

**Village of Lansing  
Planning Board Meeting  
October 27, 2009**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman  
2 Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos, Phil Dankert,  
3 Richard Durst and Mario Tomei; Alternate Planning Board Member Lisa Schleelein; Village Attorney  
4 David Dubow; Village Engineer Brent Cross; Code Enforcement Officer Ben Curtis; Acting Trustee  
5 Liaison Julie Baker; Neil Tarallo; and Carl Leopold observing for the Community Party.  
6

7 **Public Comment:**

8 Hickey opened the Public Comment Period. Carl Leopold introduced himself as the Community Party  
9 Observer. Dankert reported that there was an article in the Ithaca Journal regarding Chairman Hickey's  
10 recent award from the New York Planning Federation. There being no one else who wished to speak,  
11 Durst moved to close the Public Comment Period. Seconded by Tomei. Ayes by Hickey, Stycos,  
12 Dankert, Durst and Tomei. Motion carried.  
13

14 **8 Blackchin Boulevard, New House**

15 The next item on the agenda was Special Permit #2415, Neil and Paula Tarallo, to construct a single  
16 family house at 8 Blackchin Boulevard in the Low Density Residential District, Tax Parcel Number  
17 42.1-1-37.214. Because the property includes land in the Steep Slope Conservation Combining  
18 District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.  
19

20 Hickey directed the Board's attention to a partial copy of the Bolton Estate Subdivision Plat in the  
21 members' packets. Curtis explained that the lot numbers and addresses were not the same and that 8  
22 Blackchin Boulevard is Lot 14. Hickey asked the Board to also have at hand the colored map of the  
23 Subdivision distributed at the previous meeting which shows the location of steep slopes, and the map  
24 showing limits of disturbance for individual lots. He noted that Brent Cross, the Village Engineer, had  
25 visited the subdivision and would be reporting on the four lots, including Tarallo's lot, on which there  
26 are minor steep slopes, not specifically cited in the Conditions of Approval for the Subdivision. Hickey  
27 further directed the Board's attention to plans for Tarallo's proposed house along with a site plan  
28 showing the location of the house on the lot, also included in the Board packets. He noted that the  
29 steep slopes on Tarallo's lot were in the northwest corner of the lot, outside the clearing limits and  
30 distant from the location of the proposed house.  
31

32 Curtis confirmed that he had received proof of mailing of notice to contiguous property owners.  
33 Hickey opened the public hearing. There being no one who wished to speak, Dankert moved to close  
34 the public hearing. Seconded by Tomei. Ayes by Hickey, Stycos, Dankert, Durst and Tomei. Motion  
35 carried.  
36

37 Cross presented his report as follows:  
38

**VILLAGE OF LANSING  
ENGINEER'S REPORT**

41  
42 **DATE:** October 23, 2009

43  
44 **TO:** Planning Board

1  
2 **FROM:** Brent A. Cross, Village Engineer  
3

4 **RE:** Bolton Estates Lots 2, 11, 14 and 7  
5

6 **NOTE:** The Tompkins County survey of Unique Natural Areas has identified two small isolated areas  
7 of steep slopes on the Crossmore property that are not contiguous to the large areas of steep  
8 slopes that are run down to the lake edge. As the lots have been laid out, one of these small  
9 areas of steep slopes is stretched across a small portion of lots 2, 14 and 7. The second small area  
10 is located only in lot 11. Since these lots are in an official Steep Slopes Conservation  
11 Combining District, I have inspected them and offer the following observations and comments:  
12

- 13 1. It is likely that the areas became identified as a result of aerial surveying and ortho-imagery,  
14 and not as a result of any actual topographic site surveys.
- 15 2. The two “patches” of steep slope are relatively small (significantly < 1 acre each).  
16
- 17 3. Both areas are very short, relative to the slope, and longer relative to the width.  
18
- 19 4. Neither area is visually noticeable when viewed in relation to the rest of the land.  
20
- 21 5. I would not consider either area to be significant in terms of its ecological formation or  
22 environmental uniqueness.  
23
- 24 6. Even though the southern area is entirely within Lot 11, it is located entirely within the  
25 western edge of the lot...likely outside of the 1.5 acre clearing zone.  
26
- 27 7. Although the northern area is spread across three different building lots, the potential  
28 impact is minimized by the fact that the steep area(s) are in locations at the edges of the  
29 lots...likely outside the 1.5 acre clearing zone.  
30

