

**Village of Lansing
Planning Board Meeting
February 26, 2013**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:35 P.M. by Chairman
2 Mario Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Phil Dankert, Richard Durst,
4 Lisa Schleelein; Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley; Village
5 Attorney David Dubow; Village Engineer Brent Cross; Trustee Liaison Lynn Leopold; Joe Tierney from
6 Party City; Ken Colton from Allied Sign Company; Boris Simkin for Westview Partners; and Community
7 Party Observer Carol Klepack .

8

9 **Public Comment Period**

10 Tomei opened the public comment period.

11 Klepack introduced herself as the Community Party Observer.

12 With no one else wishing to speak from the public, Durst moved to close the public comment
13 period. Seconded by Stycos; Ayes: Tomei, Stycos, Schleelein, Dankert, and Durst.

14

15 **Proposed Sign for Party City**

16 Tomei indicated that the proposed Party City sign exceeds the 55 square feet, which requires
17 Planning Board Approval, but Party City is allowed a sign size not to exceed 150 square feet.

18 Colton indicated that the proposed sign is 149.5 square feet.

19 Schleelein asked about the temporary signs as proposed.

20 Moseley indicated that the temporary signs would be an administrative review and would need to
21 follow the temporary signage as allowed per the Village Sign Law due to the Cayuga Mall Planned Sign
22 Area not including any language for any additional temporary signs.

23 Tomei asked about the lighting of the main sign.

24 Colton indicated that the "Party City" lettering has backlit lighting and the lower lettering
25 "Discount Party Super Store" has the typical internally lit channel lettering. Colton added that the
26 backlighting will reflect off of the wall to illuminate the lettering.

27 Tomei asked about the operation time for the façade sign.

28 Tierney indicated that the sign would typically be shut off around 11:00 PM.

29 Leopold asked what the store hours of operation are.

30 Tierney noted that M-W the store would close at 8:30 PM, TH-F the store would close at 9:00
31 PM, Sat. the store would close at 8:30 PM, and Sunday the store would close at 6:00 PM.

32 Kanter asked if there were certain times of the year that the store would stay open later.

33 Tierney indicated that there are times, like Halloween, that the store does have extended hours
34 and could close at 11:00 PM.

35 Moseley indicated that the Sign Law requires signs to be turned off at the time of closing or 10:00
36 PM. Moseley noted that during the holiday season, when the store would be open later, the sign could
37 stay on until the store is closed.

38 Durst moved to approve the sign for Party City, as presented. Seconded by Dankert; Ayes:
39 Tomei, Stycos, Schleelein, Dankert, and Durst.
40

41

42 **Discussion on Extension to Previously Approved Subdivision Application for Westview Partners**

43 Dubow noted that when the Westview subdivision was approved there was a certain amount of
44 time in which the applicant was required to file the paperwork, with the Tompkins County Clerk's Office,
45 associated with the approved subdivision. Dubow added that the Board does have the authority to extend
46 that time. Dubow suggested that the Board approve the requested extensions of the timeframe for the
47 filing of the subdivision documentation so the Board would not be required to vote on this particular
48 subdivision again. Dubow noted that it would appear that the applicant was unaware of the time
49 sensitivity related to the subdivision filing with the County. Dubow noted that there will need to be two
50 (2) extension periods that need to be approved as long as the Board agreed.

51

52 Moseley indicated that the County has informed the Village that they have received the
53 subdivision documentation from Westview Partners for the lot in question.

54 Durst moved to allow 2 extensions of the filing period of the subdivision documentation for the Westview
55 Partners subdivision approval. Seconded by Stycos; Ayes: Tomei, Stycos, Schleelein, Dankert, and Durst.

56

57

58 **Public Hearing to Consider:**

59 Special Permit #2737, Westview Partners LLC., to construct an approximately 2,600 square foot
60 single-family house on the northwest corner of Sun Path and East Shore Drive in the Farm and
61 Craft Market Combining District, Tax Parcel Number 42.1-1.2. Because the proposed
62 construction will occur within 200' of the centerline of a stream, included in the Drainageway

63 Conservation Combining District, Special Permit review is required pursuant to Section 145-48
64 of the Village of Lansing Code.

