

Village of Lansing

Planning Board Meeting

November 8, 1999

The meeting of the Village of Lansing Planning Board was called to order at 7:30 p.m. by Chairman Hickey. Present at the meeting were Planning Board Members Brown, Klepack, Halevy, Waterman, Village Attorney Marcus, Code Enforcement Officer Curtis, and Trustee Liaison Leopold.

Public Comment

As there was no one present who wished to speak, Waterman moved that the Public Comment portion of the meeting be closed. Seconded by Halevy. All in favor

Special Permit 1479, Tops Markets – Continued Discussion

Hickey reported that he was in receipt of a letter dated 11/3/99 from Barry Stevens, Regional Traffic Engineer for NYSDOT clarifying and confirming that NYSDOT concurs that the work that Thomas Fitzgerald of Tops, in his 10/22/99 letter, proposed that Tops would do to mitigate potential adverse traffic impacts addresses DOT's concerns. Stevens' letter itemizes traffic signals that are going to be replaced by Tops along N. Triphammer Road. NYSDOT will need a resolution from the Board of Trustees transferring ownership, operation and maintenance of the Village owned lights to the State. Waterman moved that the Planning Board recommend that the Village of Lansing transfer ownership, operation and maintenance of the traffic lights at Savannah Drive and Pyramid Drive and the Tops signals to the State of New York State Department of Transportation, as requested in accordance with NYSDOT's 11/3/99 letter to Tops. Seconded by Klepack. All in favor.

Waterman suggested that the Board ask Dennis Reinhart whether it would make more sense to coordinate the Graham Road light to the other lights. Hickey said that a traffic count is being conducted on Dart Drive, Graham Road, Oakcrest Road, and N. Triphammer Road to determine what the average daily traffic is during the day. It will also give us an idea of how much traffic is on Graham Road and Dart Drive combined. Some of the traffic going down Dart doesn't go up to Graham and vice versa.

Goldberg/Gesslein Subdivision - Classification

Mr. Gesslein said that he sold a parcel of property to Mark and Cheryl Goldberg and now they are deeding some of it back to the Village for a turnaround which the Village requires to correct a long standing deficiency, and some of it back to Mr. Gesslein to expand a lot that he owns on Churchill. That lot will increase in size from 1/2 acre to 8/10 acre

Marcus explained that the Village Engineers are trying to resolve the fact that there is no official turnaround at that end of Churchill Drive and the fact that the water service that runs north of Churchill has some engineering problems which will require putting in a different kind of hydrant at the end of that line. A third issue relates to the fact that the Village has never obtained an easement for the general maintenance of a sewer line which runs up the west side of Churchill. Since Mr. Gesslein acquired this property and sold it to the Goldbergs, and the Goldbergs are interested in seeing the water issue straightened out before they move into the house, it has now become possible to resolve these issues. Mr. Gesslein will receive Parcel A, the Village will receive Parcel B, and the Goldbergs will retain Parcel C. The Board needs to classify this as a major subdivision because it involves more than two lots. Klepack moved to classify the Gesslein/Goldberg subdivision as a major subdivision. Seconded by Halevy. All in favor.

Curtis pointed out that the fee schedule for a major subdivision is considerably higher than for a minor subdivision, and suggested that the fee of \$510 be waived since the Village is one of the participants in, and recipients of, the division of the property. Waterman moved that since there are only two private properties involved, the Planning Board recommend to the Trustees that the fee be lowered to equate to a minor subdivision. Seconded by Klepack. All in favor.

New Business

Hickey reported that the Board of Trustees has passed a resolution to accept the deeds for two properties in the Horizons development. In order to try to connect subdivisions in the future, Hickey will ask Viola Miller if she will grant the Village a temporary easement across her property which would allow a trail from the Horizons Subdivision into the Lansing Trails Subdivision and hence to other parts of the Village.

Squeaky Clean Car Wash - Sign Proposal

Gary Sloan proposed that an additional double face changeable copy sign be added to his existing sign and pole. The sign would be available for organizations County-wide to advertise fundraising events (for example, funds for students' uniforms, church events, Challenge Industries, etc.). The car wash donates free car washes to organizations to help them raise money and would schedule the advertising of events. They would also use the sign to advertise their own special promotions. The sign would be used 26 weeks of the year strictly to advertise community events. The other half of the time, the sign would be used to promote Squeaky Clean Car Wash specials. Sloan added that Mr. Sciarabba was amenable to incorporating such a sign into his Planned Sign Area if that were more acceptable to the Village. Hickey said that if it goes under the Planned Sign Area, it would require an amendment to the Planned Sign Area, and if it is viewed as a different kind of sign which is not included in the Sign Law, it would require an amendment to the existing Sign Law. The Board will take it under advisement and do some checking.

