

**Village of Lansing
Planning Board Meeting
June 11, 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; 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, Tomei moved to close the Public Comment Period. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Uotila Subdivision

Hickey stated the next item on the agenda was final approval 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 has 7.11 acres on Bush Lane that he would like to subdivide. The prospective buyer has agreed that rather than have the lot divided into halves, the division line be moved 25 ft. to the west to provide space for a house without adversely affecting the creek on the one parcel. Uotila stated the surveyors could not come today to re-survey and re-draw the map but upon doing so Uotila will provide a corrected plat to be signed.

Hickey opened the Public Hearing.

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

Tomei questioned the approximate location of the creek. Uotila responded that it is drawn on the subdivision map about where it is located on the property. Tomei then asked how many buildings could be placed on the lots. Uotila responded that it is up to the Village to make that determination as he is only interested in selling the parcels. Uotila stated he has a potential buyer for Parcel A. Curtis stated that only a single family residence would be permitted on Parcel B for due to the 100 ft. road frontage, although there could be a second residence on the same lot pursuant to provisions in the Zoning Law intended to allow for "granny flats". Curtis stated that the owner of Parcel B could run a road up the 60 ft. ROW and would then have sufficient road frontage for additional units, but would be required to have 20,000 sf per lot for each single family residence. Curtis also stated that 125 feet of road frontage is required for a two-family residence.

Stycos asked about the setbacks from a stream for a residence on Parcel B. Hickey stated the Planning Board has, as a general rule, required that a residence to be built at least 50 feet from the center of a streambed, but this would be addressed in the Special Permit process. Curtis stated he has spoken with Uotila about protecting the stream which is why the additional 25 feet has been added to the one parcel.

Stycos asked about a shared driveway. Uotila stated a shared driveway is complicated unless both parcels are sold at the same time. Uotila stated a shared driveways can cause conflicts unless both parties have a sound agreement and without knowing who the second party is, such an arrangement is not contemplated at this time. Curtis reiterated that it was a discussion on the protection of the stream which led to the modification on the subdivision map.

Uotila referenced the medical building at the end of Craft Road which is built close to the stream and whether that sets

a precedent that would permit the residence to also be built closer to the stream. Cross stated it would depend on the classification on the stream. Uotila stated it is the same stream in question. Hickey stated the buyer could bring this before the Board when requesting a Special Permit to build on the site.

Next, there was discussion as to whether the property goes to the center of the road or to the ROW of the road. Cross stated that while it was once common to show the property line to the center of the road rather than to the ROW, it is now more common for the municipality to own the ROW. Certainly that is the case in the Village. Cross would recommend the plat not show the property to the center of the road. Dubow stated he is unsure if the deed states the property goes to the center of the road. Dubow stated that older deeds often recited that properties went to the center of the road subject to the rights of the public and this needs to be researched as to where the property ends. Dubow stated it is a Village road which is maintained by the Village and the public has the ROW over it. Dubow stated the surveyors are required to provide a map which is consistent with the title documents.

Dubow stated that if Cross wants the map to indicate that the property only extends to the ROW line then there must be a conveyance to the Village of the strip of land from the ROW to the center of the road. Hickey stated for consistency the Village should require all properties go to the ROW line, and where necessary a conveyance given to the Village. Dubow stated in the case of this subdivision this would require a title review and a survey revision, but should not hold up the process. Hickey stated the Board can give a conditional approval tonight and when the Attorney indicates it is okay to sign the plat Hickey will do so. Wayne Knoblauch stated he is the interested buyer of Parcel A and is agreeable to the Village owning the ROW, but does not want to see the process held up. Dubow stated Hickey cannot sign the final plat until the plat is drawn to reflect this new requirement of the 25 ft. ROW deeded to the Village.

Dubow stated for the record that this does not require SEQRA review because Village regulations do not require it for a minor subdivision. Curtis stated he has received Proof of Mailing.