31  
32 Based on the above conditions, I would recommend that the requirements for special permits on  
33 these particular lots be limited to a simple site plan that would indicate whether the proposed  
34 clearing and subsequent structures are in/out of these steep slope areas. Provided that the  
35 eventual applications prove not to impact those areas, I would think that no further conditions  
36 would be necessary. Only if the proposed clearing/building was to be located in the small steep  
37 area would there be any need to consider further impacts on a case by case basis.  
38

39 Cross also distributed pictures of the steep slope areas on each of the 4 lots, indicating the minimal  
40 nature of the slopes in all four cases. Based on the Engineer’s report, Dankert moved that the proposed  
41 construction of a new house on Lot 14 met the Special Conditions for the Steep Slope Conservation  
42 Combining District; seconded by Durst; all in favor. Hickey then led the Board through the General  
43 Conditions required for all Special Permits. Stycos moved that the proposed construction met all of the  
44 General Conditions; seconded by Tomei; all in favor. Durst then moved the following resolution,  
45 seconded by Stycos:  
46

47 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**  
48 **APPROVAL ADOPTED ON OCTOBER 27, 2009**  
49  
50

1 **WHEREAS:**  
2

- 3 A. This matter involves consideration of the following proposed action: Special Permit #2415,  
4 Neil and Paula Tarallo, to construct a single family house at 8 Blackchin Boulevard in the  
5 Low Density Residential District, Tax Parcel Number 42.1-1-37.214. Because the property  
6 includes land in the Steep Slope Conservation Combining District, Special Permit review is  
7 required pursuant to Section 145-48 of the Village of Lansing Code; and  
8
- 9 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State  
10 Environmental Conservation Law - the State Environmental Quality Review Act  
11 (“SEQR”), and 6 NYCRR Section 617.5, hereby determines that the approval of the  
12 proposed special permit is a Type II action, and thus may be processed without further  
13 regard to SEQR; and  
14
- 15 C. The Village Code Enforcement/Zoning Officer has determined that the proposed action is  
16 not large-scale and therefore is not subject to a full and extensive environmental review  
17 under the Village of Lansing Zoning Law; and  
18
- 19 D. On October 27, 2009, the Village of Lansing Planning Board held a public hearing  
20 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the  
21 materials and information presented by and on behalf of the applicant in support of this  
22 proposed action, including information and materials related to the environmental issues, if  
23 any, which the Board deemed necessary or appropriate for its review, (ii) all other  
24 information and materials rightfully before the Board, and (iii) all issues raised during the  
25 public hearing and/or otherwise raised in the course of the Board’s deliberations; and  
26
- 27 E. On October 27, 2009, in accordance with Section 725-b of the Village Law of the State of  
28 New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing  
29 Code, the Village of Lansing Planning Board, in the course of its further deliberations,  
30 reviewed and took into consideration (i) the general conditions required for all special  
31 permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required  
32 for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any  
33 applicable conditions required for uses within a Combining District (Village of Lansing  
34 Code Section 145-61), and (iv) any environmental issues deemed necessary and/or  
35 appropriate;  
36

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

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

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

- 6 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.  
7 2415 is **GRANTED AND APPROVED**, subject to the following conditions and  
8 requirements:  
9

10 **None**

11 The vote on the foregoing motion was as follows:

12 **AYES: Ned Hickey, Mario Tomei, Phil Dankert, Maria Stycos and Richard Durst**

13  
14 **NAYS: None**

15  
16 The motion was declared to be carried.  
17

18  
19  
20 **Bolton Estate Subdivision Conservation Easement Agreement - Update**

21 Hickey directed the Board's attention to a 21 page Draft Deed of Conservation Easement from the  
22 Finger Lakes Land Trust that Curtis had included in the Board packets. Hickey noted that parts of the  
23 document have little or no application to the proposed Bolton Estate Easement, but others seemed to  
24 address issues raised in earlier discussions. He suggested the Board review the Land Trust Draft  
25 Easement and incorporate sections or concepts that would improve the proposed Bolton Estate  
26 Easement.  
27

