

**Village of Lansing
Planning Board Meeting
September 10, 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 and Mario Tomei; Village Attorney David Dubow; 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, Dankert moved to close the Public Comment Period. Seconded by Tomei. Ayes by Dankert, Hickey and Tomei. Motion carried.

Public Hearing – Special Permit Nos. 2205 and 2220, 6 Hemlock Lane additions:

The first item on the agenda was a Public Hearing for Special Permit Numbers 2205 and 2220, Andrew and Sarah Morgan, to construct additions on their single family house at 6 Hemlock Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-53. Because the property includes land in the Steep Slope Conservation Combining District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

Klepack entered the meeting.

Hickey stated there would be two separate public hearings and two resolutions to consider. One would be for the bathroom addition and the other would be for the garage addition. Hickey stated for the garage addition in order to approve the Special Permit there would need to be a condition requiring approval by the BZA for variances for deficient front and side yard setbacks.

Andrew Morgan was present and stated he would answer questions if needed.

Hickey stated the site plans do not show the locations of the garden shed and the propane tank. Architect Richard Hautaniemi stated the tank is about 35 feet away from the house. Morgan stated the tank has been in place since 1973. Curtis stated that NFPA58 would govern the required separation distances for such a tank. Hautaniemi also stated that the garden shed would remain in its present location and would not impact the proposed additions.

Hickey stated that three Planning Board members have visited the site and felt the additions would fit in well.

Dubow stated the driveway is shown with the edge close to the house, and the plans for the Cutting house recently constructed on the neighboring parcel to the north show the driveway going beyond the existing carport almost to the north property line. Hickey stated he thought that even with the new construction the sweeping driveway would remain as it is now. Hautaniemi noted it would be reconfigured to some extent. Dubow stated the Planning Board and BZA would like to see where the final driveway will be in relation to the property line of the parcel to the north owned by the Cuttings.

Hickey proposed that the Planning Board deal with the bathroom addition first. It will be located on the back of the residence. Hickey stated the Village has received a letter from the Village Engineer which addresses some of the concerns for steep slopes. Leopold stated the DEC does not like the use of straw bales for erosion and sedimentation control. Hickey stated the recommendation of the Village Engineer was for either straw bales or silt fencing.

Hickey opened the Public Hearing on Special Permit No. 2220. As there was no one present who wished to speak, Klepack moved to close the Public Hearing. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

Next, Hickey noted that Village Code Section 145-61B requires the Planning Board to conduct its own environmental

review when SEQRA otherwise exempts an action from review. Hickey stated that the Village Engineer has viewed the site and determined it was a well grassed area but silt fencing would be required and that should be a condition of approval. Dankert moved to waive the other requirements of Section 145-61B of the Village Code for steep slopes. Seconded by Hickey. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

Next, the Board reviewed Village Code Section 145-59E, General Conditions for all Special Permits. Klepack moved that Special Permit No. 2220 has met the requirements for Village Code Section 145-59E. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, and Tomei. Motion carried.

Dankert moved the following resolution, second by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON SEPTEMBER 10, 2007 FOR
SPECIAL PERMIT NO. 2220**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit **No. 2220**, Andrew and Sarah Morgan, to construct a **bathroom** addition on their single family house at 6 Hemlock Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-53. Because the property includes land in the Steep Slope Conservation Combining District, special permit review is required pursuant to Section 145-48 of the Village of Lansing Code; and
- B. 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), and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and
- D. On September 10, 2007, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the 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; and
- E. On September 10, 2007, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and

2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2220 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 - A. **Erosion and sedimentation control in accordance with NYS DEC best practices installed prior to construction and removed when ground cover is established.**

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Hickey opened the Public Hearing on Special Permit No. 2205. As there was no one present who wished to speak, Klepack moved to close the Public Hearing. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

Hickey stated the Planning Board must make a recommendation to the BZA regarding the front and side yard setbacks. Dubow stated the Planning Board and BZA should have a clear picture of the location of the driveway. Morgan reviewed the plans and indicated the location of the driveway. Dubow recommended the plan be slightly modified to make it clearer for the BZA. It was noted that variances are required because the front yard setback proposed will be 29 ft. where 40 ft. is required and the side yard setback 10 ft. where 25 ft. is required. Dubow noted that the existing carport which is grand-fathered is also nonconforming as it is only set back 15'9" from the side property line. Hickey noted that the neighboring property most affected has a residence on it, yet there were no neighbors present to object to the proposal.

