

Village of Lansing  
Planning Board Meeting  
July 26, 2016

The meeting of the Village of Lansing Planning Board was called to order at 7:00PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, Deborah Dawson, John Gillott, and Lisa Schleelein; Alternate Planning Board Member, Carolyn Greenwald; Code Enforcement Officer, Marty Moseley; Village Attorney, David Dubow; Trustees John O'Neill and Gerry Monaghan; ; BZA Chair, Lynn Leopold; Mayor, Don Hartill; Tom LiVigne and Andrew Bodewes of Park Grove Realty; Jess Sudol, Passero Associates; Kathryn Wolf of TWLA; Frank Santelli of T. G Miller; residents Tracey Craig, John Novarr, Walter Silbert, and Nick Vaczek; Dirk Gailbraith, Solomon attorney; James Orcutt, Yardley Green manager.

Absent: None

**Public Comment Period**

Tomei opened the public comment period. With no one wishing to speak, Gillott moved to close the public comment period. Seconded by Dawson; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

**Public Hearing to Consider:**

*Special Permit #3096, Jennifer Novarr and Walter Silbert, to construct a single family house at 36 Twin Glens Road in the Low Density Residential District, Tax Parcel Number 48.1-2-7. Because the proposed single family residence will be located within fifty feet of the Steep Slope Conservation Combining District, Special Permit review is required pursuant to Section 145-48 of the Village of Lansing Code.*

Tomei opened the public hearing for the above special permit with a reading of the legal notice.

Wolf indicated that she is from Trowbridge, Wolf, Michaels Landscape Architects (TWLA), and that TWLA has been retained for the permitting process portion of the project. Wolf gave a brief presentation of the project making the following key points:

- The previous house has been demolished.
- There were originally two properties that have been combined into one parcel of land totaling, approximately, 3.90 acres.
- The proposed house is farther from the steep slopes than the previous house.
- The existing driveway/curb cut will be used for the new house.
- Parking will be accommodated by a car court area; there will be low visibility of parked cars from the street.
- Existing vegetation and the significant trees surveyed in the area will remain as much as possible.
- There will be terraces around the house with stone retaining walls.
- The proposed house and project is in compliance with current zoning standards.

Tomei indicated the special permit is required because of the proximity to the steep slopes. He asked whether the house would be strictly residential or might include a home occupation use.

Novarr indicated the house is 70 feet from the steep slopes and is a strictly residential building for his daughter and son-in-law. There was some discussion regarding location of the septic system and

51 preservation of the significant trees. Discussion then continued on the subject of the blasting that will be  
52 required for the construction of the house. Santelli explained the blasting plan, procedure, and the  
53 notification process to the abutters. It is expected the blasting will take approximately 3 days. Schleelein  
54 asked that some additional neighbors on Pembroke Way and possible East Shore Drive be notified about  
55 the blasting as well. Santelli indicated he would work with Moseley to determine who should be notified.  
56 Moseley indicated that Bolton Point has rules and regulations for blasting as well that will need to be  
57 taken into consideration. Leopold asked about the possible impact of the blasting on nearby wells and  
58 creek.

59  
60 Craig, who is a neighbor across the street expressed concern about light pollution from the site and asked  
61 for additional landscaping to the south to block light trespass. After some discussion Dawson asked that  
62 Dark Sky compliant exterior fixtures be added as a condition.

63  
64 Tomei read the Engineer's Report.

65  
66 **ENGINEER'S REPORT**

67  
68 *DATE: July 26, 2016*

69  
70 *TO: Village of Lansing Planning Board*

71  
72 *FROM: Brent Cross, PE*

73  
74 *RE: 36 Twin Glens Road*

75  
76 *I have reviewed the site plans and details, prepared by TWLA and TG Miller, for the proposed new one-*  
77 *family residence to be constructed at the above referenced property, as required for approval of a Special*  
78 *Permit for this property. I have the following observations and comments:*

79  
80 *Since the lot was combined with the adjacent vacant lot, the size of the new lot is relatively large*  
81 *compared to other single family home lots, and therefore adds extra "buffer" to support the larger size of*  
82 *this new home.*

83  
84 *The new home is to be sited at the eastern side of the lot which is nearest the high side of the property.*  
85 *The driveway is also proposed to be parallel with the eastern edge of the property which allows it to be*  
86 *relatively flat and not a source of significant drainage erosion that would be typical of a steep driveway.*  
87 *A pair of roof/footer drains are shown to discharge at "day light" to the west of the cleared/disturbed*  
88 *area. This should not cause any significant impact to the slope below.*

