

**Village of Lansing
Planning Board Meeting
May 29, 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; Alternate Planning Board Member Richard Durst; Attorney David Dubow; Engineer Brent Cross; Trustee Liaison Lynn Leopold; and Code Enforcement Officer Ben Curtis.

Public Comment:

Hickey opened the Public Comment period.

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

Uotila Subdivision – Sketch Plan Review and Classification:

Hickey rearranged the agenda to place this item first. The item was for a Sketch Plan Review and Classification of the Uotila Subdivision, a minor subdivision by Jeff Uotila to divide one 7.11 acre lot into two 3.555 acre lots. The lot to be subdivided fronts on Bush Lane and is located in the Medium Density Residential District, Tax Parcel No. 45.2-1-45.1.

Uotila stated he is proposing to subdivide a parcel into two 3.555 acre lots. Hickey asked if there was going to be a road built. Uotila stated he will be selling the lots and does not know what the buyers may do but he is contemplating there will be two driveways. Hickey stated this would have a bearing on how to classify the subdivision.

Hickey then appointed Alternate Planning Board member Richard Durst to serve in the capacity of an acting Board member at tonight's meeting in place of Planning Board Member Stycos who had not yet arrived.

Dankert asked for the dimensions on the smaller lot and if there is enough room for a driveway. Uotila stated the lots would be the same size, but that the one with least road frontage would still have the minimum 100 ft.

Klepack asked for clarification on the two lots. Uotila stated they are each 3.555 acres one with 100 ft. frontage and the other with 120 ft. Klepack asked about the owner of the 1.8 acre lot bordered by Uotila's lot on two sides with the long driveway and was told it is owned by Jonathan Panzer. Hickey stated that the lot to be subdivided was the former Spitsberg Subdivision which had been approved for 6 lots. Hickey stated that in order for the subdivision to be classified as a minor subdivision it cannot include construction of a road. Curtis stated that Spitzberg was contemplating putting in a road for the 6 lots and in all likelihood since this property will be subdivided into two parcels, the owner of one parcel would not pay the cost of a road for a possible further subdivision of 2 or 3 lots. Hickey stated conditions can be imposed on the final plat to address concerns of the Board.

Durst moved to classify the Uotila Subdivision as a minor subdivision of two lots with no road construction. Seconded by Tomei. Ayes by Dankert, Durst, Hickey, Klepack and Tomei. Motion carried.

Curtis stated Uotila should contact him tomorrow regarding the Public Hearing on June 11th.

Special Permit No. 1750 Amendment, 35 Thornwood Dr., Additional Parking Spaces

Hickey stated the next item on the agenda was an amendment to Special Permit No. 1750, 35 Thornwood Dr., to construct 13 additional parking spaces.

Frank Santelli of TG Millers stated there has been a change in the tenants at 35 Thornwood Drive and additional parking spaces are needed. The original proposal was for 126 parking spaces of which 6 are handicapped. The request

now is to add 13 more regular parking spaces for a total of 139 parking spaces. Santelli stated the original building was for 55% office and 45% lab spaces and the percentage of office space, which requires more parking, has increased. The Zoning Law would allow or require between 120 to 150 parking spaces so this request would fall within the limits of the law.

(Maria Stycos entered the meeting.)

Hickey stated the Board is authorized to grant reductions and increases in the number of parking spaces. Hickey asked if there is a documented need for more parking beyond the increase in office space and decrease in lab space? Santelli responded that this request is based on the actual count of employees. Hickey asked if trees would be removed for the additional parking spaces and Santelli indicated no trees would be removed for the additional parking as it is presently a grassy area.

Cross has spoken with Santelli a few times. Regarding stormwater, this is not a large area but there was a previous adjustment when the deli came in so this is the second request for additional impervious surface. Santelli reminded Cross that a new pond was built during the tenure of John Majeroni though it was not located where it could serve this lot. There was a request to defer stormwater management for this site until the site next to the Marriott Hotel is developed. Cross is concerned that Board members may not remember to address this when that site is developed. Hickey recommended a letter be obtained from Cornell Real Estate to place in the files. Cross will obtain this letter from Cornell Real Estate. Curtis stated there is no mechanism to assure this will be addressed at that time but an escrow might make it more likely that it would be. Cross stated addressing this stormwater issue should not be a condition of this lot, but it should be for the undeveloped lot near the Marriott Hotel. Hickey stated this needs to be addressed at a later time so it is not forgotten.

Hickey stated that Durst would no longer serve as a voting member tonight because of the arrival of Planning Board Member Stycos.

Klepack moved to classify this parking amendment as a minor amendment to Special Permit No. 1750. Seconded by Dankert. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Dubow noted that Cross and the Planning Board, by approving the proposed amendment, will be acknowledging that the additional 13 parking spaces would not alter the Negative Declaration that the Board adopted as part of the original Special Permit Approval. Cross stated he has reviewed the potential impacts to the site and addressing the stormwater issue at a later date on the as yet undeveloped lot between the Marriott and 15 Thornwood is his only concern.