Hickey also noted that the Board's discussion of guidelines for the development of the CLT zone will include signage.

Kensington Homeowners Association

Hickey reported that the Board was in receipt of a letter from the Kensington Homeowners Association regarding longstanding issues. The major issues are 1) The Village allowed development of this property without any connection to the public road system and failed to collect a performance bond from Audrey Edelman for the completion of a satisfactory road system even though the paperwork indicated that such performance bond would be required from her; 2) Lack of dual access to the development for emergency purposes; 3) Questions raised about marketability of their properties due to uncertainties about the road; 4) Lack of security about maintenance of their access road and their street in the long term. Dedication of the road to the Village would solve this problem; and 5) Legal information about maintenance agreements which should have been filed with the State Attorney General's Office.

Hickey said that the Planning Board can only recommend that the Trustees take some action or resolve the issues in some way. Marcus again reminded the Board that he would be unable to represent either the Village or the Edleman's if further issues were to arise, because of his conflict of interest, but said that because this question has come up over the years there have been occasions for him to go back through the files on this subdivision. It was clear that the original subdivision approval was based on the idea that a public road would run from Janivar Drive down into this neighborhood and connect to Coventry Walk. The subdivision approval was granted without the Village taking any security deposit for the construction of the road as is part of the Village requirements. Everything went through the usual steps of preliminary submission; public hearing, site plan review; and final plat approval, but security deposit was left out of the process. When construction occurred it was just Coventry Walk that was shown and approved with the subdivision and Coventry Walk doesn't connect to any public road. So when the construction was finished there was no way for the Village to accept Coventry Walk as a public road to take over the maintenance because the Village is not permitted under State law to own a road that doesn't connect to another public road. The access through Northwood Apartments is a private road so the Village doesn't have any legal way to take title to Coventry Walk unless it's connected to a public road. Marcus said it's not clear who is responsible for making the connection to a public road because he does not know of a case or any statutes or literature on this area that says that the municipality in these circumstances should be responsible for acquiring the property, building the road and making the connection. He also said that he has represented Audrey Edelman for many years and he could not be part of any action the Village may initiate involving them, nor could he represent the Edlemans in such a matter. Waterman and Brown were on the Board at the time and recalled that Audrey Edelman agreed that she was going to build the road. Hickey said that when the road that was originally designed there was a design by Ward Bauder for a major connector road to run through the area that is now Lansing Trails Subdivision. The plan was that when that road was built then Edelman would make the

connection to that road. However, that plan was never adopted by the Village. If Edelman agreed to make a connection to the road, it should be to the road that is there now. The existing subdivision is now over 10 years old so it would have to be resubmitted. In all likelihood no new subdivision development will happen on Edelman's end until an unlimited number of sewer permits are available.

The recommendation to the Trustees is that they need to look at this. One of the things that could happen is that the Village could come in and build a road to make the connection to the spur and access the Kensington Subdivision through Edelman's property. The Village would have to acquire the property in order to do that. They can do so by Eminent Domain and would pay current fair market value for it and build the road at the Village's expense. Klepack said that the Offer of Dedication says that if Edelman hasn't complied with all these things the Village can, with notice, do what is required and assess to her the costs on the next tax bill. Despite the fact that the Village forgot to collect this money from her, they have this other kind of protection.

Hickey said that the Planning Board has a joint meeting with the Trustees on December 6th and they will recommend that this be put on the agenda. Whatever pertinent material that is available will be assembled for the Trustees' consideration. Hickey will ask the Mayor to seek independent legal advice.

Marcus explained that the 5th point of the letter from the Kensington Homeowners Association refers to Section 352-e, a provision that was adopted under the general heading of Securities Laws in New York State for any public offering of a common interest in real estate. It specifically covers any situation where an interest in real estate is conveyed and shared by more than one owner and that involves some potential expenditure of money. It could be a common drainage area, common beach access, or a common parking garage for example, or if two lots share a driveway to a garage that is half on one side of the line and half on the other. In any shared situation there is always the potential for shared maintenance expenses. The Law says that the creation of that shared interest has to be approved by the Attorney General's Office. This is done through an Offering Plan submitted by the property owners, and is a long process. When the shared interest is small scale, however, property owners can ask the Attorney General for a No Action Letter instead. They can submit facts to say that they don't think this rises to the level of requiring an Offering Plan and ask for a letter that says they don't have to take any further actions beyond an agreement among the owners on sharing the costs. If all the common owners sign this agreement, that will usually satisfy the Attorney General. However, this doesn't come up when you deal with a subdivision. The only reason that it was brought up with regard to the sale of one of the lots recently is that someone saw the road as being a common interest in real property and asked about a joint maintenance agreement. There is none because the road is still owned by Audrey Edelman. So no 352-e documentation exists because the road has never been conveyed in part to each of the property owners and the owners don't share in the expense for the maintenance of the road. This is the only private road in the Village that doesn't connect to a public road. Hickey said that they would like to see corrective action taken on this issue.