Curtis stated he has received Proof of Mailing for the Public Hearings.

Hickey stated there is also a steep slope concern for Special Permit No. 2205. Hickey noted that again the Planning Board is required to conduct its own environmental review when SEQRA exempts an action, per Village Code Section 145-61B. Hickey stated the letter from the Village Engineer indicates that a silt fence should be required and this will be a condition of approval. Hickey stated a second condition will be the granting of the variances by the BZA. Klepack moved to waive the other requirements of Section 145-61B of the Village Code. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

Next the Board reviewed Village Code Section 145-59E, General Conditions for all Special Permits. Tomei moved that Special Permit No. 2205 has met the requirements for Village Code Section 145-59E. Seconded by Dankert. Ayes by Dankert, Hickey, Klepack, and Tomei. Motion carried.

Klepack moved the following resolution, second by Tomei:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON SEPTEMBER 10, 2007 FOR SPECIAL PERMIT NO. 2205

WHEREAS:

- F. This matter involves consideration of the following proposed action: Special Permit **No. 2205**, Andrew and Sarah Morgan, to construct a **garage** addition on their single family house at 6 Hemlock Lane in the Low Density Residential District, Tax Parcel Number 48.1-2-53. Because the property includes land in the Steep Slope Conservation Combining District, special permit review is required pursuant to Section 145-48 of the Village of Lansing Code; and
- G. 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), and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- H. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and
- I. On September 10, 2007, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the 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; and
- J. On September 10, 2007, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and
- 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
- 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2205 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 - A. **The granting by the Village of Lansing Board of Zoning Appeals of the necessary side yard and front yard area variance related to the Low Density Residential District set back requirements provided for in Village of Lansing Code Section 145-39, subsections E(4) and E(5), approval of which variance the Village Planning Board recommends to the Village of**

Lansing Board of Zoning Appeals.

B. Erosion and sedimentation control in accordance with NYS DEC best practices installed prior to construction and removed when ground cover is established.

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Colonial Vet Landscape Plan:

Next, the Board reviewed the proposed revisions to the previously approved Colonial Vet Landscape Plan. Landscape contractor, David Fernandez of Cayuga Landscape, representing Colonial Vet and the owners described the plan. The revised plan had been distributed to Board members for their review. Fernandez also provided photos for Board members to review. Hickey stated several people have inquired about the landscaping on the St. Joseph's side. Fernandez stated that property adjacent to St. Joseph Lane will be deeded to the Village and in the extreme northwest corner there is substantial growth existing. There is not a need to plant additional plants in that area. There will be 11 conifers blocking the parking from the St. Joseph area as well as flowering trees and 3 deciduous trees. Fernandez stated the trees are at least 6 ft. tall. The new plans call for deleting one Chinese dogwood and deleting one Kentucky coffee tree on that side. Fernandez stated the larger saved trees were in a location where new plants were proposed, but would now not be needed. Secondly, the narrow triangular area behind the building is gently sloping and 12 ft. at the widest narrowing to 2 feet and is 70 ft. long. Fernandez stated the number of plants proposed for that area seemed excessive. Fernandez stated he feels 89 shrubs would be sufficient although that is about 1/3 of the number originally proposed. This planting site is only for the benefit of those visiting the Colonial Vet site as it can not be seen from elsewhere. Hickey asked where plowed snow will be placed. Fernandez responded that it is a concern, but they think it can be managed. In addition to changing the number of plants, Fernandez stated the type of plants would also be changed. Fernandez stated the Village would be receiving a formal landscape plan and a copy of the as-builts. Fernandez also proposed to replace the mountain laurel proposed in the steep area along the hedgerow on the east side of the property because he does not think the mountain laurel will do well there. Instead, Fernandez has chosen spirea spaced 4 ft. apart for a total of 50 plants. Hickey expressed concerns about screening for the neighbor in the southeast corner. Fernandez stated it will be dense and he will use the best plants to provide an even denser buffer. Other small changes will include substituting gro-low sumac and Sargent's juniper for less suitable plants. Fernandez stated one of the biggest issues is the change in the number of plants from 1500 shrubs to 665 shrubs in 3200 sf. The plant count as originally proposed makes this a very expensive package. The suggested plantings will be sufficient for and better suited to the project. Fernandez stated the plan also has 24 dogwood trees which should be moved back a little and in some places one tree should be planted instead of two trees. The remainder of the plan basically stays as originally proposed, although there will be some other minor changes. Fernandez stated this is an improved site plan although there are fewer plants proposed. Hickey stated that reducing the number of plants makes sense, but the Board should see a document requesting an amendment to the original plan. The Board is requesting a revised listing of the number, size and location of all trees, shrubs and groundcover. Fernandez will provide this for the Planning Board.