Klepack moved to approve the parking expansion for 35 Thornwood Drive as submitted on the plans dated 5/18/07. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Public Hearing – Bolton Estate Subdivision – Continuation:

Hickey stated that the Planning Board is continuing the Public Hearing on 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 there has not been much change but information has been received from the Public Archaeology Facility for archeological artifacts. In an e-mail from Chris Hohman to Andy Sciarabba dated 5/25/07, he stated the testing was completed by digging of pits within the project area and no historic or prehistoric sites were found. Hickey stated this will now allow the Planning Board to complete the SEQRA review.

Dubow stated the Board must complete Section 12, Part 2 on Page 16 of 21 which is for historical and archeological resources. Hickey stated the Board originally checked small to moderate impact and requested a survey be completed. This has now been completed and nothing was found so the impact should reflect none. Dubow stated it is up to the Planning Board to determine if this e-mail indicating nothing was found is sufficient with the condition

imposed that the report be presented to the Board when it becomes available. Board members agreed to mark Section 12 as none. This completes the SEQRA form.

Hickey re-opened the Public Hearing. No one from the audience wished to speak. Phil Dankert moved the following resolution; seconded by Stycos:

WHEREAS:

- A. This matter involves consideration of the following proposed action: 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 Number 42.1-1-37.2; 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 November 28, 2006, 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"), commenced its review of the proposed action and its review of the Full Environmental Assessment Form (the "Full EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action, which review continued at its meetings on December 11, 2006, January 8, 2007 and January 30, 2007; at which December 11, 2006 meeting it was determined that further information and review, including the consideration of modifications to the Bolton Estate Subdivision preliminary plat, were required prior to the Board proceeding further; at which January 8, 2007 meeting the Board acknowledged that a modified preliminary plat and supporting documentation were being prepared by the applicant for consideration by the Planning Board at its scheduled meeting on January 30, 2007, and reviewed the flora and fauna survey and supporting materials submitted by Michael Fishman of Stearns & Wheler, LLC Environmental Engineers and Scientists; and at which January 30, 2007 meeting the Planning Board reviewed the modified preliminary plat and supporting documentation prepared by the applicant (including all mitigation measures provided for therein), considered further public comment and input from the Tompkins County Planning Department, considered the report, materials and presentation provided by Michael Fishman of Stearns & Wheler, LLC Environmental Engineers and Scientists regarding species, habitat areas and related environmental matters, and completed Parts 2 and 3 of the Full EAF other than Section 12 (Impact on Historic and Archeological Resources) of Part 2 as the report with respect thereto had not yet been received; and
- D. On May 29, 2007, 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) reviewed the preliminary findings and related written communication submitted with respect to Section 12 (Impact on Historic and Archeological Resources) of Part 2 of the Full EAF and thereupon fully completed its review of the Full EAF, Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review [including the General Municipal Law Section 239-1 response (with comments and recommended modifications to the proposed subdivision plat) dated November 28, 2006 received from the Tompkins County Department of Planning, the further comments and input provided by the Tompkins County Department of Planning in conjunction with the modified preliminary plat and supporting documentation prepared by the applicant, the response from the Tompkins County Environmental Management Council dated December 8, 2006, the reports, materials and presentation provided by Michael Fishman of Stearns & Wheler, LLC Environmental Engineers and Scientists regarding flora, fauna, species, habitat areas and related environmental matters, and the supplemental General Municipal Law Section 239-1 response (with further comments and recommended modifications to the

proposed subdivision plat) dated February 12, 2007 received from the Tompkins County Department of Planning], (ii) considered public comment elicited at the public hearing commenced on November 28, 2006, and continued on December 11, 2006, January 8, 2007, January 30, 2007, and May 29, 2007, (iii) reviewed supplemental and modified preliminary plat materials submitted by the applicant (including all mitigation measures provided for therein), (iv) 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 (v) completed the Full EAF, Part 2 (and, if applicable, Part 3);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Full EAF, Part 1, 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 Full EAF, Part 2 (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 SEQRA 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 Full EAF Determination of Significance confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Full EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

AYES: Ned Hickey, Maria Stycos, Carol Klepack, Phil Dankert and Mario Tomei

NAYS: none

The motion was declared to be carried.

Hickey stated that after the 239 Review by the County as well as the Preliminary Plat review, issues need to be discussed for lots 1-4 with regard to the 50 ft. stream setbacks and the impact of run-off on possible rare plants. Cross stated this has to do with the existing setback from the streams in the front yards of some of the lots or in the road right-of-way. Engineer Andy Sciarabba stated the 50 ft. setbacks are to maintain drainageways and there will be no residences or buildings in that area. The culvert and existing swale will be maintained and continue with a swale on the opposite side of the road. Hickey wanted to know how contamination of the stream which goes through the sensitive areas would be prevented. Sciarabba stated that this development would not make it any worse. Hickey is concerned about contaminants such as road salt and lawn pesticides. Cross stated the Board should ask themselves if a closed system would change anything and would better serve the purpose of controlling the contaminants. Cross stated the developers want to tip the road one way so all contaminants would go that way to the swale which is part of the stormwater management system. Hickey stated that the only contaminants that would get into the stream after it left the culvert would be off of the three lots.