28 He noted that Section 4.04(c) of the Land Trust easement addressed recreational structures which had  
29 been a topic of discussion at the previous meeting with regard to the Bolton Estate Easement. Section  
30 4.04(c) lists various structures from bird feeders to play houses to tree stands that might be erected in  
31 the Easement area without prior approval of the Easement holder, and also provides that other  
32 structures might be permitted subject to the holder's approval. Hickey suggested both of these  
33 approaches – a list of permitted structures and provision for holder approval – seemed like good ideas.  
34 He suggested that Board members review the Section and the list of examples. He for one would delete  
35 "tree stand" as a structure permitted without prior holder approval.  
36

37 Dubow added that Conservation Easements are a specific instrument established by New York State  
38 Environmental Conservation Legislation which enables the establishment of these agreements for the  
39 preservation of natural resources and establishes certain obligations and benefits, but leaves a lot of  
40 discretion to the Grantor and Grantee to determine the exact terms of the agreement. The Land Trust  
41 draft agreement is an expansive document with provisions covering a broad spectrum of  
42 circumstances, some of which provisions may be useful in crafting the Bolton Estate agreement and  
43 others not.  
44

45 Hickey noted that each lot has an approximately 1.5 acre area approved for clearing and disturbance,  
46 and outside of this area where protected by the Conservation Easement it is appropriate to make a  
47 judgement regarding what structures can be permitted in the Easement area – maybe bird houses or

1 bird feeders – and which structures should be limited to the areas approved for clearing – maybe  
2 garden sheds and children’s playhouses. Dankert noted that Section 4.04(d) of the Land Trust  
3 Easement applies to “forest management” and might include some useful ideas. Hickey responded that  
4 the Village has struggled off and on for years about adopting a forest management policy and  
5 regulations, but has not been able to agree on a plan.

6  
7 Curtis reported that Rocci Aguirre who specializes in these agreements at the Land Trust has  
8 volunteered to meet with members of the Board after they have had a chance to look over the Land  
9 Trust document and incorporate any ideas and provisions they thought would improve the Bolton  
10 Estate Easement. Hickey stated that the Board’s assignment for the next meeting was to review the  
11 Land Trust Draft Agreement and highlight items that might be incorporated into the Bolton Estate  
12 agreement.

13  
14 **Bolton Estate Subdivision “specimen trees” – Update**

15 Dankert reported that he and Leopold were joined by Nina Bassuk and Fred Cowett from Cornell and  
16 inspected Lots 3 & 4. Cowett recorded GPS coordinates for significant trees which he plotted on an  
17 aerial map of the subdivision. Dankert passed around copies of the aerial maps. Cowett had noted that  
18 without the lot lines from the Subdivision plotted on the aerial, it would be difficult to locate the trees.  
19 It was suggested that Curtis contact the Project Engineer, Andy Sciarabba Jr. and ask if he could  
20 import the GPS data and plot it on the Subdivision plat. Curtis will check with Sciarabba and Cowett  
21 and see if this can be done.

22  
23 The trees they identified, based primarily on size, were of three species – Honey Locust which is not  
24 native to this area and imported, in all likelihood, from the Midwest; Black Walnut; and Northern Red  
25 Oak. Dankert has not counted up the trees identified, but thought there were 20 or more. Curtis noted  
26 that in the original discussion the Board had suggested inspecting Lot 2 rather than Lot 4 because  
27 development on Lot 4 is already subject to Special Permit approval and there is dense forest on Lot 2  
28 which might host some significant trees.

29  
30 Hickey reminded the Board that the issue of “specimen trees” had come up as part of the discussion of  
31 what tree removal should be permitted outside the permitted clearing areas and how to address the  
32 possibility that some very valuable trees might be located inside the clearing areas on lots where no  
33 Special Permit approval is required. It was hoped that Bassuk might be able to assist the Board in  
34 better defining what a “specimen tree” is, identify any that might be on this tract of land, and develop  
35 strategies for encouraging their preservation once identified. If nothing else, this will enable the Board  
36 to alert prospective buyers early on that there are trees on their property that may be worth protecting.

