

**Village of Lansing
Planning Board Meeting
June 9, 2008**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M.
2 by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil
3 Dankert, Carol Klepack, and Mario Tomei; Alternate Member Richard Durst; Trustee
4 Liaison Lynn Leopold; Village Attorney David Dubow; Village Engineer Brent Cross;
5 Code Enforcement Officer Ben Curtis; and John Dennis, observing for the Community
6 Party; Harris and Michelle Benedict Jones, Tim Yaeger, Bob Wilson, Tom LiVigne from
7 Cornell Real Estate and Dan Veanor from the Lansing Star.

8
9 Hickey appointed Alternate Member Durst to serve as an Acting Member in place of
10 Stycos who could not attend.

11
12 **Public Comment:**

13 Hickey opened the Public Comment Period. There being no one who wished to speak,
14 Dankert moved to close the Public Comment Period. Seconded by Tomei. Ayes by
15 Hickey, Dankert, Durst, Klepack, and Tomei. Motion carried.

16
17
18 **Special Permit #2275 – 52 Twin Glens Road, New House – Continued Discussion**

19 The first item on the agenda was continued discussion of Special Permit #2275, Harris
20 and Michelle Benedict Jones, to construct a single family house at 52 Twin Glens Road
21 in the Low Density Residential District, Tax Parcel Number 48.1-2-6. Because the
22 property includes land in both the Steep Slope and the Unique Natural Area Conservation
23 Combining Districts, and construction will occur within 200' of the centerline of a stream
24 included in the Drainageway Conservation Combining District, special permit review is
25 required pursuant to Section 145-48 of the Village of Lansing Code.

26
27 Hickey reviewed the information provided at the previous meeting noting that the Board
28 had heard from the applicant details of the proposed new house and held the public
29 hearing. He stated that questions had been raised for which additional information was
30 needed in order to respond. He then called on Village Engineer Cross to report on what
31 he had determined since the last meeting

32
33 Cross presented the following report:

34
35 “As requested at the last meeting I have researched the following information:

- 36
37 1. I met with John Courtney about the possibility that run-off from the Twin Glens
38 ditches were concentrating flow onto the properties below. The only evidence of
39 erosion appeared to be a result of recent hydrant flushing that was done by
40 Bolton Point. Based on this observation, it would be difficult to say that the
41 Village ROW was a major contributor to downhill run-off. If it was decided to
42 make an effort to address this situation, there is an area along the north side of
43 the “T-turn” that could be cleared to create a small retention basin.

1 2. Based on the apparent driveway stake-out, the owner is not proposing to utilize
2 an existing “curb-cut” that is already paved and has a culvert pipe under it. In
3 speaking to John Courtney, he is concerned that the proposed location (closer to
4 the end of the side T) will become packed with snow when the Lansing plow
5 turns around there. The owners should reconsider the original driveway
6 location.

7
8 3. I spoke with Ben Curtis, Stormwater Management Officer, and agree that the
9 language of Village Law 124-6.E.5 Applicability: “...SMO determines likely to
10 cause an adverse impact according to criteria of slope, soil erodibility, proximity
11 to sensitive area...” would be appropriate in this situation. Therefore, I am
12 available if Ben needs me to review any engineering aspects of the required
13 Simple SWPPP.”

14
15 Harris Jones stated that the driveway is proposed to be located where it is shown in an
16 effort to preserve one of two big pine trees near the front of the property. He was not
17 aware of the potential of the snow plow leaving deposits in his driveway if he located the
18 driveway where proposed and will give the matter further consideration.

19
20 Hickey informed the applicants that Maria Stycos, though unable to attend, had expressed
21 interest in whether the utility lines would be overhead or underground. Micelle Benedict-
22 Jones confirmed that they would be underground.