89  
90 *The footprint of the new house will be in the general same area as the previously demolished house and*  
91 *foundation will be built into the existing grade to minimize the impact of the required grading of the site.*  
92 *The new contour lines are relatively minor compared to the size of the development.*

93  
94 *Although the disturbed area of 40,700 sf is less than the 43,560 sf maximum before a full SWPPP is*  
95 *required, extra attention to the clearing and excavation should be given to make sure that the disturbed*  
96 *area does not unintentionally creep over the 1 acre limit.*

97

98 *Plan sheet C102 shows the installation of several rows of silt fence proposed on the down slope side of*  
99 *the disturbed area. This will likely be adequate to protect the run-off from carrying silt/sediments to the*  
100 *steep sloped below.*

101  
102 *The existing water service from the original house will be utilized to supply domestic water the new home.*

103  
104 *There is no public sewer available at/near the site, so an on-site wastewater treatment system (septic*  
105 *system) will be needed. Since the septic system is for a single family dwelling, the design and approval of*  
106 *such a system will be subject to review by the Tompkins County Environmental Health Dept.*

107  
108 *Based on the above observations, I recommend that the Special Permit be approved subject to the*  
109 *following conditions:*

110  
111 *-submittal of final septic system design to the Tompkins County Health Department (as well as the*  
112 *Village) for review and approval.*

113  
114 *-excavation contractor to set-up pre-construction meeting at the site with the Village Engineer and SMO*  
115 *to verify details stormwater management practices to best protect the downhill slope.*

116  
117 **General Conditions 145-59E**

118 Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special  
119 permit application against the required general conditions.

120  
121 The Board determined that the general conditions have been met. Dawson moved that all general  
122 conditions, in accordance with section 145-59E, have been met. Seconded by Gillott-; Ayes by Tomei,  
123 Baker, Dawson, Gillott, and Schleelein. Nays: None.

124  
125 There being no further input from the public, Dawson moved to close the public hearing; Seconded by  
126 Schleelein. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein. Nays: None.

127  
128 Moseley indicated that he has received proof of mailings from the applicant as required by the Village  
129 Code.

130  
131 Tomei read the resolution with conditions.

132  
133 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL*  
134 *ADOPTED ON JULY 26, 2016*

135  
136  
137 *Motion made by: \_\_\_\_\_ Deborah Dawson \_\_\_\_\_*

138  
139 *Motion seconded by: \_\_\_\_\_ Mike Baker \_\_\_\_\_*

140  
141 **WHEREAS:**

142  
143  
144 *This matter involves consideration of the following proposed action: Special Permit #3096, Jenifer*  
145 *Novarr and Walter Silbert, to construct a single family house at 36 Twin Glens Road in the Low Density*

146 *Residential District, Tax Parcel Number 48.1-2-7. Because the proposed single family residence will be*  
147 *located within fifty feet of the Steep Slope Conservation Combining District, Special Permit review is*  
148 *required pursuant to Section 145-48 of the Village of Lansing Code; and*  
149

150 *The Village of Lansing Planning Board, in accordance with Article 8 of the New York State*  
151 *Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), and 6*  
152 *NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II*  
153 *action, and thus may be processed without further regard to SEQR; and*  
154

155 *The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale*  
156 *and therefore is not subject to a full and extensive environmental review under the Village of Lansing*  
157 *Zoning Law; and*  
158

159 *On July 26, 2016, the Village of Lansing Planning Board held a public hearing regarding this proposed*  
160 *action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by*  
161 *and on behalf of the applicant(s) in support of this proposed action, including information and materials*  
162 *related to the environmental issues, if any, which the Board deemed necessary or appropriate for its*  
163 *review, (ii) all other information and materials rightfully before the Board (including, if applicable,*  
164 *comments and recommendations, if any, provided by the Tompkins County Department of Planning in*  
165 *accordance with General Municipal Law Sections 239-l, -m and nn), and (iii) all issues raised during the*  
166 *public hearing and/or otherwise raised in the course of the Board's deliberations; and*  
167

168 *On July 26, 2016, in accordance with Section 725-b of the Village Law of the State of New York and*  
169 *Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing*  
170 *Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the*  
171 *general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*  
172 *applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60),*  
173 *(iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code*  
174 *Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;*  
175

176 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***  
177

178  
179 *The Village of Lansing Planning Board hereby (i) determines that the environmental information and*  
180 *materials submitted by the applicant and the details thereof are reasonably related to the scope of the*  
181 *proposed project; (ii) waives the necessity for any additional environmental information otherwise*  
182 *required; and (iii) finds that the proposed project will not have a significant adverse impact on the*  
183 *environment; and*  
184

