

**Village of Lansing
Planning Board Meeting
October 14, 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 Phil Dankert, Lisa Schleelein, Jon Kanter;
4 Alternate Member, Deborah Dawson; Village Attorney, David Dubow; and Code Enforcement Officer
5 Marty Moseley. Attorney Bob Burgdorf of Capital Telecom; Scott Vanrien, Emily McPherson, Ken
6 Cowley, and Kathy Pompeni of Verizon Wireless. Terry Light. Village residents John O'Neill, Patrick
7 Gillespie, Stephanie Atkins, and Kip Cerasaro.

8 Absent: Maria Stycos

9 Tomei appointed Dawson as an acting member for the meeting due to the absence of Planning Board
10 member Maria Stycos.

11 **Public Comment Period**

12 Tomei opened the public comment period. With no one wishing to speak, Schleelein moved to close the
13 public comment period. Seconded by Dawson; Ayes by Tomei, Dawson, Dankert, Kanter, and Schleelein.

14 **Special Permit #2804**

15 Tomei opened the public hearing to consider: Special Permit #2804, Terry Light, to construct,
16 approximately, a 3000 square foot single family house on Tax Parcel No. 42.1-1-37.207, 14 Blackchin
17 Boulevard, located in the Low Density Residential District. Because the property includes land in the
18 Steep Slope Conservation Combining District and proposed construction may occur within 200' of the
19 centerline of a stream included in the Drainageway Conservation combining District, special permit
20 review is required pursuant to Section 145-48 of the Village of Lansing Code.

21 This special permit is requested by Terry Light who is in the process of concluding an offer on Lot#7 in
22 the Bolton Estate development area, also known as 14 Blackchin Blvd. It is his intent to construct a
23 single family house located in a low density residential district. A special permit review is required
24 pursuant to Village of Lansing Code because the property includes land in a Steep Slope Conservation-
25 Combining District, and also because the proposed construction may occur within 200 feet of a centerline
26 of a stream included in the Drainageway Conservation Combining District.

27 Tomei explained that he and Moseley discussed this particular steep slope. Four years ago a Village
28 Engineer's report stated that there were a few lots in the Bolton Estate development area that had small
29 portions that were considered steep slope. Lot #7, now referred to as 14 Blackchin Blvd was named in
30 that report and is therefore subject to review. Moseley presented a powerpoint review of the site and
31 location of the steep slope. He stated that based on the proposed building plan scenarios presented, there
32 is no impact on the steep slope area which is in a very small area of the plot. Therefore, there is no reason
33 to require further conditions for this property.

34 It was noted that since the sale of the parcel is contingent upon attaining necessary permits, the building
35 plans are preliminary. Tomei stated that both sets of preliminary plans seem to be acceptable and do not
36 have any negative impact, as far as the property is concerned. However, if major changes are made, the
37 Board will have to review the new plans.

38 Moseley added that the parking area/turnaround area indicates a clearing area limitation. The storm water
39 run-off computations were based on the clearing limitations. According to previous decisions by the
40 Village in this subdivision, some minor changes in that clearing area would be acceptable.

41 Dubow stated that in the actual setback areas, the Board has no flexibility other than a variance.

42 Moseley stated that he would have to examine the history of the subdivision to make a determination if
43 this was applicable to the vehicle turnaround.

44 Kanter pointed out that the wooded edge is actually overgrown shrubs. The rest of the property has small
45 trees, but nothing significant in terms of shrubbery. He explained that the run-off appears to be running
46 along this lot facing the roadway. Some combination of a culvert might be installed. Moseley explained
47 that the approval of the Department of Public Works is necessary for a culvert permit. The
48 Superintendent of the DPW also determines the appropriate culvert size.

49
50 There being no further input from the public, Dankert moved to close the public hearing. Seconded by
51 Schleelein. Ayes by: Tomei, Dawson, Dankert, Kanter, and Schleelein. Nays: none.

52
53 Moseley indicated that he has received proof of mailings from the applicant as required by the Village
54 Code.

55
56 No SEQR review is required for this special permit request.

57
58 Tomei read the engineers report from 10/23/2009.

59
60 The report indicated that Tompkins County has identified steep slopes on lots 2, 11, 14, and 7 of the
61 Bolton Estates subdivision (as indicated on the Village zoning map). They are small sections of steep
62 slopes and are not contiguous to larger steep slope areas. They are likely identified as a result of aerial
63 surveying. The areas are not considered to be significant. The two areas are relatively small <1 acre each.
64 Some of the steep slopes are located outside of the clearing limits. Cross indicated that as long as there
65 was no impact on the steep slopes, no further concerns would be raised and he would recommend that a
66 simple site plan review be the only condition for these special permits. This would allow for the Board to
67 determine if the project would impact the steep slopes or not.

68
69
70 Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special
71 permit application against the required general conditions. The Board determined that the general
72 conditions have been met. Dawson moved that all general conditions, in accordance with section 145-
73 59E, have been met. Seconded by Kanter; Ayes by Tomei, Dawson, Dankert, Kanter, and Schleelein.
74 Nays: none.