23
24 There being no further questions from the Board, Hickey suggested the Board consider
25 conditions for approval. He referred the Board to Section 145-61(B) of the Village Code
26 which explains how the Planning Board must consider Special Permit approvals in the
27 various Conservation Combining Districts. He noted that that section required a detailed
28 plat plan with contour lines and before and after grading plans. One condition of approval
29 should require that the plans in the application be upgraded to include the information
30 required under this section of the Code to be reviewed and approved by the Village
31 Engineer. The Section also requires an erosion and sedimentation plan, but that will be
32 covered by the Storm Water Management Plan. Hickey would also like to see the limits
33 of disturbance shown on the detailed plan. Harris Jones stated that he had been advised
34 that a 25’ margin around the foot print of the house and a 10’ margin around the footprint
35 of the garage would be sufficient in addition to the actual area of the driveway and
36 whatever disturbance might be required by the County Health Department to construct
37 the septic system. The driveway is proposed to be 12’ wide. No development is proposed
38 in that part of the property which is designated by the County as a Unique Natural Area.

39
40 Leopold expressed concern about how the storm water discharge would be managed.
41 Curtis responded that this would be included in the Storm Water Management Plan.
42 Based on his visit to the site with Cross, he understood that the best method for handling
43 the discharge would be to use stones to disperse water from the roof and footer drains and
44 allow it to sheet drain through the woods rather than concentrate, detain and release it at a
45 single point. He noted that this was a small foot print development and the discharge
46 would not be great.

1
2 Leopold also noted that there was a spectacular *Amelanchier* tree in the middle of the
3 garage foot print. It is around 6” in diameter, the biggest she has ever seen in this area.
4 There did not seem to be any practical way to save it, however.

5
6 Benedict-Jones asked about their earlier request that the approval by the Planning Board
7 permit them the flexibility to shift and change the foot print and general construction of
8 the house within a window of approximating what they had provided to the Board. As
9 they firmed up their plans, they may need or want to make some changes. Hickey
10 responded that the Board would be approving a Special Permit with conditions and that
11 Curtis would be authorized to issue a building permit when those conditions were met. If
12 there are changes, Curtis would evaluate those changes and possibly consult the
13 Chairman. If the changes were significant, he might refer the permit back to the Board.
14 Curtis added that in determining significance, he generally considered whether the
15 change increased the size of the building or its potential impact by, for example, shifting
16 the disturbance from flatter ground to steeper slopes.

17
18 Dubow noted that the action is exempt under the State Environmental Quality Review
19 Act, but that Sections 145-59 to 61 of the Village Code require that the Board conduct
20 their own environmental review which it has done in the previous discussion. Hickey
21 then directed the Board’s attention to the General Conditions required for all Special
22 Permits under Section 145-59E of the Village Code, reading the list of conditions and
23 asking the Board to comment if they had concerns. There being none, Durst moved that
24 the proposed development met the General Conditions, seconded by Tomei, all in favor.

25
26 Dankert moved the following resolution, seconded by Klepack:

27
28 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL
29 PERMIT APPROVAL ADOPTED ON JUNE 9, 2008

30
31 **WHEREAS:**

- 32
33 A. This matter involves consideration of the following proposed action: Special
34 Permit #2275, Harris and Michelle Benedict Jones, to construct a single
35 family house at 52 Twin Glens Road in the Low Density Residential District,
36 Tax Parcel Number 48.1-2-6. Because the property includes land in both the
37 Steep Slope and the Unique Natural Area Conservation Combining Districts,
38 and construction will occur within 200’ of the centerline of a stream included
39 in the Drainageway Conservation Combining District, special permit review is
40 required pursuant to Section 145-48 of the Village of Lansing Code; and
41
42 B. The Village of Lansing Planning Board, in accordance with Article 8 of the
43 New York State Environmental Conservation Law - the State Environmental
44 Quality Review Act (“SEQR), and 6 NYCRR Section 617.5, hereby
45 determines that the approval of the proposed special permit is a Type II action,
46 and thus may be processed without further regard to SEQR; and
47