185 *The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any,*  
186 *set forth below) that the proposed action meets (i) all general conditions required for all special permits*  
187 *(Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special*  
188 *permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for*  
189 *uses within a Combining District (Village of Lansing Code Section 145-61); and*  
190

191 *It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 3096 is*  
192 ***GRANTED AND APPROVED***, *subject to the following conditions and requirements:*  
193

194  
195 *Required permits, approvals, consents and other authorizations from all applicable Federal, State,*  
196 *County and local governmental and regulatory agencies shall be obtained, maintained and complied with*  
197 *for all permitted improvements, operations and activities as authorized by this special permit approval,*  
198 *and such improvements, operations and activities shall at all times comply with all applicable Federal,*  
199 *State, County and local laws, codes, rules and regulations.*

200  
201 *Soil and Erosion control measures shall be implemented, coordinated, and approved by either the Village*  
202 *of Lansing Code Enforcement Officer and/or the Village of Lansing Engineer.*

203  
204 *Soil and erosion control measures may, from time to time, be modified at the direction of the Village*  
205 *Engineer or the Village Code Enforcement Officer/Stormwater Management Officer in order to minimize*  
206 *the erosion of soil during construction.*

207  
208 *Any and all exterior lighting to be installed shall be “Dark Sky Compliant”.*

209  
210 *Final septic system design shall be submitted to the Tompkins County Health Department (as well as the*  
211 *Village) for review and approval.*

212 *There shall be a pre-construction meeting with the excavation contractor at the site with the Village*  
213 *Engineer and Village Code Enforcement Officer/Stormwater Management Officer to verify details of the*  
214 *stormwater management practices to best protect the downhill slope.*

215 *A demolition permit shall be obtained from the Village of Lansing Code Enforcement Officer. Such permit*  
216 *shall be provided with the following, but not limited to the , information (in addition to the requirements*  
217 *of the New York State Uniform Code): (i) verification that they are in compliance with Part 61 and Part*  
218 *39 of Title 12 of the Official Compilation of Codes, Rules, and Regulations of the State of New York*  
219 *through the New York State Labor Department, (ii) a hold harmless agreement supplied to the Village*  
220 *(acceptable to the Village Attorney), (iii) engineered plans for the blasting area, (iv) all blasting licenses*  
221 *and insurance of the blasting company, (v) a post report of the blasting that has occurred for the site in*  
222 *question, including the seismic activity reports, and (vi) notification shall be provided 48 hours in*  
223 *advance of any blasting to all contiguous neighbors and houses along Pembroke Lane.*

224  
225 *The vote on the foregoing motion was as follows:*

226  
227 *AYES: Mario Tomei, Deborah Dawson, Mike Baker, John Gillott, and Lisa Schleelein*  
228 *NAYS: None*

229  
230 *The motion was declared to be carried.*

231  
232 **Consideration of Re-Zoning Request for Cornell Business & Technology Parcel on Bomax Drive.**  
233 *As directed by the Board of Trustees.*

234  
235 Tomei explained that the Trustees have referred a re-zoning request to the Planning Board for  
236 consideration and a recommendation as to whether the request is of benefit to the Village. The subject  
237 parcel of approximately 19.5 acres, currently owned by Cornell, is located on Bomax Drive in the  
238 business and technology district (BTD). The request submitted by Park Grove is to down zone the parcel  
239 to high density residential (HDR) to allow development of a proposed complex of high end privately  
240 funded apartments.

241

242 Bowedes made an informal presentation of the complex being proposed if the re-zoning request is  
243 approved. Concept plans, a traffic impact study, an engineer's report, and other supporting documents had  
244 previously been provided at a joint meeting with the Board of Trustees on July 18, 2016. Bowedes  
245 mentioned that the proposed zoning change would make the parcel compatible with much of the  
246 surrounding property. The parcel is surrounded by several properties including: HDR to the south  
247 (Northwoods and Yardley Green), Medium Density Residential (MDR) to the west (Lansing Trails II), an  
248 industrial building (BTD) to the east (Transact), and a wooded area BTD to the north (Borg Warner).  
249 Some of points raised by Bowedes:

- 250 • Need for upscale apartments in the market
- 251 • Concept plan incorporates community space and green space
- 252 • Location is adjacent to other apartment areas
- 253 • Proposed complex is a transitional area from BTD to MDR and single family residential areas

254  
255 Sudol reiterated the above points and added that the environmental and traffic impact would be less than  
256 an industrial use for the parcel.