Knoblauch asked if the Village owns the ROW would the Village be required to put in the culverts. Cross responded that if it is for the advantage of the Village they would, but since it is for the benefit of the property owner then the property owner is responsible for putting it in.

Tomei moved the following resolution, seconded by Stycos:

WHEREAS:

- A. This matter involves consideration of the following proposed action: Final Plat approval 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 Number 45.2 -1-45.1; and
- B. On May 29, 2007, the Village of Lansing Planning Board, in accordance with subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the sketch plan submitted with respect to this proposed action, and (ii) classified the proposed subdivision as a minor subdivision; and
- C. On June 11, 2007, the Village of Lansing Planning Board, in accordance with Section 123-2 of the Village of Lansing Code, determined that the approval of the proposed minor subdivision is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"); and
- D. On June 11, 2007, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the proposed final subdivision plat and accompanying materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully

before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that final plat approval of the Uotila Minor Subdivision is **GRANTED**, subject to the conditions and requirements, if any, set forth below:
 - a. **Revised final plat reflecting the 25' wide modification to a portion of the boundary line that separates Parcel A and Parcel B as such modification was presented to and approved by the Planning Board on June 11, 2007;**
 - b. **Revised final plat reflecting the northerly boundary of both Parcels A and B being along the southerly right of way line of Bush Lane (as opposed to the present centerline of Bush Lane) as required by the Planning Board on June 11, 2007; and**
 - c. **Conveyance to the Village of Lansing of the portions of Parcels A and B between the newly established northerly boundary line of such Parcels A and B (being along the southerly right of way line of Bush Lane) and the centerline of said Bush Lane, this condition of conveyance to be noted on the revised final plat, and the conveyance and title documents related thereto to be subject to the approval of the Village attorney.**
2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such final plat in accordance with subsection F of Section 125-6 and subsection A of Section 125-15 of the Village of Lansing Code.

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Bolton Estate Subdivision – Continuation:

The next item on the agenda was a continuation of the Public Hearing to consider 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 50 ft. stream setback issue for lots 1, 2, 3 and 4 needs to be clarified and discussed. Hickey stated the Village has received a letter from Stearns & Wheler dated 6/8/07 about rare plants in the area as well as comments about the 50 ft. setback. Hickey stated the Village also received a diagram from the Town of Dryden Stormwater Management Law which shows a vegetative buffer for a similar situation. Hickey stated the County recommended that a 100 ft. buffer be required yet Mr. Fishman, a certified wildlife biologist from Stearns & Wheler, has stated that 50 ft. is sufficient for residential land.

Hickey noted that lots 1-4 would have limited disturbance of vegetation from the 50 ft. line to the center of the stream. Although not on the preliminary plat, the 50 ft. line will be on the final plat and Crossmore was in agreement with this. Hickey also stated driveways can go through this area, but will be limited to 10 ft. in width although it can be widened after the 50 ft. undisturbed area. Hickey also stated that Fishman recommended plantings for this undisturbed area. Hickey stated that the buffer would be better if seeded ahead of time. Crossmore was in agreement with this.

Stycos asked to see the undisturbed areas again on the map. Andy Sciarabba, the Project Engineer, indicated the 2 swales on the map with the minimum of 10 ft. buffers on each side from the center of the swales. Sciarabba also indicated the buffers from the paved road and streams. Sciarabba will indicate the 50 ft. no disturbance line from the stream which will be placed on the final plat.

Leopold asked about maintaining the plantings as changes occur over the years and some plantings do not survive. Hickey stated the area is not to be disturbed once planted.