- 1 C. The Village Code Enforcement/Zoning Officer has determined that the
2 proposed action is not large-scale and therefore is not subject to a full and
3 extensive environmental review under the Village of Lansing Zoning Law;
4 and
5
- 6 D. On May 27, 2008, the Village of Lansing Planning Board held a public
7 hearing regarding this proposed action, and thereafter thoroughly reviewed
8 and analyzed (i) the materials and information presented by and on behalf of
9 the applicant in support of this proposed action, including information and
10 materials related to the environmental issues, if any, which the Board deemed
11 necessary or appropriate for its review, (ii) all other information and materials
12 rightfully before the Board, and (iii) all issues raised during the public hearing
13 and/or otherwise raised in the course of the Board's deliberations, whereupon
14 it was determined that further information, materials and Board deliberation
15 would be required; and
16
- 17 E. On June 9, 2008, the Village of Lansing Planning Board further reviewed the
18 application materials submitted by the applicant, including specifically the
19 supplemental information and materials submitted as requested by the Board
20 at its May 27, 2008 meeting, including information and materials related to
21 environmental issues, and thereupon also further reviewed (i) all other
22 information and materials rightfully before the Board, and (ii) all issues raised
23 during the public hearing and/or otherwise raised in the course of the Board's
24 deliberations; and
25
- 26 F. On June 9, 2008, in accordance with Section 725-b of the Village Law of the
27 State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the
28 Village of Lansing Code, the Village of Lansing Planning Board, in the course
29 of its further deliberations, reviewed and took into consideration (i) the
30 general conditions required for all special permits (Village of Lansing Code
31 Section 145-59E), (ii) any applicable conditions required for certain special
32 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable
33 conditions required for uses within a Combining District (Village of Lansing
34 Code Section 145-61), and (iv) any environmental issues deemed necessary
35 and/or appropriate;
36

37 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
38

- 39 1. The Village of Lansing Planning Board hereby (i) determines that the
40 environmental information and materials submitted by the applicant and the
41 details thereof are reasonably related to the scope of the proposed project; (ii)
42 waives the necessity for any additional environmental information otherwise
43 required; and (iii) finds that the proposed project will not have a significant
44 adverse impact on the environment; and
45
- 46 2. The Village of Lansing Planning Board hereby finds (subject to the conditions
47 and requirements, if any, set forth below) that the proposed action meets (i) all

1 general conditions required for all special permits (Village of Lansing Code
2 Section 145-59E), (ii) any applicable conditions required for certain special
3 permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable
4 conditions required for uses within a Combining District (Village of Lansing
5 Code Section 145-61); and
6

7 3. It is hereby determined by the Village of Lansing Planning Board that Special
8 Permit No. 2275 is **GRANTED AND APPROVED**, subject to the following
9 conditions and requirements:
10

11 **1. Submission and approval of a detailed site plan showing contour lines,**
12 **before and after grading plan, etc.**
13

14 **2. Submission and approval of a Storm Water Management Plan.**
15

16 **3. Submission and approval of a plan showing limits of disturbance**
17 **approximating the foot print of the house plus a 25' margin around**
18 **the perimeter; the foot print of the garage plus a 10' margin around**
19 **the perimeter of the building, the driveway and the septic system to**
20 **the extent required by Health Department regulations. No vegetation**
21 **shall be removed nor soil disturbed outside of the limits of**
22 **disturbance.**
23

24 **4. No disturbance will occur in that portion of the property which has**
25 **been designated by Tompkins County as a Unique Natural Area.**
26

27
28 The vote on the foregoing motion was as follows:
29

30 **AYES: Ned Hickey, Carol Klepack, Phil Dankert, Richard Durst and Mario Tomei**
31

32 **NAYS: none**
33

34 The motion was declared to be carried.
35

36 **Public Comment - Reopened:**

37 Hickey reopened the Public Comment period to permit John Dennis who had arrived
38 after the Public Comment Period was previously closed, an opportunity to speak. John
39 Dennis introduced himself as the observer for the Community Party and asked if there
40 had been any progress in the Village's plan to attempt to leverage State, County and
41 private funds to use with Village funds to acquire the environmentally sensitive cliff
42 properties in the Bolton Estate Subdivision. He is concerned that, with the exception of
43 Poison Ivy Point and a small parking area, there will not be public access to the
44 environmentally important areas such as those along the bluffs. He asked if the Village
45 was still pursuing acquisition of land in this area. Hickey noted that trails had also been
46 established to be dedicated to the Village, and responded that he believed the effort to
47 acquire the land included in the Unique Natural Areas was still ongoing. The Village did

