

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

**Special Permit No. 2230 – 51 Dart Drive Driveway – Public Hearing:**

The first item on the agenda was a Public Hearing for Special Permit No. 2230, GRM Properties, L.P. to construct a circular driveway and second curb cut for the house at 51 Dart Drive in the Medium Density Residential District, Tax Parcel No. 46.1-2-9.

Hickey asked why a second driveway is needed. The owner/builder, Kal Chu, responded that this property is one of the largest on Dart Drive with a 140 ft. width, it would be appropriate to have a circular driveway, and this will increase the street appeal and value of the property. Currently the driveway goes straight into the garage. The builder stated that a circular driveway would give nice balance to the property. The request is not because of a safety concern, although with a circular driveway cars would not have to back into Dart Drive. The builder stated there are not many circular driveways on Dart Drive and this would be an improvement.

Tomei asked if there is an additional cost to the Village for an additional driveway. Curtis stated the owner buys and installs the culvert of a size and in a manner specified by the Superintendent of Public Works.

Klepack asked if there is a regulation against two curb cuts. Dubow responded that the law states only one is allowed unless the Planning Board approves a Special Permit which would allow for a second. Dubow stated the driveway is regulated with regard to size and location. The builder stated the driveway would be 12 feet wide and the second curb cut will be 25 feet from the property line.

Curtis stated he had an e-mail from Gert Jenson, a neighbor of Mr. Chu, who is enthusiastic about the work being done on the residence and expressed his support for the circular driveway. Dankert stated another resident stated he was pleased with the work being done on this property and believed it will add to the value of other properties on the street.

Klepack asked if this would set a precedent. Hickey stated it is not a precedent as a second curb cut is allowed by law, and if other residents on Dart Dr. wanted two driveways they could request to have two and each request for special permit approval would be considered individually on its own merits. Dubow stated it is permitted as long as the conditions for a Special Permit are met.

Stycos stated that although the owner indicated it would be safer not to back onto Dart Drive, there could be the possibility of a turn around on the property. Stycos asked about parking. Chu responded that this would allow for additional parking on the lot which would reduce the likelihood of someone parking on Dart Drive. Dankert stated many of the lots on Dart Drive would not lend themselves to a circular driveway and there have been problems in the past with vehicles parked on Dart Drive. Chu stated the request for a circular driveway is primarily for curb appeal and balance. The finish of the proposed driveway surface is uncertain at this time but the existing driveway is gravel.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Stycos moved to close the

Public Hearing. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Next, the Board reviewed the General Conditions for all Special Permits as listed in Section 145.59E of the Zoning Law. Dankert moved that the applicant has met all the General Conditions required for a Special Permit. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried. Dubow noted that the action is exempt under SEQRA.

Klepack moved the following resolution, seconded by Tomei:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON OCTOBER 30, 2007 FOR SPECIAL PERMIT NO. 2230

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Special Permit No. 2230, GRM Properties, L.P., to construct a circular driveway and second curb cut for the house at 51 Dart Drive in the Medium Density Residential District, Tax Parcel No. 46.1-2-9; 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 subject to an environmental review under the Village of Lansing Zoning Law; and
- D. On October 30, 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 October 30, 2007, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-20, 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 requirements and conditions for curb cuts and driveways for residential lots (Village of Lansing Code Sections 145-20 A and C), (ii) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (iii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iv) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61);

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. 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 requirements and conditions for curb cuts and driveways for residential lots (Village of Lansing Code Sections 145-20 A and C), (ii) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (iii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iv) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2230 is

**GRANTED AND APPROVED**, subject to the following conditions and requirements:

**None**

The vote on the foregoing motion was as follows:

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

**NAYS: none**

The motion was declared to be carried.

**Final Plat Approval Bolton Estate Subdivision – Public Hearing:**

The next item on the agenda was a Public Hearing for Final 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.