65 Tomei indicated that both special permit applications are currently proposed to be located on the
66 same tax parcel, but subdivision approval has previously been granted by the Planning Board for the
67 parcels indicated in both special permit applications, and therefore each single family residential structure
68 will be located on its own tax parcel.

69 Moseley indicated that the Farm Craft Combining District is an overlay District and the Low
70 Density Residential District is the base district that the housing would need to be built to.

71 Dubow noted that there were previously variances granted by the Board of Zoning Appeals
72 allowing the smaller lot on the north side of Sun Path Road to be considered a buildable lot.

73 Dubow noted that because the proposal is for a single-family residence, SEQR review is not
74 required, but the Board will need to consider the environmental impacts for the special permit approval
75 because the building will be located in the Conservation Combining District.

76 Cross read the Village his Engineer report:

77 **VILLAGE OF LANSING**
78 **ENGINEER'S REPORT**

79
80 *DATE: February 25, 2013*

81
82 *TO: Planning Board*

83
84 *FROM: Brent Cross, Village Engineer*

85
86 *RE: New Residence, Sun Path Road Parcel A*

87
88 *I have reviewed the survey map as prepared by TG Miller Engineers, dated 5/14/12 and the site*
89 *sketch prepared by the owner, for consideration of a Special Permit approval. I have the*
90 *following comments and observations:*

- 91
92 1. *The lot is an undeveloped site which gently slopes from east to west, which should allow*
93 *for a house to be constructed without a significant earth disturbance.*
94
95 2. *There is no existing roadside ditch along the Sun Path Road frontage of this property.*
96 *Since the lot is elevated from the road, no driveway culvert pipe should be necessary.*
97
98 3. *Since the nearest stream course is "across the street" from this parcel, significant stream*
99 *bank protection is already provided by the public road improvement. This property does*
100 *not have any actual stream banks onsite.*
101

102 4. *Since this site is mostly densely overgrown by natural vegetation, there will need to be*
103 *some clearing done to make room for the new house construction. There is no indication*
104 *on the developer's plans as to the delineation of the area intended to be cleared*
105

106 5. *The developer has indicated the proposed location of silt fence as a soil erosion practice*
107 *during construction. The developer should submit details of how this installation shall be*
108 *done for review and approval before issue of a building permit.*
109

110 *Based on the above observations, I recommend that this site plan be approved with*
111 *condition of review of final stormwater details by Village Engineer prior to issuance of a*
112 *building permit.*
113

114

115 Schleelein asked about a wet swale area and what trees would be saved.

116 Simkin indicated that he would like to clear about 30 feet around the building but not much more
117 than that. Simkin noted that he did not want to clear too much due to cost of clearing.

118 Cross noted that due to the septic system there would be one area that would need to be cleared
119 farther than 30 feet around the building.

120 Simkin noted that with the septic system installation, the clearing would be about 50 feet in the
121 area of the septic system.

122 Tomei noted that there is a 20-foot drop from the northeast corner to the southwest corner.

123 Tomei noted that the required Tompkins County 239 –l and –m was received by the Village and is
124 attached below

Tompkins County
DEPARTMENT OF PLANNING

RECEIVED FEB 27 2013

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560
Fax (607) 274-5578

February 26, 2013

Mr. Marty Moseley
Code Enforcement Officer and Zoning Administrator
Village of Lansing
2405 North Triphammer Road
Ithaca, NY 14850

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Special Permit for Two Single Family Homes Located on Sun Path Drive, Village of Lansing Tax Parcel #42.1-1.2, Westview Partners, LLC, Owner/Applicant; Boris Simkin, Agent.

Dear Mr. Moseley:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

Recommended Modifications

- To help protect water quality, we recommend that the Village require a minimum 50-foot, no-disturbance buffer to the intermittent stream which follows the road right of way shown on the northern end of Parcel B. This buffer should be measured from the top of the stream bank, exclude any disturbance and be maintained as natural vegetation.
- Driveway culverts should be designed so as accommodate larger flows associated with projected increases in precipitation in order to reduce adverse impacts to the State Highway and Town portion of the road.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Edward C. Marx, AICP
Commissioner of Planning

Cc: Stan Birchenough, New York State Department of Transportation Region 3, Resident Engineer
Jack French, Town of Lansing Highway Superintendent

Inclusion through Diversity

126 Cross noted that there is no culvert for parcel A since there is no current ditch line near parcel A.

127 Dubow noted that the County 239 is only a recommendation and can be superseded if a majority
128 plus one vote is obtained.