Next, there was a lengthy discussion on maintenance of the area near the creek and how the property would be maintained in a natural vegetative state. Hickey stated the buffer will only be as good as the neighbors are in notifying the Village of what is happening in the area. At that time, the Code Enforcement Officer can review the situation and give notices to remedy where necessary. Hickey stated it would also be in the homeowners' covenants, but will only be as good as the homeowners' association is in enforcing the covenants. Leopold stated this is really unenforceable. Members talked about the Village owning the area or easements near the creek. Hickey stated this is a small municipality with a limited number of employees and limited resources to maintain such property. Dubow stated these requirements will be in the restrictive covenants. Dubow stated that if the Village wants to accept the transfer of property for these areas, then the Village would need to change the laws to reflect this and then take charge of this newly acquired property. Curtis stated people call and ask about fences, sheds, and home occupations but do not call about mowing lawns. Dubow stated even if the Village owns the property, it would not restrict the property owner from mowing to the creek although the restrictions or covenants do not allow that. Hickey stated that education is needed and hopefully homeowners will abide by the rules. Dubow stated the bigger dilemma is that the developer has agreed to limit the development on each lot to an approved disturbance area and the rest is to remain undisturbed, but the policing falls on the Code Enforcement Officer. Curtis stated there is the possibility of placing some language on the Certificate of Occupancy. Hickey stated signs can also be placed on the property indicating this is an environmental protection area and is not to be disturbed. Dubow stated through property transfers the new owners may be unaware of the history and want to cut trees in the undisturbed area. Cross stated the property could belong to the property owner yet there be an easement to the Village for maintenance. Crossmore indicated that, whether an easement or restrictive covenant, there must still be enforcement by the municipality. Crossmore will draft a document or restrictive covenant stating the covenant or conservation easement will be enforced by the Village of Lansing. Dubow noted that he will review and approve the restrictive covenants and that lines on lots 1, 2, 3, 4, 13, 18 and 19 will show the revised limits of disturbance. There will be no disturbed areas within the stream setbacks other than the 10 ft. driveway and driveway banks and, as noted earlier, the road.

Next the Board reviewed the proposed Schedule A with 27 conditions for the preliminary plat approval. Stycos asked about the letter from the County requiring a majority plus one for approval of the project. Dubow stated that since the Board is doing something inconsistent with the County recommendation then the Board must have at least four votes for approval and provide an explanation of the approval to the County. The explanation will include the letter from Fishman as well as the diagram from the Town of Dryden. Sciarabba also indicated that he would provide documentation. Dubow stated conditions 4 and 16 will provide for the revised limits of disturbance for lots 1, 2, 3, 4, 13, 18 and 19 to be drawn to exclude areas in the stream setbacks, but will permit driveways and culverts in the disturbance area not to exceed an amount set by Curtis. Dubow also stated condition 25 notes that the final plat will include a reserved area for the future location of a planned public sewer main from the Town of Lansing. Hickey stated that condition 26 requires a final report from the State Historic Preservation Office. Sciarabba stated the letter received is not from SHPOS but is from the consultants.

Hickey reopened the Public Hearing that had been previously adjourned. As there was no one who wished to speak, Klepack moved to close the Public Hearing. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Hickey stated that the information received from Stearns & Wheler indicates that pollutants in a residential area would not be sufficient to penetrate the 50 ft. buffer so a 100 ft. buffer is not necessary. Hickey also stated that the document from the Town of Dryden for the 50 ft. vegetative buffer supports the applicant's proposed 50 ft. buffer. Sciarabba again indicated on the map where the boundaries are for each buffer or undisturbed area. Klepack moved the following resolution; seconded by Tomei:

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. The Village of Lansing Planning Board and applicant have undertaken an extensive sketch plan review process involving this action which (i) included a preliminary review of environmental, open space, recreation and greenway issues and considerations, and (ii) resulted in modifications and revisions to the proposed subdivision and the inclusion of mitigating measures deemed necessary and appropriate; and
- C. On November 28, 2006, the Village of Lansing Planning Board commenced a duly noticed public hearing on the Bolton Estate Subdivision preliminary plat (having scheduled the public hearing at such time so as to permit public comment prior to the Board's completion of its environmental review), and thereafter reviewed and analyzed (i) the issues raised during such public hearing and otherwise raised in the course of its deliberations, including environmental issues and considerations, (ii) 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, and (iii) possible conditions that might be imposed in conjunction with any preliminary approval to be granted for such plat; and
- D. On November 28, 2006, the Village of Lansing Planning Board, 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; and
- E. The public hearing commenced on November 28, 2006 was subsequently adjourned by the Village of Lansing Planning Board on multiple occasions for further public comment; and
- F. On December 11, 2006, the Village of Lansing Planning Board (i) acknowledged receipt of a response from the Tompkins County Environmental Management Council dated December 8, 2006 raising environmental questions and issues and providing recommendations related thereto, (ii) discussed such questions, issues and recommendations with the applicant and his representatives, (iii) further reviewed the applicant's Full EAF, Part 1, and other documents prepared and submitted with respect to this proposed action and its environmental review, and (iv) determined that further information, materials and review, including the consideration of modifications to the Bolton Estate Subdivision preliminary plat, were required prior to the Board proceeding further; and
- G. On January 8, 2007, the Village of Lansing Planning Board (i) 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, (ii) reviewed the flora and fauna survey and supporting materials submitted by Michael Fishman of Stearns & Wheler, LLC Environmental Engineers and Scientists, and (iii) discussed procedural and related matters associated with its continued review; and
- H. On January 30, 2007, the Village of Lansing 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 Archaeological

Resources) of Part 2 as the report with respect thereto had not yet been received; and

- I. On February 12, 2007, the Village of Lansing Planning Board acknowledged receipt of a supplemental General Municipal Law Section 239-1 response (with further comments and recommended modifications to the proposed subdivision plat) dated February 12, 2007 from the Tompkins County Department of Planning; and
- J. On May 29, 2007, the Village of Lansing Planning Board, based upon, (i) its review of the preliminary findings and related written communication submitted with respect to Section 12 (Impact on Historic and Archaeological Resources) of Part 2 of the Full EAF and its fully completed 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 responses (with comments and recommended modifications to the proposed subdivision plat) dated November 28, 2006 and February 12, 2007 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 modified preliminary plat and supporting documentation prepared by the applicant (including all mitigation measures provided for therein), and 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], (ii) 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) supplemental and modified preliminary plat materials submitted by the applicant (including all mitigation measures provided for therein), (iv) its thorough review and analysis 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 (v) its completion of the Full EAF, Part 2 (and, if applicable, Part 3), including the findings noted thereon, made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action, and determined that an Environmental Impact Statement would not be required; and
- K. On May 29, 2007, the Village of Lansing Planning Board continued its further review of the Preliminary Plat and all accompanying subdivision application materials submitted by the applicant (including supplemental and modified preliminary plat materials submitted by the applicant) and determined, having completed the SEQR review and having made its SEQR determination, that the preliminary plat application was complete; and
- L. On May 29, 2007, the Village of Lansing Planning Board continued the public hearing commenced on November 28, 2006 (which public hearing had been adjourned on multiple occasions) for the purpose of taking further public comment following its determination that the preliminary plat application was complete, and again further adjourned the public hearing to its next regularly scheduled meeting on June 11, 2007; and
- M. On June 11, 2007, Village of Lansing Planning Board continued and then concluded the public hearing, and thereupon (i) further reviewed and analyzed the issues raised during the public hearing and otherwise raised in the course of its deliberations [including the General Municipal Law Section 239-1 responses (with comments and recommended modifications to the proposed subdivision plat) dated November 28, 2006 and February 12, 2007 received from the Tompkins County Department of Planning and the response from the Tompkins County Environmental Management Council dated December 8, 2006], (ii) further reviewed any and all other documents prepared and submitted with respect to this proposed action and its environmental review (including supplemental and modified preliminary plat materials submitted by the applicant and all mitigation measures provided for therein), and (iii) addressed such issues, comments, recommendations and appropriate remedial measures related thereto, including possible conditions that might be imposed in conjunction with any preliminary approval to be granted for such plat;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the Bolton Estate Subdivision preliminary plat (dated November 17, 2006, and revised January 19, 2007) is **GRANTED**, subject to the conditions and requirements set forth on Schedule A attached hereto.