Cross gave his report first. Cross has been working with Project Engineer Andy Sciarabba to resolve outstanding problems regarding this project. Cross stated the road construction design is good, but the steep slopes have made some of the road grades steeper than the maximum allowable by Village regulations. The road grade is 9% in places where 7% is allowed. Dubow noted that one of the conditions for approval of the project provides for an exception that the road grade not exceed 10%, at certain locations approved by the Village Engineer, and this same relief was part of the preliminary plat approval. Cross stated the intersections have been blended and this has been a give & take solution to the steepness of the roadways and he is satisfied with the current plan. Cross stated that the storm water management system is a complex design. There are three storm water basin areas with linear improvements. Cross' recommendation is to take title to the basin areas but Village access to the drainage ways which run parallel to the roadways should be secured by easements. Cross stated Sciarabba has responded to the County's concerns about the streams. Sciarabba stated that vegetative buffer drawings have been permanently incorporated into the plans. Cross stated the cross sections are very clearly written and can be attached to the plats. Dubow stated the subdivision approval documents are to be recorded, filed or indexed to each property. Crossmore asked where the cross sections of the vegetative buffer should be filed. Dubow responded that it would be one of the attachments to the subdivision files. Cross stated there will be public water from Bolton Point, but there will be no public sewers at the present time. Cross noted that final dedication requires an as-built survey. Regarding the lighting, Superintendent of Public Works Courtney has some recommendations. Dankert stated he has met with Courtney and Leopold and they have general concerns. There are proposed a few street lights spread out, but there is one segment of road of about 1000 ft. where there are no lights. There is also a major concern that there is no lighting in the park because of the problems which were experienced in Dankert Park when there were no lights. Courtney felt a light is needed at each of the two entrances, 3 in the cul-de-sac and 1 in the park area. Courtney's recommendation is to spread the roadway lights out evenly or to do away with them. Sciarabba stated the lights were located at curves, the main intersections, cul-de-sac and entrances. Board members discussed the spacing of lights and whether the roadway would be striped. Sciarabba stated the road has a 20 ft. travel space with 5 ft. striped on each side for walking. Hickey stated that in that case lights might be beneficial. Hickey stated a light is needed in the park area and another in the 1000 ft. stretch. Dubow stated one of the conditions will be final approval by the Lighting Commission.

Dubow then gave his review of the subdivision with Schedule A which is a list of conditions for Final Plat Approval based in part upon the Conditions of the Preliminary Plat approval. Condition 1 dealt with the approval of items by the Village Engineer. Conditions 2 & 3 will remain as they require approval by the Village Attorney for items which are to be forthcoming. Dubow stated there are conditions which may be modified and subsequently deleted at a later date and additional conditions added such as might pertain to the buffer and lights. Condition 6 requires approval by the Village Attorney. Condition 7 requires compliance with Subdivision Regulations. Condition 9 requires compliance with the Subdivision Law with regards to a letter of credit. Dubow stated Condition 10 can be deleted as it references the availability of water and power and the Board has received assurances from both SCLIWC and NYSEG. Condition 11 references the staging plan to be proposed at a later date when the road is to be built. Condition 12 will

remain as it requires written approval of all other governmental agencies including the Health Department and NYS DOT. Condition 13 is a notation which is to be included on the final plat. Condition 14 remains. Condition 15 can be deleted as the Fire Chief has responded. Condition 16 remains as it references both the Landscape Plan and the conservation easement for the limits of disturbance. Condition 17 about the Street Lighting Plan approval remains. Condition 18 is about construction schedules and will remain. Condition 19 remains as it is a continuing review and will be subject to final approval by Cross. Condition 21 will be removed as street names have been provided. Condition 22 will remain and refers to park, recreation and conservation easements and includes lot 8 and 18. Condition 23 will remain. Condition 24 will be deleted as all submission requirements have been received by Cross and Curtis. Condition 25 references the proposed future sewer line being identified on the plat and it is identified. Dubow stated the plat will indicate an easement across each lot for the future sewer line. Condition 26 regarding a report from the State Historic Preservation Office will be deleted as it has been received. Condition 27 will remain.

Stycos moved to open the Public Hearing. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. All aye.

Dubow stated that the Board should have a discussion regarding the County 239 letter prior to closing the Public Hearing as there must be a majority plus one vote to approve the project. Dubow stated that the County has concerns about the setback area and buffering areas of the stream which it has stated may not be adequate to mitigate negative impacts of development. Dubow stated the Board has reviewed the recommendation and has determined that the lesser setback is acceptable based on conditions of approval and the recommendations of the Certified Wildlife Biologist, Michael Fishman of Stearns & Wheler, LLC. The County has also indicated concerns about erosion control plans and rare plants. The County further noted that the flora and fauna study was done in Dec. 2006 and the Board should require a more recent study now that the snow is off the ground. It was noted that there will need to be a study done on a lot by lot basis when and if development is proposed on any of the sensitive lots, and the conditions of approval so indicate. Dubow stated a letter must be sent to the County indicating why the Board approved this project over the County's objections. Hickey stated he has received a letter from Sciarabba dated August 2, 2007 talking about these same points. This letter from Sciarabba also includes the June 8<sup>th</sup> letter from Wheeler updating its environmental review which apparently the County did not receive. Also attached is a copy of the drawing for the vegetative buffer which the Board discussed in August and accepted in lieu of the 100 ft. setback recommended by the County. Hickey stated that in addition to this material is the requirement that all development in the critical UNAs have lot by lot review for rare plants. Hickey stated the County will be provided with a copy of the August minutes plus the correspondence from Sciarabba with attachments. Hickey stated that the concern regarding storm water will be reviewed again as Cross must approve the final stormwater management plans.