129 Moseley indicated that he had received the proof of mailings as required. Moseley added that he
130 had provided a packet of information to the Town of Lansing, but has not received any response thus
131 assuming that the Town does not have any additional comments to add to the **project**.

Comment [d1]: Doesn't look like anyone closed the public hearing.

132

133 Tomei read the general conditions as set in 149-59E.

134 Dubow asked if there had been any architectural drawings submitted.

135 Moseley indicated that there have been none submitted so far.

136 Durst moved that the all general conditions as set in 149-59E have been satisfied.

137 Schleelein asked how the general conditions could be met if the architectural drawings have not
138 been submitted.

139 Simkin indicated that the house would be a 2-story colonial house.

140 Kanter noted that the architectural drawings would not be helpful in order to determine if there
141 would be an impact on the drainage way corridor and that is the reason that the special permit is required.

142 Moseley indicated that there is not really a "character" of the neighborhood in that particular area
143 of the Village. Moseley added that there are commercial areas, ranch homes, and 1800s homes all in the
144 same area.

145

146 Seconded by Dankert; Ayes: Tomei, Stycos, Schleelein, Dankert, and Durst.

147

148 Tomei read the following proposed special permit resolution which was approved as follows:

149 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT #2737*
150 *APPROVAL ADOPTED ON FEBRUARY 26, 2013*

151

152

153 *Motion made by: _____ Richard Durst _____*

154

194 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
195 (iv) any environmental issues deemed necessary and/or appropriate;
196

197 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

198

199

200 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
201 information and materials submitted by the applicant and the details thereof are reasonably
202 related to the scope of the proposed project; (ii) waives the necessity for any additional
203 environmental information otherwise required; and (iii) finds that the proposed project will
204 not have a significant adverse impact on the environment; and
205

206 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
207 requirements, if any, set forth below) that the proposed action meets (i) all general conditions
208 required for all special permits (Village of Lansing Code Section 145-59E), (ii) any
209 applicable conditions required for certain special permit uses (Village of Lansing Code
210 Section 145-60), and (iii) any applicable conditions required for uses within a Combining
211 District (Village of Lansing Code Section 145-61); and
212

213 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
214 2737 is **GRANTED AND APPROVED**, subject to the following conditions and
215 requirements:
216

217 a. Prior to the issuance of a Building Permit, approval shall be granted by the Village of
218 Lansing Engineer with respect to Soil and Erosion control prevention measures.
219

220 *The vote on the foregoing motion was as follows:*

221

222 *AYES: Mario Tomei, Richard Durst, Lisa Schleelein, Maria Stycos, and Phil Dankert.*

223

224 *NAYS: None*

225 *The motion was declared to be carried.*

226 Durst moved to supersede the Tompkins County 239, with a supermajority vote, due to the 239
227 response to the extent that it affects parcel A since the Board has determined that the potential issues
228 appear to apply primarily and ultimately to parcel B. Seconded by Schleelein: Ayes by Tomei, Stycos,
229 Schleelein, Dankert, and Durst.

230

231

232 **Public Hearing to Consider:**

233 Special Permit #2738, Westview Partners LLC., to construct an approximately 2,700 square foot
234 single family house on the southwest corner of Sun Path and East Shore Drive in the Farm and
235 Craft Market Combining District, Tax Parcel Number 42.1-1.2. Because the proposed
236 construction will occur within 200' of the centerline of a stream, included in the Drainageway
237 Conservation Combining District, Special Permit review is required pursuant to Section 145-48
238 of the Village of Lansing Code.