SCHEDULE A

**CONDITIONS OF PRELIMINARY PLAT APPROVAL
FOR
BOLTON ESTATE SUBDIVISION**

1. Approval by the Village Engineer of the Final Subdivision Plat and supporting design/specification documents, including, but not limited to, plans and specifications for required drainage ways, storm water management/retention facilities, erosion control, public water facilities, public and private sewer/septic facilities, public utilities, street and intersection layouts (including the cul-de-sac design), traffic calming devices, sidewalks, trails, conservation easement (or similarly designated) areas, stream setbacks, street lighting, emergency access and snow removal (it being acknowledged that the Planning Board, based upon the special circumstances of this particular subdivision plat and its evaluation of requisite interests of public health, safety and general welfare, has agreed to a waiver with respect to the proposed "loop road" such that it may, at certain locations approved by the Village Engineer, exceed the current Village specifications as to maximum grade [see Appendix D, Section 1 (entitled "Road Design Standards") of Chapter 125 (entitled "Subdivision of Land") of the Village of Lansing Code], provided, however, that the grade of such road may not exceed ten percent (10%) at any location).
2. Approval by the Village Attorney of conveyance and/or dedication documents in favor of the Village (and with respect to which the Village will have enforcement authority), including, but not limited to, documents providing for the conveyance and/or dedication, to the extent required in accordance with the approval of the Final Subdivision Plat, of streets, storm water management/retention areas (and easements or rights-of-way thereto), utilities, recreational areas, conservation easement (or similarly designated) areas, stream setbacks, parklands, trail areas, open space and easements and rights of way related thereto, together with any restrictive covenants or other conditions related thereto.
3. Approval by the Village Attorney of (i) any Offering Plan submitted to the State of New York for approval, (ii) any restrictive covenants applicable to the subdivided parcels (including, but not limited to, those provided for in Condition No. 4), (iii) any documents and/or agreements applicable to any homeowners association or similar entity to be formed, and (iv) any provisions applicable to such association or entity as to its obligations to properly maintain any and all commonly owned areas (including, but not limited to utilities, open space, and storm water management facilities), and in the case of its default with respect to such obligations, the rights of the Village to perform such duties (and gain access for such purpose) and impose the costs thereof upon such association or entity.
4. (i) Restrictive covenants prohibiting further subdivision of all individual lots; (ii) restrictive covenants or other restrictions with respect to which the Village will have enforcement authority applicable to all individual lots limiting development and/or improvements to only those areas identified as the "Limits of Disturbance" on Sheet C4 (entitled "Erosion and Sediment Control Plan") and the "Clearing Limit" as set forth on Sheet C100 (entitled "Layout Plan") of the Preliminary Subdivision Application dated November 17, 2006 (as revised January 19, 2007), it being required that such "Limits of Disturbance" and "Clearing Limit" delineations be modified as to Lots 1, 2, 3, 4, 13, 18 and 19 so as to exclude (except for limited driveway purposes) areas within the required stream setbacks affecting such lots; (iii) restrictive covenants affecting Lots 1, 12, 13, 19, 20 and 21 prohibiting driveways, curb-cuts or other means of access to and from NYS Route 34/East Shore Drive; (iv) restrictive covenants affecting Lots 4, 5, 6, 9, 10, 16 and 17 requiring the property owner(s) of each

such lot to provide a current flora and fauna study prepared by a consultant acceptable to the Village Planning Board as part of the Special Permit approval required for such lot pursuant to Condition No. 5 below; and (v) notations on the Final Plat confirming such restrictive covenants.