37  
38 Dankert noted that the primary criteria that was used for identifying significant trees was size. Some of  
39 the trees he guessed were over 30” in diameter and there was one Northern Red Oak he estimated to be  
40 more than 40” in diameter. Stycos added that Bassuk defined a “specimen tree” as one that the  
41 community valued. Hickey suggested that the Village might require a certified forester to assess any  
42 proposed tree removal and make a recommendation. Dubow reminded the Board that they already  
43 have an agreement with regard to the Clearing Policy which regulates tree removal in and outside the  
44 clearing areas except where other restrictions may apply such as Special Permit approval or the  
45 Conservation Easement. Under the current Policy, a property owner can remove up to 4 trees 4” or  
46 more in diameter per acre of land outside the clearing area; within the clearing area they can remove  
47 any trees they want to remove. On lots 2 & 3, the property owner could remove between 12 and 15

1 trees and that might include significant trees. Changing the Clearing Policy would require a  
2 collaborative process with the developer and/or property owners. Part of the motivation for walking  
3 these lots and identifying “specimen trees” was to determine if the issue was significant enough to  
4 warrant reopening the discussion of clearing on the lots. It may be that only on Lots 2 & 3 are there  
5 trees worth protecting that are not otherwise protected, and there may be a limited number of such trees  
6 that everyone involved agrees that there is some value in protecting these special trees. Curtis will try  
7 to arrange for Cowett to transfer the GPS data to Sciarabba and subsequently request approval from the  
8 developer for Hickey and Curtis to visit Lots 2 & 3 with Sciarabba and the GPS maps to get a better  
9 idea of what is at risk and if and how that risk might be reduced.

### 10 **Zoning Review – Follow Up**

11 Hickey reported that he had gone back through his notes and the minutes of previous meetings and  
12 compiled a list of action items from the Zoning Law Review the Board completed between March and  
13 early Fall. He passed out the list to the members. He has done some preliminary research to define  
14 terms currently undefined in the Zoning Law. He found Wikipedia to be a useful resource. The Board  
15 discussed some of the action items. Hickey indicated he will continue fleshing out the list if the Board  
16 wanted him to do that. Ultimately the members will need to recommend specific changes for the  
17 Attorney to put into a proposed law amending the Zoning Law. Curtis will compile all of the Zoning  
18 Law Review discussions from the minutes into one document for the members to use in finalizing the  
19 review. Dubow suggested that the Board might take a look at Section 145-27 of the Village Code as  
20 well. The Section requires land owners to preserve, protect and nurture as many trees as is ecologically  
21 sound when engaging in land development and property management. He allowed that such a  
22 provision might be difficult to enforce, but could be viewed as a statement of policy. Curtis added that  
23 he had discussed enforcement of the Section with the Trustees early in his tenure and had been advised  
24 at that time that the Section was intended to be advisory only.

### 25 **Approval of Minutes**

26 Tomei moved the minutes of September 29 as corrected, seconded by Stycos; Dankert, Stycos, Durst,  
27 Hickey and Tomei in favor. Dankert moved the minutes of October 12 as corrected, seconded by  
28 Tomei, all in favor.

### 29 **Reports**

30 *Trustees* – Baker noted that the Trustees had not met since the last Planning Board meeting.

31  
32 *Planning Board Training* – Durst reported that he had attended the Planning Board Training last  
33 week in Dryden and that it had been very useful, particularly the session on SEQRA presented by  
34 David McCoy. He touched on issues related to gas drilling which seemed particularly timely. Durst  
35 suggested such a presentation at a Board meeting might be worthwhile. Unfortunately McCoy is  
36 from somewhere near Buffalo. Hickey suggested Durst check to see if there is someone more locally  
37 available who could explain the issues to the Board. Dubow noted that there have been a number of  
38 such presentations in the County and more are planned, and gas drillers are leasing rights in  
39 Tompkins County. There is almost certainly someone local who could talk to the Board.

### 40 **Adjournment:**

41 Tomei moved to adjourn at 9:02 P.M. Seconded by Stycos. Ayes by Hickey, Dankert, Durst, Tomei  
42 and Stycos. Motion carried.  
43  
44  
45  
46