239 Cross read the Village Engineers report for parcel B:

240

VILLAGE OF LANSING
ENGINEER'S REPORT

241

242

243 *DATE: February 26, 2013*

244

245 *TO: Planning Board*

246

247 *FROM: Brent Cross, Village Engineer*

248

249 *RE: New Residence, Sun Path Road Parcel B*

250

251 *I have reviewed the survey map as prepared by TG Miller Engineers, dated 5/14/12 and the site*
252 *sketch prepared by the owner, for consideration of a Special Permit approval. I have the*
253 *following comments and observations:*

254

255 *1. The lot is an undeveloped site which generally slopes from east to west, but has a*
256 *relatively flat area where the house is proposed to be built.*

257

258 *2. There is a seasonal stream course running from east to west, along the northern*
259 *property line which is bounded by Sun Path Road. The stream bed is cut into the soil*
260 *overburden to depth of about 3'-5' (varies). The embankment cuts are relatively fresh*
261 *and are not yet naturally vegetated.*

262

263 *3. It is my understanding that the Tompkins County Planning Dept. has recommended a*
264 *50' undeveloped/natural buffer to the stream bank. It appears from the developers*
265 *proposed house location, that this would be easily met. Although there is no mapping of*
266 *the stream banks, it will be easy to locate them in the field.*

267

268 *4. The developer has proposed a driveway culvert pipe to match the existing culver under*
269 *NYS Route 34, which is immediately upstream from this site. This is an acceptable*
270 *method of culvert selection.*

271

272 5. *Since the pavement of Sun Path Road is offset considerably to the north side of the*
273 *Village ROW, there is an extra large area along the shoulder of the road in front of this*
274 *property. The stream does not run exactly parallel with the road edge, and therefore it is*
275 *hard to tell if the driveway/culvert location will be located in the ROW or on private*
276 *property. Final location should be "staked" at the site for review/approval before permit.*
277

278 6. *There are several large trees (maybe Box Elder species) that are quite old and*
279 *entirely/partially rotted. One or more of them are adjacent to the stream bed and my*
280 *pose a threat to dropping branches that could clog the stream course. I recommend*
281 *removal or selective trimming.*
282

283 7. *The developer has indicated the proposed location of silt fence as a soil erosion practice*
284 *during construction. The developer should submit details of how this installation shall be*
285 *done for review and approval before issue of a building permit.*
286

287 *Based on the above observations, I recommend that this site plan be approved with*
288 *condition of review of final driveway and stormwater details by Village Engineer prior to*
289 *issuance of a building permit.*

290 Cross indicated that the stream bed appears to be cutting a slightly different path, and it also
291 would appear that it does eventually run back together with no impact to any downstream properties in
292 the foreseeable future.

293 Cross asked that the record reflect that it would not be a viable option to gain access to East Shore
294 Drive, therefore requiring the driveway to access through the stream and buffer area to the stream as
295 indicated by the Tompkins County Planning Department.

296 Stycos noted that the driveway seems to be acceptable in being proposed approximately 60 feet
297 away from the East Shore Drive and Sun Path Road intersection.

298 Durst moved to close the public hearing. Seconded by Stycos; Ayes by Tomei, Stycos,
299 Schleelein, Dankert, and Durst.
300

301 Durst moved that the general conditions as set in 149-59E have been complied with. Seconded by
302 Dankert; Ayes by Tomei, Stycos, Schleelein, Dankert, and Durst.
303

304 Tomei read the following proposed special permit resolution which was approved as follows:

305 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT #2738 APPROVAL ADOPTED*
306 *ON FEBRUARY 26, 2013*

307

308

309 Motion made by: _____ *Richard Durst* _____

310

311 Motion seconded by: _____ *Lisa Schleelein* _____

312

313 **WHEREAS:**

314

- 315 A. *This matter involves consideration of the following proposed action: Special Permit*
316 *#2738, Westview Partners LLC., to construct an approximately 2,700 square foot single*
317 *family house on the northwest corner of Sun Path and East Shore Drive, in the Farm and*
318 *Craft Market Combining District, Tax Parcel Number 42.1-1.2. Because the proposed*
319 *construction will occur within 200' of the centerline of a stream, included in the*
320 *Drainageway Conservation Combining District, Special Permit review is required*
321 *pursuant to Section 145-48 of the Village of Lansing Code. The single family house is*
322 *currently proposed to be located on what is now a single tax parcel, but subdivision*
323 *approval has previously been granted by the Planning Board for the creation of two*
324 *separate tax parcels, this special permit application being for one of the two parcels,*
325 *designated Parcel B, situated south of Sun Path Road, with an area of 1.939 acres; and*
326
- 327 B. *The Village of Lansing Planning Board, in accordance with Article 8 of the New York State*
328 *Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),*
329 *and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special*
330 *permit is a Type II action, and thus may be processed without further regard to SEQR;*
331 *and*
332
- 333 C. *The Village Code Enforcement/Zoning Officer has determined that the proposed action*
334 *is not large-scale and therefore is not subject to a full and extensive environmental*
335 *review under the Village of Lansing Zoning Law; and*
336
- 337 D. *On February 26, 2013, the Village of Lansing Planning Board held a public hearing*
338 *regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the*
339 *materials and information presented by and on behalf of the applicant in support of this*
340 *proposed action, including information and materials related to the environmental*
341 *issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all*
342 *other information and materials rightfully before the Board, and (iii) all issues raised*
343 *during the public hearing and/or otherwise raised in the course of the Board's*
344 *deliberations; and*
345