5. Inclusion on the Final Subdivision Plat of the following note:

Special Permit approvals under current Chapter 145 of the Village of Lansing Code (entitled "Zoning"), Sections 145-59 (entitled "Special Permits"), 145-59E (entitled "General Conditions required for all Special Permits"), and 145-61 (entitled "Special Permits in combining districts") and/or the then applicable Village of Lansing Zoning Law requirements will be required for the issuance of building permits for certain lots (including, but not limited to, Lots 4, 5, 6, 9, 10, 16 and 17) with respect to which significant portions thereof are situated in the Flood Hazard Combining District, Conservation Combining District, Steep Slope Conservation Combining District, and/or Unique Natural Area Conservation Combining District. Any proposed improvements on such lots shall in each case be considered as a use "Permitted with Special Permit" under Article IV (entitled "District Regulations") of Chapter 145 of the Village of Lansing Code (entitled "Zoning"). Such Special Permit review shall include full compliance with any and all Federal, State and local laws, rules and regulations then in effect, including, but not limited to, the Village of Lansing Zoning Law, the Land Subdivision Regulations of the Village of Lansing, Federal, State and Village of Lansing stormwater management regulations, and the New York State Environmental Quality Review Act. Such Special Permit review shall also require the submission by the applicant of (i) a current written confirmation from the Tompkins County Health Department that a septic system can be installed on the lot in question, and (ii) a current flora and fauna study prepared by a consultant acceptable to the Village Planning Board. Until such time as a Special Permit is approved and issued for any such lot, (i) such lot shall be maintained in a predominantly natural state and (ii) no vegetation shall be removed from any portion of such lot having a slope of 15% or greater without the prior written consent of the Village of Lansing Engineer.

In addition to the inclusion of such note, each such lot (as depicted on the Final Subdivision Plat) requiring Special Permit approval in accordance with this condition shall be prominently identified by notation or other marking as being subject to the foregoing Special Permit requirements.

6. Approval by the appropriate Village of Lansing Board(s) and/or official(s) as to the nature and use of the road extending from the Loop Road to Lot 22; the further approval of the Village Attorney of all agreements, instruments and/or other documents related thereto; and the execution by all required parties of all such agreements, instruments and/or other documents.
7. Compliance with the Land Subdivision Regulations of the Village of Lansing and all applicable New York Statutory provisions as to requirements for the dedication of parklands and recreational areas.
8. Compliance, to the extent applicable, with the general requirements and design standards and other conditions of Articles II and III of Chapter 125 (Subdivision of Land) of the Village of Lansing Code.
9. Compliance with Section 125-9 of Chapter 125 (Subdivision of Land) of the Village of Lansing Code as to letter of credit and related financial security requirements.
10. Availability for the proposed residential development of sufficient capacity and infrastructure by all utility providers (e.g., Southern Cayuga Lake Intermunicipal Water Commission, NYSEG).
11. Approval by the Village Planning Board of a staging plan indicating the intended phased order of subdivision development and construction, which plan shall minimize construction traffic and activity in already developed areas of the subdivision.

12. Written approvals and/or waivers, as required, from all other governmental agencies, including, but not limited to, the Tompkins County Health Department (public water system approval and septic system approvals/waivers) and the New York State Department of Transportation.

13. Inclusion on the Final Subdivision Plat of the following note:

The approval by the Village of Lansing Planning Board of this Final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of Lansing of any street, easement or other open space shown on this plat (see Section 125-16A of Chapter 125 (Subdivision of Land) of the Village of Lansing Code).

14. The Final Subdivision Plat shall be deemed to have received final approval only upon compliance with Section 125-15A of Chapter 125 (Subdivision of Land) of the Village of Lansing Code.

15. Submission of the Final Subdivision Plat for review by the Lansing Fire Chief and implementation on the Final Subdivision Plat of all modifications required as a result of such review.