Dubow stated that given the County’s 239 Review, if the Board decides to approve the Preliminary Plat, the Board must have a vote of a majority plus one to override the County’s recommendations, and provide the County with a letter explaining the Board’s decision. Dubow read the County 239 Review regarding two concerns of the county: 1) the need for a 100 ft. stream buffer and 2) eliminating portions of lots 16 and 17 located on the west side of the access road.

Hickey asked how the 50 ft. setback from the stream would be treated. Sciarabba stated it would be maintained as lawn area. Cross noted it would be occupied by road on the Village side. Dubow stated that the areas on the lots as set forth on the preliminary plat plans indicate where development can take place. Hickey stated the Board will request the 50 ft. setback from the stream not be lawn area but remain in a natural state. Curtis noted that the 50 ft. setback on the north would drain toward the stream. Hickey asked about the possibility of berming on the north side to prevent anything from flowing into the stream. Cross stated you still need to get a driveway through the berm. Hickey recommended the 50 ft. be either a natural area to filter the run-off or a berm with cuts for the driveways. Hickey stated this requirement could be placed on the plat. This will be enforced by the Code Enforcement Officer upon application for a building permit. Curtis noted that a lot of disturbance could take place for which no permit is required. Dubow stated there would be something on the plat as well as the building permit indicating that the 50 ft. setback cannot be disturbed and must remain in a natural state. The Code Enforcement Officer will be the enforcement agent. Cross stated that having the 50 ft. setback restriction requiring that the restricted areas of the lots on the north remain in a natural vegetative state would be futile as the southern side of the stream 50 ft. setback would be the roadway. Again, Sciarabba stated the lots on the south would drain away from the stream due to the slope of the roadway. Dubow stated that all of the final plat conditions will be recorded at the County Clerk's Office and they will be placed on the subdivision plat. It is up to the Code Enforcement Officer to enforce the conditions or cite the owner of the lot. Crossmore stated that he thought Curtis would have the authority to enforce this. Klepack asked about the purpose for the 100 ft. setback from the swale. Cross stated Sciarabba proposed the 50 ft. setback on each side prior to the County asking for 100 ft. Dubow stated it is the rate of runoff and stream flow that contribute to the microclimate that the species require which concerns the County, as indicated in its 239 review response. Hickey stated the whole discussion is based on the fact that there might be some sensitive plants in the area discussed, but there in fact may not now nor ever be sensitive plants in that area. Hickey stated when a Special permit is obtained for the lots in question, then the possibility of sensitive plants can be addressed by requiring a biological survey. Curtis recommended the applicants get a letter from Mr. Fishman prior to the meeting on June 11th responding to the County's 239 review. Dubow stated such a letter would in turn make it easier for the Village to respond to the County. Cross stated there is also a 50 ft. setback requirement for the stream at the southern end of the property. Hickey noted that the County did not express concerns about that stream. Sciarabba will have Fishman look at both streams.

Cross stated the issue of the sewer easement also needs to be resolved. Sciarabba suggested this be made a condition for final approval when it is more likely a final route will have been identified.

Dubow noted that the official SHPO Report regarding the archeological testing might also be ready by the meeting on June 11th.

Tomei moved to continue the Public Hearing until June 11th. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Next, the Board discussed the general issue of approval conditions and the covenants and problems associated with their enforcement. Cross stated that restrictive covenants could indicate that the reason an area is restricted is because that area constitutes a basis for the runoff figures in the stormwater management plan, and Crossmore should include this language in his covenants. Dubow stated that in the currently drafted conditions of preliminary plat approval there is a requirement for a restrictive covenant which limits development to the areas so indicated on the subdivision maps. There was discussion as to who enforces covenants. Curtis stated in Shannon Park he does not enforce the covenants; it is up to the other property owners to proceed with legal action. Dubow does not want to see the Village take on the policing of covenants that are specific to a particular development and are outside of the Village's interests. If the Village wants these covenants enforced, Curtis would like the Village identified as having an interest so that it would have a basis on which to intervene if the covenants were violated. Dubow stated there are some areas where the Village might like to have the authority of policing covenants.

Other Business as Time Permits:

Tomei stated he has researched the definition of family and is prepared to continue the discussion. The Planning Board

wanted Dubow to be present for this discussion, and it had therefore not been discussed at the last meeting at which Dubow was not in attendance. It was decided to continue the discussion on June 11th if time allows. Hickey stated the Board also needs to discuss single family residences converted to two family residences. Hickey stated this is a problem as the residence must be owner occupied and this does not always happen. Dubow stated the Board of Trustees must determine if the Village wants to spend funds to proceed with legal action to enforce the Village laws.

Hickey showed the Board the “clean up after your dog” sign for the parks and trails in the Village. Hickey stated this would also be a part of stormwater management.

Adjournment:

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