346 E. On February 26, 2013, in accordance with Section 725-b of the Village Law of the State
347 of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing
348 Code, the Village of Lansing Planning Board, in the course of its further deliberations,
349 reviewed and took into consideration (i) the general conditions required for all special
350 permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required
351 for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any
352 applicable conditions required for uses within a Combining District (Village of Lansing
353 Code Section 145-61), and (iv) any environmental issues deemed necessary and/or
354 appropriate;
355

356 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

357

358

359 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
360 information and materials submitted by the applicant and the details thereof are reasonably
361 related to the scope of the proposed project; (ii) waives the necessity for any additional
362 environmental information otherwise required; and (iii) finds that the proposed project will
363 not have a significant adverse impact on the environment; and
364

365 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
366 requirements, if any, set forth below) that the proposed action meets (i) all general
367 conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any
368 applicable conditions required for certain special permit uses (Village of Lansing Code Section
369 145-60), and (iii) any applicable conditions required for uses within a Combining District
370 (Village of Lansing Code Section 145-61); and
371

372 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
373 2738 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
374

375 a. Prior to the issuance of the Building Permit, the Village of Lansing Engineer shall
376 approve the location and size of the culvert to be placed in the drainageway corridor,
377 as shown on the Village Zoning Map. If the culvert is to be placed in the road right of
378 way, the Village of Lansing Superintendent of Public Works shall provide approval to
379 the culvert size and location in conjunction with the Village of Lansing Engineer's
380 approval.
381

382 b. Prior to the issuance of the Building Permit, the Village of Lansing Engineer shall
383 have confirmed in writing that all items listed in the "Village of Lansing Engineers

384 *Report”, dated February 26, 2013, have been properly addressed, complied with*
385 *and/or completed as required.*
386

387 c. *Prior to the issuance of a Certificate of Compliance, a final survey shall be submitted*
388 *to and approved by the Village of Lansing Code Enforcement Officer. The survey shall*
389 *show, but not be limited to, the following: all buildings, structures, driveways, culvert*
390 *locations, and building setback measurement. In addition, the survey shall indicate*
391 *and note the required and designated permanent buffer area measured from the top*
392 *of the intermittent stream bank extending back a minimum of fifty feet, such buffer*
393 *to be maintained as natural vegetation and to exclude any disturbance other than*
394 *the installation of a driveway with the minimum width necessary and in accordance*
395 *with the Village Zoning Law regulations. Furthermore, the survey shall be filed at*
396 *the Tompkins County Clerk’s Office and cross-referenced to the titled owner of the*
397 *parcel for which this special permit is granted.*
398

399

400 *The vote on the foregoing motion was as follows:*

401

402 *AYES: Mario Tomei, Richard Durst, Lisa Schleelein, Maria Stycos, and Phil Dankert.*

403

404 *NAYS: None*

405

406 *The motion was declared to be carried.*

407

408

409

410 **Reports**

411 None

412 **Approval of Minutes**

413 Durst moved to accept the *January 14th* minutes as amended. Seconded by Stycos. ; Ayes by

414 Tomei, Stycos, Schleelein, Dankert, and Durst.

415

416 **Other Business**

417 The Planning Board would like to thank Richard Durst for the years of dedication on the Planning Board.

418

419 **Adjournment**

420 Durst moved to adjourn at 8:55 PM. Seconded by Stycos; Ayes by Tomei, Stycos, Schleelein, Dankert,
421 and Durst.

422