16. Approval as required by the Village Planning Board of (i) a Landscape Plan that shall include limitations and restrictions as to existing trees and vegetation to be removed and new and additional trees and vegetation to be planted, and (ii) a clearly identified conservation easement (or similarly designated) area, specifically depicted on the Final Subdivision Plat, protecting the cliffs and related areas within the Unique Natural Area (UNA). In addition thereto (as provided for in Condition No. 4 above), and without limiting the Planning Board's discretion in approving a Landscape Plan, the Final Subdivision Plat shall include for each lot a delineation (with respect to which the Village will have enforcement authority) of the area constituting the "Limits of Disturbance" and "Clearing Limit," such limits to be consistent with those set forth on Sheet C4 (entitled "Erosion and Sediment Control Plan") and Sheet C100 (entitled "Layout Plan") of the Preliminary Subdivision Application dated November 17, 2006 (as revised January 19, 2007), it being required that such "Limits of Disturbance" and "Clearing Limit" delineations be modified as to Lots 1, 2, 3, 4, 13, 18 and 19 so as to exclude (except for limited driveway purposes) areas within the required stream setbacks affecting such lots.

17. Approval as required of a Street Lighting Plan or other subdivision lighting requirements, if any, as provided for in the Final Subdivision Plat approval granted by the Village Planning Board.

18. Establishment by the Village Zoning and Code Enforcement Officer of permitted construction work schedules, including the days of the week and the hours of the day during which construction work will be permitted.

19. Final construction of all roads, storm water management facilities, utilities and other required public infrastructure and improvements in compliance with the applicable standards and specifications provided for in Chapter 125 (Subdivision of Land), and Appendices thereto, of the Village of Lansing Code and such other applicable provisions, standards and specifications of the Village of Lansing Code in effect at the time of such construction. Should field conditions or construction practices necessitate design and/or construction modifications, it shall be the responsibility of the subdivider/developer to obtain the consent and approval of the Village Engineer and Village Planning Board. Upon such final construction having been completed, four (4) sets of as-built/record drawings and plans shall be prepared and submitted to the Village Engineer together with a certification by the subdivider/developer's engineer confirming that all construction has been completed as required.

20. Compliance with all applicable Federal, State and Local storm water management and erosion control requirements in effect at the time enforcement is required, including, but not limited to, the filing of a notice with the New York State Department of Conservation of a sedimentation, erosion and pollution prevention and control plan, and the naming of a specific person designated to perform inspections related thereto and provide weekly reports to the Village.

21. Inclusion on the Final Subdivision Plat of the names of all newly proposed streets and approval thereof by the Village Planning Board.

22. All park and recreation areas, conservation easement (or similarly designated) areas, parking areas, trail areas and storm water management areas (together with infrastructure improvements thereon) identified on the Final Subdivision Plat, including, but not limited to, Lots 22 and 23, shall be offered for dedication and conveyance to the Village of Lansing by fee interest (except in the case of easements) prior to or concurrently with the initial issuance by the Village of Lansing of a site improvement permit for construction of the subdivision improvements and infrastructure; provided, however, that the identification of such park and recreation areas, conservation easement (or similarly designated) areas, parking areas, trail areas and storm water management areas on the Final Subdivision Plat and any offers of conveyance and dedication thereof shall not, without further required action of the Village of Lansing, constitute acceptance thereof by the Village of Lansing [see Section 125—16 of Chapter 125 (Subdivision of Land) of the Village of Lansing Code].
23. Confirmation satisfactory to the Village Attorney that (i) the Final Subdivision Plat will be consistent with and in compliance with the applicable terms, provisions and conditions of a certain Stipulation and Settlement Agreement by and among Edward C. Crossmore, et al., as Plaintiffs, and the Town of Ithaca, et al., as Defendants, executed effective as of June 29, 2006, in conjunction with the settlement of litigation in the Supreme Court of Tompkins County identified by Index No. 04-0752 and RJI No. 04-0494-M (the “Stipulation and Settlement Agreement”), and (ii) all necessary actions (including, but not limited to, the conveyance of properties, execution of further agreements and instruments, and the performance of other obligations of the parties to the Stipulation and Settlement Agreement specifically applicable to the Final Subdivision Plat have been taken or will be taken as required.
24. Compliance with all plat submission requirements (except those waived by the Village Planning Board), including, but not limited to, the major subdivision submission requirements provided for in Sections 125-30 and 125-31 of Chapter 125 (Subdivision of Land) of the Village of Lansing Code.
25. Inclusion on the Final Subdivision Plat of a reserved area for the future location of a planned public sewer main intended to extend from the Town of Lansing southerly across the property to be subdivided and continuing through other properties to the south, the location thereof to be approved by the Village Engineer and prominently identified on each of the affected subdivided lots, and the manner in which such area is to be reserved to be approved by the Village Attorney.
26. Receipt of the final report from the State Historic Preservation Office (SHPO) confirming the preliminary findings and written communication from the Public Archeology Facility that no historic or prehistoric sites were found within the project area.
27. Recording in the Tompkins County Clerk’s Office of copies of (i) this resolution with this Schedule A setting forth the conditions of final subdivision plat approval and (ii) the Stipulation and Settlement Agreement referred to in Condition No. 21 above, which copies shall be (i) recorded concurrently with the filing of the Final Subdivision Plat, and (ii) indexed to the deed(s) to the subdivided property recorded in the Tompkins County Clerks Office. In addition thereto, the following note shall be set forth on the Final Subdivision Plat:

See (i) Village of Lansing Planning Board Approval Resolution and Conditions of Final Plat Approval and (ii) Stipulation and Settlement Agreement by and among Edward C. Crossmore, et al., as Plaintiffs, and the Town of Ithaca, et al., as Defendants, both recorded concurrently with the filing of this Final Subdivision Plat in the Tompkins County Clerk’s Office.

Proof of the filing of the Final Subdivision Plat and the recording of the copies of the Resolution and Conditions of Final Plat Approval and Stipulation and Settlement Agreement shall be delivered to the Village Zoning and Code Enforcement Officer immediately following such filing and recording.

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Approval of Minutes – May 14 & May 29:

Klepack moved to accept the minutes of May 14th as submitted. Seconded by Stycos. Ayes by Hickey, Klepack, and Stycos. Abstains by Dankert and Tomei. Motion carried.

Dankert moved to accept the minutes of May 29th as revised. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

Other Business as Time Permits:

Hickey referenced the flyer on Planning and Zoning Summer Schools to be held this summer. Hickey is interested in attending the training on July 26th at SUNY Geneseo and Stycos would like to attend the training at Hamilton College on August 9th. Those interested in attending should contact Village Clerk Jodi Dake.

- Hickey stated he has received a draft copy of the Tompkins County Conservation Plan if anyone is interested in reviewing it. Leopold stated she has also received a copy of it. Stycos took the copy for her review.

Hickey stated he would like to meet with Curtis and Leopold to review the Dryden Draft Stormwater Law. The meeting was set for June 22nd at 10:00AM in the Village Office.

Reports:

Board of Trustees: Dankert stated the most interesting part of the meeting was the presentation by Sharon Anderson on rain gardens. Dankert stated there are DEC funds available for establishing these rain gardens. There will be a training for installing rain gardens at the Village Office on July 17th which is open to the public. Trustee Fresinski and Clerk Dake will advertise the training. Leopold stated there is a lot of infrastructure to deal with in front of the Office where they propose to locate the garden. Leopold will be meeting with Anderson and Superintendent of Public Works, John Courtney, to determine the layout and types of plantings and materials.

Dryden Stormwater Workshop: Curtis attended a workshop in Dryden presenting the Dryden Stormwater Management Law. He thought they had a lot of good ideas. Further discussion will be postponed until the Village's Stormwater Management Law is ready for full Board review.

Other Business as Time Permits (continued):

Hickey stated he has received a complaint about the trash cans at the HSBC Bank on N. Triphammer Road. Hickey stated the cans sit out at all times and are not screened. Originally, the proposal was to place the cans outside only on trash pick-up days. Curtis stated businesses are often not aware they are generating concern and a telephone call to them can clear up the situation.

Hickey stated the discussion of the Zoning Law definition of "family" by Tomei will be on the agenda for the next meeting.

Adjournment:

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