1 pay for the initial appraisal which was a precondition for State involvement. Dennis
2 suggested that the Village might be more aggressive in securing from the railroad an
3 easement for the public to access Poison Ivy Point. Dubow pointed out that the Village
4 had secured a Conservation Easement for the land included in the Unique Natural Areas
5 to protect them from any sort of disturbance, but that it was beyond the authority of the
6 Board to require the applicant to transfer title to the Village. With regard to purchase of
7 this land, Dubow stated that he believed discussions were still ongoing with the State, the
8 County and the Fingerlakes Land Trust. Regarding access to property across railroad
9 land, there have been years of discussion with no resolution; there has been a long history
10 of the public crossing railroad property without permission, but clearly this is not
11 something the Village can encourage. Efforts to secure legal permission from the railroad
12 will continue, but the outcome is anything but certain. There being no one else present
13 who wished to speak, Tomei moved to once again close the Public Comment Period.
14 Seconded by Klepack. Ayes by Hickey, Dankert, Durst, Klepack, and Tomei. Motion
15 carried.

16
17 **Religious Land Use and Institutionalized Persons Act of 2000**

18 Hickey stated that there were two young men in the audience, Tim Yeager and Bob
19 Wilson, representing their church which is interested in renting the old Bishop's space in
20 the Small Mall to hold services. The Village Zoning Law, however, does not permit the
21 use "religious facility" in the Commercial High Traffic District. Federal legislation, the
22 Religious Land Use and Institutionalized Persons Act of 2000, limits to some extent
23 zoning restrictions which impose a substantial burden on the religious exercise of a
24 person, including religious assembly. Dubow stated that this federal legislation does not
25 preclude the regulation of religious facilities entirely, and that he did not think the
26 Village's laws were necessarily in conflict with the federal law as the Village Law did
27 not preclude religious facilities everywhere in the Village. Nonetheless, the Planning
28 Board may choose to recommend that the use "'religious facility" be permitted in the
29 Commercial High Traffic District if it determines that this use is consistent with the intent
30 of the District. This use could be subject to the requirements of a Special Permit as are
31 other assembly uses in the District. The Planning Board could recommend an amendment
32 to the Zoning Law to permit the use "'religious facility" with a Special Permit anywhere
33 in the CHT District areas of the Village, recognizing that this would apply generally to
34 any religious group seeking to locate a facility in the CHT District. In the alternative an
35 application could be made for a variance to be granted by the Board of Zoning Appeals.
36 At issue is whether the Planning Board has any objection to "religious facilities" in the
37 CHT District as a general matter. Curtis pointed out that every other type of public
38 assembly was permitted in the CHT District except religious assembly.

39
40 Tomei asked if parking was adequate. Dubow noted that a proposed zoning amendment
41 permitting this use in the CHT District with a Special Permit would not relieve the
42 applicants of the obligation to respond to concerns about parking in exactly the same way
43 that any other proposed use would have to respond to those same concerns as part of the
44 Special Permit approval process. Dankert moved that the Planning Board recommend to
45 the Board of Trustees that the Trustees approve an amendment to the Zoning Law
46 including the use "Religious Facility" among those permitted with a Special Permit and

1 General Conditions in the Commercial High Traffic District, seconded by Tomei, all in
2 favor. Hickey will send a recommendation to the Trustees

3
4 Dubow stated that the proposed amendment could be presented to the Trustees at their
5 meeting on June 16 and a Public Hearing set with action possible at the first or second
6 meeting in July depending on the County's 239 response. Hickey told Yaeger and Wilson
7 they could begin preparing their application for a Special Permit in the hope that the
8 amendment would be approved. They could bring an informal proposal to the Planning
9 Board at its June 24 meeting to get some feedback and identify concerns. This would
10 expedite the approval process in the event the amendment is approved.

11 12 **Cornell Rezoning Request**

13 Hickey introduced Tom LiVigne, Associate Director of Cornell Real Estate. Hickey then
14 directed the Board's attention to a packet of information LiVigne had provided for the
15 Board. In it LiVigne described Cornell's plans to expand the Business and Technology
16 Park into the future. The Park has been very successful and Cornell plans to continue and
17 expand its economic development mission and support the Tompkins County economy.
18 Over the next decade Cornell will begin to exhaust available vacant land in the current
19 Business and Technology Park, and it is critical that they begin making provision now to
20 accommodate future needs. To that end they are requesting that the Village rezone
21 approximately 17 acres south of Rt.13 currently zoned Medium Density Residential and
22 adjacent to existing Cornell land zoned Business and Technology as Business and
23 Technology. This will provide the space they need to grow in the future.