75
76 Tomei read the Resolution for Special Permit #2804:

77
78 Kanter moved to accept the following special permit resolution with the indicated conditions, seconded
79 by Schleelein:

80
81 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL*
82 *PERMIT #2804 APPROVAL ADOPTED ON OCTOBER 14, 2013*
83

84 Motion made by: Jon Kanter

85 Motion seconded by: Lisa Schleelein

86 **WHEREAS:**

87 A. *This matter involves consideration of the following proposed action: Special Permit #2804,*
88 *Terry Light, to construct, approximately, a 3000 square foot single family house on Tax*
89 *Parcel No. 42.1-1-37.207, 14 Blackchin Boulevard, located in the Low Density Residential*
90 *District. Because the property includes land in the Steep Slope Conservation Combining*
91 *District and proposed construction may occur within 200' of the centerline of a stream*
92 *included in the Drainageway Conservation Combining District, special permit review is*
93 *required pursuant to Section 145-48 of the Village of Lansing Code; and*
94

95 B. *The Village of Lansing Planning Board, in accordance with Article 8 of the New York State*
96 *Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),*
97 *and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special*
98 *permit is a Type II action, and thus may be processed without further regard to SEQR; and*
99

100 C. *The Village Code Enforcement/Zoning Officer has determined that the proposed action is not*
101 *large-scale and therefore is not subject to a full and extensive environmental review under*
102 *the Village of Lansing Zoning Law; and*
103

104 D. *On October 14, 2013, the Village of Lansing Planning Board held a public hearing regarding*
105 *this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and*
106 *information presented by and on behalf of the applicant in support of this proposed action,*
107 *including information and materials related to the environmental issues, if any, which the*
108 *Board deemed necessary or appropriate for its review, (ii) all other information and*
109 *materials rightfully before the Board (including, if applicable, comments and*
110 *recommendations, if any, provided by the Tompkins County Department of Planning in*
111 *accordance with General Municipal Law Sections 239-l and -m), and (iii) all issues raised*
112 *during the public hearing and/or otherwise raised in the course of the Board's deliberations;*
113 *and*
114

115 E. *On October 14, 2013, in accordance with Section 7-725-b of the Village Law of the State of*
116 *New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code,*
117 *the Village of Lansing Planning Board, in the course of its further deliberations, reviewed*
118 *and took into consideration (i) the general conditions required for all special permits (Village*
119 *of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special*
120 *permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions*
121 *required for uses within a Combining District (Village of Lansing Code Section 145-61), and*
122 *(iv) any environmental issues deemed necessary and/or appropriate;*
123

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

125 1. *The Village of Lansing Planning Board hereby (i) determines that the environmental*
126 *information and materials submitted by the applicant and the details thereof are reasonably*
127 *related to the scope of the proposed project; (ii) waives the necessity for any additional*

128 *environmental information otherwise required; and (iii) finds that the proposed project will*
129 *not have a significant adverse impact on the environment; and*
130

131 2. *The Village of Lansing Planning Board hereby finds (subject to the conditions and*
132 *requirements, if any, set forth below) that the proposed action meets (i) all general conditions*
133 *required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*
134 *applicable conditions required for certain special permit uses (Village of Lansing Code*
135 *Section 145-60), and (iii) any applicable conditions required for uses within a Combining*
136 *District (Village of Lansing Code Section 145-61); and*
137

138 3. *It is hereby determined by the Village of Lansing Planning Board that Special Permit No.*
139 *2804 is **GRANTED AND APPROVED**, subject to the following conditions and*
140 *requirements:*
141

142 A. *Soil and Erosion control measures shall be implemented, coordinated, and approved*
143 *by either the Village of Lansing Code Enforcement Officer and/or the Village of*
144 *Lansing Engineer.*

145 B. *A final site plan shall be provided to confirm that the locations of the intended*
146 *clearing areas and subsequent structures (i) are not located within the identified*
147 *steep slope area and (ii) comply with the applicable setback requirements and*
148 *designated clearing limits for this Lot 7.*
149

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

151 *AYES: Mario Tomei, Deborah Dawson, Phil Dankert, Lisa Schleelein, and Jon Kanter*

152 *NAYS: None*

153 *The motion was declared to be carried.*

154 **Informal Presentation by Capital Telecom Acquisition, LLC for a new proposed**
155 **Telecommunications Facility at 2309 North Triphammer Road (The Cayuga Mall)**

156 This was an informal presentation by Capital Telecom/Verizon Wireless concerning the installation of a
157 100 foot telecommunications tower at 2309 Triphammer Road, behind the Cayuga Mall. The tower
158 requires a special permit because of height limitations in a commercial area per Village Code.

159 Phil Dankert removed himself from the discussion to avoid any conflict of interest because his daughter
160 works for Verizon Wireless.

161 There was a general presentation by Attorney Bob Burgdorf of Capital Telecom about the need for this
162 cell tower to improve coverage, the need for the 100' height, and how the site was identified.

163 Tomei stated that the major concern is the fall zone. If the tower fell to the south, it would hit the mall.
164 Dubow stated that it might be good to explain about the location, the weight, and the engineering criteria
165 regarding the tower.