Klepack asked why the Board approved the stream buffer at 50 ft. Hickey stated the 50 ft. is diagrammed as a vegetative buffer referenced from NYS DEC Best Practices. Hickey stated Mike Fishman reported that the 50 ft. vegetative buffer would be sufficient to protect the streams. Dubow stated that the only encroachment into the buffer will be the driveways. Hickey stated the deeds would also indicate this buffer area. Dubow stated the Town of Dryden references a similar 50 ft. vegetative buffer in their storm water management law. Curtis stated the 50 ft. is derived from DEC best practices.

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

Dankert then moved the following resolution, second by Klepack:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON OCTOBER 30, 2007 FOR FINAL  
SUBDIVISION PLAT APPROVAL FOR THE BOLTON ESTATE SUBDIVISION

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Final 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 undertook 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), (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, and (iv) unanimously granted preliminary plat approval subject to the conditions and requirements enumerated in such preliminary approval;
- N. On October 8, 2007, the matter of the Bolton Estate Subdivision came before the Village of Lansing Planning Board, at which time the Board reviewed the proposed final plat (dated August 30, 2007) and supporting materials (dated October 4, 2007) submitted with such plat and determined that certain additions and revisions to the proposed final plat and certain supplemental information and materials were required prior to any final approval being granted for such plat; and

- O. On October 30, 2007, the Village of Lansing Planning Board acknowledged receipt of a supplemental General Municipal Law Section 239-1 response dated February 12, 2007 from the Tompkins County Department of Planning related to the proposed final plat and supporting materials setting forth (i) its comments and recommended modifications to the proposed subdivision final plat and (ii) its determination that the proposed subdivision may have negative inter-community or county-wide impacts; and
- P. On October 30, 2007, the matter of the Bolton Estate Subdivision again came before the Village of Lansing Planning Board, at which time the Board held a public hearing on the Bolton Estate Subdivision final plat, and thereafter (i) reviewed and analyzed all new issues raised during the foregoing public hearing on the final plat, (ii) reviewed and analyzed the supplemental General Municipal Law Section 239-1 response dated February 12, 2007 from the Tompkins County Department of Planning and its recommended modifications, (iii) addressed such issues and recommended modifications and appropriate remedial measures, if any, related thereto, (iv) further reviewed the final plat submissions dated October 30, 2007, (v) confirmed that all required additions, revisions and additional information and materials had been provided, (vi) confirmed that the recommended modifications of the Tompkins County Department of Planning were not necessary and/or appropriate based upon supplemental information that had been submitted by the applicant and the Board's determination that the issues raised by the Tompkins County Department of Planning had been adequately addressed and mitigated, and (vii) confirmed all conditions to be attached to the approval of the final 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 final plat submissions dated October 30, 2007 is **GRANTED**, subject to the conditions and requirements set forth on Schedule A attached hereto.
- 2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such final plat (i) upon compliance with all of the foregoing conditions and requirements for which compliance is required prior to such signing of the final plat, and (ii) in accordance with subsection G of Section 125-8 and subsection A of Section 125-15 of the Village of Lansing Code.

**SCHEDULE A**

**CONDITIONS OF FINAL 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 "Clearing Limits (Typ.)" on the Final Subdivision Plat dated October 30, 2007, and identified as "Limits of Disturbance" on Sheet C4 (entitled "Erosion and Sediment Control Plan") and "Clearing Limit" on Sheet C100 (entitled "Layout Plan") of the Final Subdivision Application dated October 30, 2007, it being required that such "Clearing Limits," "Limits of Disturbance" and "Clearing Limit" delineations for Lots 1, 2, 3, 4, 13, 18 and 19 at all times 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. 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.
11. 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.
12. 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).**

