line to transverse this property and feels this should be acknowledged on the plans. Cross stated the route would be dictated by the contour lines on the property. Cross stated the sewer line may not follow the roadway. Cross further stated that the developer's engineering firm is also the engineering firm for the Town of Lansing so they would have the most information on where the proposed line might go. Hickey stated that where the proposed line will go may benefit the sale of the property. Crossmore stated knowing where the line is proposed would be helpful in a number of ways, but it is not clear that the matter has been decided with any certainty. Hickey stated it would be nice to have the proposed sewer line on the preliminary plat but it could be added on the final plat.

Another item Hickey had on his list was to consider waiving the 10% slopes on the roads. Cross stated the Village laws limits the roads to smaller slopes. Sciarabba stated that the Village law limits slopes to 7% on main roads and 8% on cul-de-sacs. Sciarabba stated the steepest slope in the development is 10% which follows the contour of the existing roadway. Dubow recommended this waiver be done at plat approval. Cross recommended the maximum be 10% slope on roadways.

Hickey stated that at the next meeting the Board will complete the SEQRA if the additional information is received. The Board will also consider approving the Preliminary Plat at that meeting. Hickey stated the Board would also need to do the findings for the recreation area. Dubow stated the Board must also develop findings to respond to the County 239 Review. Dubow recommended Marx be asked to revisit the the County's original 239 determination in light of the newest proposal from the developer. Hickey will contact Marx regarding this.

As there was no one else who wished to speak, Klepack moved to adjourn the Public Hearing until Feb. 12th. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Approval of Minutes – Jan.8:

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

Other Business as Time Permits:

Hickey thanked Curtis for providing information on stormwater management to Board members for their review.

Adjournment:

Stycos moved to adjourn at 9:21 P.M. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.