Environmental Design and Research - Preliminary Discussion

EDR reviewed with the Board a first draft of what the process might be in terms of participants, project, process and schedule. They first discussed the team structure and how they might work together. David Crandall is the principal in charge from EDR and Klepack is the primary contact person for the Board. Ben Curtis and Carol Willard on the Village staff will be added as well. Crandall works out of the Syracuse office and Bonnie Majestic works out of Rochester. She will have a civil engineer as a backup to discuss highway improvements and Andy Britton on her staff to produce the graphic product. EDR will need data, tax maps, aerial photos, etc. Curtis said that Kurt Eby, the Tompkins County GIS Coordinator, will be providing whatever maps are needed.

Marcus explained the Village's relationship with the New York State DOT. The DOT wanted to make N. Triphammer Road into a 5-lane highway along the lines of Elmira Road. There has been a fair amount of friction between the Village and the DOT to get to the present point where the DOT has consented to what the Village has in mind for the reconstruction of N. Triphammer Road. The DOT has expressed willingness to go along with the Village's plan on the condition that the Village acquire the necessary rights-of-way from the 29 property owners along that stretch. That process will probably be completed within the next 6-8 months. The purpose of the reconstruction is traffic safety and aesthetic improvement. The basis for getting the funding is the multi-modal design that includes sidewalks and bike lanes.

Participants in the steering committee focus groups should include the Village of Lansing Planning Board, mall representatives, Village residents, non- resident property owners, particularly Andy Sciarabba and the Butlers, and Homeowners Associations.

Majestic said that if the Board has a preference at this point or has some image in mind, they can target that. Hickey said that one thing missing in the Village is a Village center, or what EDR refers to as a "sense of place." They have been trying to identify what the form and function of such a Village center would be. Klepack thought that it seems artificial to have a center for a need and an audience that no one has identified. Majestic said that EDR could make suggestions for a Village center, or they can look at how the area might develop if there weren't a center to the Village. Low density community architecture will begin to create a sense of place, and guidelines can be developed for how future development on Triphammer Road will look to create a visual appeal that will set the Village apart. Hickey said that he would first like to see guidelines developed for N. Triphammer Road in terms of all the basic things such as architecture and circulation. When that is in place, more thought can be given to a Village center. Hickey suggested the possibility of eventually having some kind municipal building which is part firehouse, polling place, and meeting room which might be sufficient to serve as the Village center. Dave said that if you have guidelines that offer incentives, then over time the structures start to fall in place and you build a center and Village facilities will start to move toward what is perceived as this center. Marcus reminded the Board that the Board of Trustees has mentioned on several occasions that the Village has money available for acquisition of public lands if there were a goal to be achieved.

Halevy mentioned the need for pocket parks or small areas where people can sit and rest. Bonnie pointed out that there were no indicators such as lights, curbs, benches, etc. in the area around the Village Office to suggest that one is in the Village. Waterman thinks sidewalks are key, and that the Village needs something to act as a magnet. Klepack felt that the mall is the magnet for the Village, and rather than ignore it, perhaps they should improve upon it. Curtis pointed out that the world's foremost ornithology lab is located in the Village, and it is about to have an investment of \$25 million which will make it a world class institution. That might be something that the Village wants to highlight as part of its identity. Klepack noted that the Village also has the B&T Park and the airport, which are nice facilities.

Marcus said that the end of the sewer moratorium will enable development to occur as it hasn't been able to in over 10 years. One of the permitted uses is sit down restaurants so the Village likely see rapid-growth in that use category once the moratorium is over.

The Board discussed the budget with EDR. Hickey said that \$10,000 is allocated for the current fiscal year (June 1 - May 31) and they have also requested a grant of \$5,000 which has not yet been approved. He will submit a request in the next budget for additional consultant funds but cannot guarantee that funding at this time

EDR suggested that there be three focus group meetings - the first for general discussion, the second to present preliminary plans for feedback, and the third to present the final results of the study. The Board will review and update the list of 25 people that were sent the Comprehensive Plan. Each person will receive a phone call from a member of the Planning Board and a letter of invitation. The first public meeting will be scheduled between December 6 and 13.

Minutes

August 31, 1999: Waterman moved that the August 31, 1999 minutes be approved as submitted. Halevy seconded. All in favor.

September 8, 1999: Waterman moved that the September 8, 1999 minutes be approved as amended. Halevy seconded. All in favor.

October 11, 1999: Waterman moved that the October 11, 1999 minutes be approved as amended. Halevy seconded. All in favor.

Adjourn

Waterman moved that the meeting be adjourned at 10:00 p.m. Seconded by Klepack. All in favor.