13. 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.
14. 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 "Clearing Limits," "Limits of Disturbance" and "Clearing Limit," such limits to be consistent with those set forth on the Final Subdivision Plat dated October 30, 2007, and set forth on Sheet C4 (entitled "Erosion and Sediment Control Plan") and Sheet C100 (entitled "Layout Plan") of the Final Subdivision Application dated October 30, 2007, it being required that such "Clearing Limits," "Limits of Disturbance" and "Clearing Limit" delineations for Lots 1, 2, 3, 4, 13, 18 and 19 at all times exclude (except for limited driveway purposes) areas within the required stream setbacks affecting such lots.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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, and identified portions of Lots 8 and 18, shall be offered for dedication and conveyance to the Village of Lansing by fee interest (except in the case of easements approved by the Village Engineer) 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].
20. Confirmation satisfactory to the Village Attorney that (i) the Final Subdivision Plat is 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.
21. 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. 20 above, which copies shall be (a) recorded concurrently with the filing of the Final Subdivision Plat, and (b) 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, Ned Hickey, Maria Stycos, Carol Klepack and Phil Dankert**

**NAYS: none**

The motion was declared to be carried.

**Special Permit No. 2237 – 8 Brentwood Dr. Addition – Public Hearing:**

The third item on the agenda was a Public Hearing for Special Permit No. 2237, Integrated Acquisition and Development to construct a 2000 sf addition on the existing medical office building at 8 Brentwood Drive in the Human Health Services District, Tax Parcel No. 45.1-1-57.6.

Curtis asked for a Proof of Mailing and Herman Sieverding of Integrated Acquisition and Development responded that he did not have it. Dubow also noted that there was not a County 239 Review received yet. Curtis recommended opening the Public Hearing and then adjourning it pending receipt of the Proof of Mailing. Sieverding stated he was present to answer any questions relative to lot lines and the zoning analysis provided to the Village. Sieverding stated that Cross had some concerns and a letter would be forthcoming from David Herrick of TG Millers regarding drainage. Sieverding stated there is plenty of land available for the addition although it comes to within 7 feet of the tax parcel line. Dubow stated he and Curtis have discussed the issue of tax parcel lines and lot lines with regard to setback requirements and Curtis has distributed an analysis of the issue to the Board Members. Essentially, the B & T Park and Parkview Health Care Campus are big lots that have not been subdivided into smaller lots, but parts have been leased and tax parcel numbers have been assigned to the leased parcels. Cornell continues to own the underlying land and has no intention of selling it. For that reason the Village has treated the B & T Park and the Health Care Campus as campuses with multiple buildings like a shopping mall or any other commercial complex that is subject to special permit approvals. Curtis has determined that, in this context, the tax parcel lines are not lot lines and that setback requirements do not apply to tax parcel lines which are not lot lines.

Klepack moved to open the Public Hearing. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

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

Dubow stated this will require a SEQRA review. Hopefully, the Board will also have received the County 239 Review prior to the next meeting.

**Approval of Minutes** – Sept. 25 & Oct. 8:

Tomei moved to accept the minutes of September 25<sup>th</sup> as revised. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Klepack moved to accept the minutes of October 8<sup>th</sup> as revised. Seconded by Dankert. Ayes by Dankert, Hickey, and Klepack. Abstain by Stycos and Tomei. Motion carried.

**Other Business as Time Permits:**

Based on reading he has done, Hickey would like to recommend that as part of the application materials submitted for Planning Board review and approval, the Board be given drawings of what a proposed building will look like when it is completed. Hickey would also like to see an aerial photograph of the site which is to be subdivided or developed.

Hickey stated he had attended an interesting meeting at the Town of Lansing. Regarding Home Occupations, the Village has a form to be filled out by the applicants. Hickey suggested that if no impact is identified in that application, then Curtis should be able to issue the permit and it would not need to go before the Planning Board. This would save the applicant and the Board the needless expenditure of time and effort. Hickey also learned at that meeting how valuable it is to require an aerial photograph for a subdivision which would show the locations of all shrubs, trees, hedgerows, etc.

Leopold stated the new Arleo building has much vegetation removed. Curtis stated some of the trees have been saved and the plan is to landscape the lot before the winter.

Regarding the Planning Federation meeting, Tomei stated he attended 7 sessions in two days. Topics included the resurgence of downtown areas and specialty shops, affordable housing, sign control, property maintenance laws, and stormwater management practices. Hickey will set up a training session with David Fernandez on how to read landscape plans.

**Adjournment:**

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