Arleo Landscape Plan:

Fernandez stated the Arleo Landscape Plan is a totally different case. He stated there are a number of changes to be made to the previously approved plan. He indicated that Arleo is in love with a large existing maple and white pine which he wishes to save and which it appears can be saved. The original plans for along Uptown Road are for small burning bushes every 25 feet. Fernandez stated this is a very thin planting. There are no trees. Fernandez is suggesting eliminating all of this and planting larger more pleasing trees such as flowering pear. Along Warren Road, there is a sprinkling of plants which are deer susceptible. The proposal is to group similar species of trees to mimic the plantings of the trees on the other side of Warren Road in order to provide continuity. On the west side, there will

be white spruce plantings. Fernandez stated that in the area around the building dwarf trees were proposed every 15 feet whereas the new proposal will concentrate the plantings in groupings, especially near the corners and entrance. Fernandez stated that the narrow band of arborvitae and shade trees in the 25 foot variable buffer strip will not go together well and the arborvitae is favored by deer, so Fernandez is recommending thinning the trees to give the remainder room to achieve their potential and to use the existing hedgerow which is well developed and hardy. Dubow stated it is important to maintain the integrity of the buffer strip which has been reduced to 25 feet. Hickey stated the buffer must be as effective as a 75 ft. buffer. Fernandez stated the tennis courts are very visible at present from a corner area of the site and the proposal is to beef up that corner area. Hickey stated it is important to maintain the buffer on the west side. Fernandez stated the proposal is to beef up the size of the plants to be planted. Again, Hickey asked for a listing of the number, size and location of proposed plantings as an amendment to the original landscape plan which was previously approved. Fernandez asked if it was feasible to remove some of the trees on the west side and thicken them in the corner near the tennis court. Tomei stated that Fernandez is the expert on this. Dubow stated the Board must ascertain that the 25 ft. buffer strip maintains the integrity of screening the building from the neighboring property. Curtis stated it might be good to notify the Swim Club that they were considering changes in the buffer plantings to give them an opportunity to comment. Hickey and Dankert will go to the site and look around. Hickey stated the Board will give a tentative approval, but Board members still want to review the site and again the Board should receive a formal revised landscape plan listing the number, size and location of all trees, shrubs and groundcover along with a document requesting an amendment to the original plan. Klepack asked about the red maples. Fernandez stated they fill out nicely. Hickey asked if Fernandez or his staff might provide a training program to explain to the Board how to better read landscape plans. Fernandez said he would be glad to do so when work slowed down in the winter, and he recommended the book entitled American Nursery Standards which would be a useful tool for Board use.

- **Approval of Minutes – August 28th:**

Klepack moved to accept the minutes of August 28th as revised. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack and Tomei. Motion carried.

- **Reports:**

Board of Trustees: Hickey stated there was no meeting so there is no report.

- **Other Business as Time Permits:**

Hickey stated he has copied Planning Board members with the letter he wrote to the Board of Trustees regarding the Planning Board's recommendation to rezone a portion of the B & T District to the Human Health Services District.

Hickey provided copies of the Tompkins County Planning Dept. 2006 Annual Report.

Leopold announced that there will be a Green Building Tour on Oct. 6th and the Village rain garden is part of the tour. The tour and slide show will be conducted by Sharon Anderson at 11:00 AM in the Village Office.

Hickey stated the Bolton Estate Subdivision appraisal is still in the works.

Hickey stated, as things stand now, agenda items for Sept. 25th include the Pyramid Mall outbuilding proposal as well as the final plat for the Bolton Estate Subdivision. Dubow stated there would need to be a Public Hearing for the final plat review for the Bolton Estates Subdivision. Hickey stated there is no need to rush the approval of the final plat, so Hickey would like to wait until it is received and then set the Public Hearing.

Planning Federation Conference:

Curtis stated this is the last call for those interested in attending. Tomei stated he would be calling Clerk Dake about attending.

Adjournment:

Klepack moved to adjourn at 9:00 P.M. Seconded by Dankert. Ayes by Dankert, Hickey, Klepack, and Tomei. Motion carried.