257  
258 Dubow reminded the board not to lose sight of the fact that the issue under consideration is the re-zoning  
259 request not consideration of a specific project.

260  
261 Vaczek asked about the impact of the airport on noise and possible smells for inhabitants of the parcel.

262  
263 Orcutt objected to the proposed project citing population slowing, number of units, tax impact, and the  
264 need to restrict too much growth.

265  
266 Dawson stated this would be planned development for a need identified by the Tompkins County housing  
267 assessment report

268  
269 Schleelein said the question under consideration is as Dubow mentioned, it is not the project but whether  
270 it is appropriate to down zone the parcel and allow the transition from a business to a residential area and  
271 is such down zoning of benefit to the Village. She stated she feels that re-zoning the parcel to HDR  
272 would match the character of the area and provide a transitional buffer between the easterly BTD property  
273 to the east, the residential areas to the west and south.

274  
275 Greenwald asked if the parcel is re-zoned, what happens?

276  
277 Dubow said the parcel would become HDR and remain HDR regardless of whether it is built on unless  
278 changed again by re-zoning in the future.

279  
280 Further conversation centered about making a final recommendation for or against the re-zoning request  
281 to the Board of Trustees.

282  
283 Tomei felt that 140 units is reasonable and an HDR designation would provide softer transitional zoning  
284 for the residential areas that are adjacent to the parcel; housing in this area could be supported by working  
285 professionals in the B&T park.

286  
287 Orcutt again raised various objections. He cited one past zoning request that was not approved that he felt  
288 was similar, ie, the Sundowns proposal. Dubow explained that Sundowns is in an LDR zone and the

289 request was for up zoning in order to accommodate multiple uses. This request is proposing down zoning  
290 and is not analogous to the Sundowns situation.

291  
292 Dawson mentioned that in this case the infrastructure to support a development is already in place. She  
293 stated that while this proposal does not specifically target seniors, high density housing development  
294 helps to address the needs of downsizing seniors who wish to live independently in a multi-generational  
295 community. Gillott agreed.

296  
297 Schleelein also stated that the request is in concert with the Comprehensive Plan which identifies the need  
298 for housing and the need to focus on protecting residential areas, and that in her opinion it is appropriate  
299 to make a recommendation to down zone this parcel.

300  
301 Baker agreed. He said that the dynamic for young professionals has changed and some people want to  
302 down size from their houses and have amenities. Baker supports the down zoning because the idea of a  
303 buffer is good and the idea is consistent with other transition zone decisions that have been made in the  
304 past.

305  
306 Gillott also agreed with Dawson that this is planned development and supports the request to down zone.

307  
308 Gillott moved to recommend the request to down zone the subject parcel from BTM to HDR to the Board  
309 of Trustees. Seconded by Schleelein. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein. Nays:  
310 None.

311  
312 **Other Business as Time Permits**

313 *Introduction of:*

- 314 • an Excavation and Construction in Municipal Roadways and Highway Rights of Way local law
- 315 and
- 316 • proposed language to add to the Zoning Law for large scale solar arrays and small scale solar
- 317 arrays.

318 Moseley presented the board with proposed language for consideration at the next meeting.

319  
320 Dawson expressed her concern in general about our deteriorating infrastructure and the lack of needed  
321 funding from the Transportation Council to correct the problem. She expressed the need for the local state  
322 rep to get more funding.

323  
324 **Approval of Minutes**

325 *April 11, 2016* - Dawson moved to accept the minutes. Seconded by Gillott; Ayes by Tomei, Baker,  
326 Dawson, Gillott, and Schleelein. Nays: None. Abstention(s): None.

327  
328 *May 18, 2016* – Baker moved to accept the minutes as amended. Seconded by Gillott; Ayes by Tomei,  
329 Baker, Dawson, and Gillott. Nays: None. Abstention(s): Schleelein.

330  
331 *June 13, 2016* - Dawson moved to accept the minutes. Seconded by Baker; Ayes by Tomei, Baker,  
332 Dawson, and Gillott. Nays: None. Abstention(s): Schleelein

333  
334 **Trustee Report**

335 The Trustee meeting of July 18 was a joint meeting with the Planning Board so no report needed.

336

337 **Adjournment:**

338 Baker moved to adjourn at 8:54 PM. Seconded by Gillott; Ayes by Tomei, Baker, Dawson, Gillott, and  
339 Schleelein.

340

341