166 Burgdorf explained that the tower is designed to have a breakpoint at 50' and would fold upon itself,
167 limiting the fall zone to a 50' perimeter around the tower. The tower is also designed to withstand a

168 category 5 hurricane. As an example, in contrast, the light poles in the parking lot of the mall are not built
169 to meet these standards.

170 A lengthy discussion ensued. During the discussion, the short term impacts during construction were
171 discussed as well as the possible long term noise and lighting concerns, and additional landscaping and
172 buffering needed to protect abutting properties.

173 Schleelein questioned whether the tower would be able to accommodate other carriers in the future.
174 Burgdorf explained that the tower will accommodate up to three carriers.

175 Kanter asked if a variance would be necessary. Moseley explained that the standards do not specifically
176 reference this type of limitation. It was determined that no BZA variance would be required.

177 Kanter stated that he observed an apartment development to the north. It has a childrens' play area and
178 picnic area. He suggested that a buffer with fairly substantial evergreens would be advisable. The
179 Telecom spokesperson explained that they will work with the landlord. The landlord would have to agree
180 with respect to landscaping decisions, but Capital Telecom is willing to look into it. A formal
181 presentation and special permit request is expected to be addressed at the October 29, 2013 Planning
182 Board meeting.

183 Chairman Tomei switched the order of the next two agenda items.

184

185 **Discussion on proposed traffic calming techniques for Lansing Trails**

186 John O'Neill, a resident of Lansing Trails I, made a request for additional traffic calming measures in
187 Lansing Trails during the public comment period at the September 24, 2013 Planning Board meeting. His
188 request included stop signs and a lowered speed limit to 25 MPH. The request was made in anticipation
189 of increased traffic when Lansing Trails II is connected to Lansing Trails I creating an east/west roadway
190 between Warren and North Triphammer Roads. John indicated people are already cutting through on the
191 dirt roads. John Courtney provided the Board with some informational material regarding the correct
192 placement of stop signs.

193

194 There was discussion about alternative traffic calming techniques such as speed bumps and speed
195 reduction because stop signs are not always indicated or the best solution to reduce speeding. Dawson
196 commented that the Village needs to look at traffic calming techniques for the entire Village as this area is
197 not the only area where speeding is a problem. Kanter suggested inviting additional input in the future
198 from officials and experts familiar with other traffic calming options. Some of the resources mentioned
199 were Fernando de Aragon (Ithaca Tompkins County Transportation Council) and Fisher Associates. The
200 Board also discussed enforcement issues for both existing and possible new laws.

201

202 The Board reviewed the current traffic signage in Lansing Trails I and agreed that stop signs should be
203 installed at the T-intersections of Janivar Drive and Leif's Way and Janivar Drive and Craft Road. No
204 additional changes were recommended at this time, however, it was agreed that this matter may need to
205 be revisited once the roadway is connected and the scope of the traffic problem can be more precisely
206 assessed.

207

208 **Continued Discussion on Abandoned Shopping Carts**

209 Moseley presented his research and a proposed regulation to address the problem with abandoned
210 shopping carts. Moseley explained that he had researched the websites of other municipalities to see how
211 they had resolved the same problem The carts are being removed from store parking lots and ending up in
212 drainage ditches, roadways, and other public areas in the Village. The carts are both a safety and an
213 aesthetic concern.

214 Moseley explained that he and the DPW would enforce the new regulation. Moseley stated that the intent
215 of the proposed regulation is to give authority to the Village to remove the carts from public property and
216 charge the cart business owner upon removal of a cart (the carts would be impounded). The businesses
217 would enter into a contract with the Village so that the Village would be compensated for removal and
218 temporary storage of the carts. The businesses would have 48 hours to come and collect their carts.

219 Currently, without a regulation, the Village doesn't have the authority to remove carts from public areas
220 because the carts are not Village property. A lengthy discussion addressed both public and business
221 responsibility for cart retrieval. Several Village residents voiced their concerns about abandoned carts in
222 their neighborhood and supported the Village intent that something be done to address the issue of
223 removal.

224 Kanter stated that the public does not feel a responsibility to keep the carts in the store parking lots.
225 Perhaps a warning could be issued. It was also suggested that a cart "deposit" might encourage the public
226 to be more responsible. The cart "deposit" is returned when the cart is returned.

227 Dubow stated that both the businesses and property owners must work together to resolve the problem.

228 Tomei summarized the Board's agreement that this proposal is a good beginning. This discussion will be
229 continued at a later meeting.

230

231 **Approval of Minutes**

232 None

233

234 **Trustee Report**

235 Mario Tomei reported on the Board of Trustees meeting of October 7, 2013. Please see the minutes of
236 the Trustees' meeting for a report.

237

238 **Other Business**

239 Survey results will also be included in the comprehensive plan. It was also determined that the
240 subcommittees will reconvene in February.

241

242 **Adjourn**

243 Dawson moved to adjourn at 10:13PM. Seconded by Schleelein. Ayes by: Tomei, Dawson, Dankert,
244 Kanter, and Schleelein. Nays: none.