24
25 Included in the packet were a plan and an alternate plan showing how the Park might be
26 developed south of Rt. 13 as well as information about the Park as it has been developed
27 to date. Hickey had previously briefed the Board about Cornell's plans based on
28 conversations he had had with LiVigne. He informed LiVigne that the Board identified
29 traffic as a key concern, both in terms of access for emergency vehicles and also
30 projecting and providing for the potential volume of traffic as the Park approached full
31 build out in the future. The Board will need to consider what the traffic impact will be for
32 business and technology uses as opposed to those of Medium Density Residential as the
33 parcel is currently zoned. Hickey stated that Cornell's proposal to redevelop the
34 Arrowwood entrance as a boulevard would clearly help with traffic concerns, but without
35 traffic study information, the Planning Board could not determine what else, if anything,
36 may be needed. LiVigne responded that TG Miller Engineers were working on the traffic
37 information as part of developing a Master Plan, as they did with the Park north of Rt.13,
38 to address traffic, drainage and other issues. Hickey acknowledged that they were looking
39 25 years down the road, but thought it was important to start on a solid foundation.

40
41 Klepack stated that she recognized the value that the Business and Technology Park
42 brought to the community, but worried a little about the owners of other land zoned for
43 this sort of development that might be damaged by increasing the amount of Cornell
44 owned land zoned for Business and Technology. LiVigne stated that the primary piece of
45 land that would fit this description was under purchase contract by Cornell, again as part
46 of their long term plan. Tomei asked about the alternate development plan. Livigne stated

1 that these were just a couple of conceptual plans on how the land might be developed.
2 They put together the first plan, and then as they discussed it further came up with the
3 alternate which some preferred.
4

5 Hickey noted that the Village will want to coordinate their consideration of the zoning
6 change and the long term plans for the area with the Town of Ithaca which is immediately
7 adjacent to the project and currently studying the land in that area with regard to
8 environmental concerns. LiVigne stated that they had already had informal preliminary
9 discussion and as plans become more definite and more information is available they will
10 follow-up with more in depth discussions and joint discussions with the Village and the
11 Town. LiVigne will get back to the Board when he has more information.
12

13 **Approval of Minutes**

14 Durst moved to approve the minutes for the May 12 as revised, seconded by Tomei, all in
15 favor. Klepack moved to approve the minutes of May 27 as revised, seconded by
16 Dankert, all in favor.
17

18 **Reports**

19 Dankert reported on the Trustees meeting. The State will be rebuilding the Cayuga
20 Heights Road bridge. One of the Bolton Estate Subdivision lots has already sold. Road
21 construction is slated to proceed this summer with the utilities, base and binder this
22 season and possibly the top coat next year. Cross stated that he suspected the cost of
23 constructing the road may well exceed the preliminary estimates given current prices.
24 Dankert stated he thought that the street lighting issues for the Bolton Estates Subdivision
25 had been resolved. The Lighting Commission is still working on the update for the
26 Village Lighting Guidelines. They are incorporating parts of the Town of Ithaca Lighting
27 Law which is very well thought out and includes a lot of useful information.
28

29 Hickey directed the Board's attention to an invitation to participate in a workshop on
30 affordable housing on June 24 sponsored by Better Housing of Tompkins County and
31 The County Planning Department. It will feature several affordable housing developers
32 and is accredited for in-service training. Breakfast will be provided. Hickey said it would
33 be good to hear directly from the sort of people who might one day come before the
34 Board with a proposal for affordable housing. He would like to know what the Village
35 can do to facilitate such projects and particularly what the Village can be doing now in
36 order to be in a position to capitalize on an opportunity to provide affordable housing
37 were such an opportunity to occur. A number of Planning Board members were interested
38 in attending; Hickey asked that they phone in their own reservations.
39

40 **Adjournment:**

41 Klepack moved to adjourn at 8:45 P.M. Seconded by Tomei. Ayes by Hickey, Durst,
42 Klepack, Dankert and Tomei. Motion carried.