

APPROVED

Town of Lansing

Monday, February 14, 2011 7:15 PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

	Nancy Loncto	*	Tom Ellis
*	Larry Sharpsteen	*	Lin Davidson, Chairman
	Viola Miller	*	David Hatfield
*	Richard Prybyl		
*	Jeffrey Overstrom, EIT		
*	Lorraine Moynihan Schmitt, Esq.		
*	Robert Cree, TB Liaison		

Public Present

Maureen Cowan	Emma Harner	Hannes Maddens
Ruth Hopkin	Lauralee Gattridge	Donald Harner
Roger Hopkin	David Moore	Marc Leathers
Robin Masson	Frankie Lechner	Carol Bass
Dirk Galbraith	Juliana Bass	Mike Herbster
Michael Bryant	Lisa Turner	Joseph Steuer
Eric Fitzgerald	Mike Duesing	Todd Bittner
Michael Keller	Natalia Emlen	Bob Hillman
Connie Wilcox	Vally Kovary	Amanda Steinhardt
Max Steinhardt	Margaret Keller	Kate Mackenzie
Arch Mackenzie	Susan Murphy	Mary Ann Allbonesi
Mark Wheeler	Lawrence Cathles	Ron Seacord

Robert Leathers

General Business

Lin Davidson called the Planning Board Meeting to order at 7:15 PM. Mr. Davidson introduced the Board to the Public and made a change of order to the Agenda.

Request for an Extension on Construction Completion, Cayuga Way & Lakeview Subdivision, Grandview & Tiger Lily Lane, Tax Parcel # 40.-3-28.2 & 40.-3-28.1

Attorney Mark Wheeler appeared before the Board requesting a 3 year extension on the above two Subdivisions that were previously approved in November

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2007. Mr. Wheeler further states due to the economic crisis, lending facilities are less likely to lend large amounts of money for project of this magnitude.

Larry Sharpsteen felt the 3 year request was too long and it would be in the best interest of the Town to go with 18 months.

Larry Sharpsteen made a motion to approve the request for an extension of 18 months commencing on May 14, 2011 and terminating on November 14, 2012. Richard Prybyl seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

Future Working Meeting-Workshop

Chairman Davidson expressed to the Members that he would like to schedule a Workshop on Liability issues related to Trails and Playgrounds. Mr. Davidson will invite an Insurance Agent, a local Attorney and a DEC Personal.

Discussion/Presentation of Waldorf School; Set Public Hearings, Eastlake Road, Tax Parcel # 42.-1-54.1

Robert Leathers gave a brief overview of the Eastlake PDA. Mr. Leathers indicated that he and Cheryl Nickel chose the PDA route as it is a way to have flexibility and imaginative solutions within the zoning district. The Eastlake Recreation Building has provided the imaginative solution to the Community by permitting the recreational birthday parties, playground and tennis courts to the public.

Erin Fitzgerald, Director of the Ithaca Waldorf School, gave a brief overview of the School and their teaching philosophy. Currently the School offers grades K through 5th with approximately 55 students, with the hopes to expand. Ms. Fitzgerald has begun making a list of the concerns and addressing them with the neighbors of Eastlake.

Todd Bittner, Chairman of Campus Planning Committee presented a copy of the proposed Site Plan and explained the needs and goals of the School. The following are items that will need to be considered;

1. A new parking lot for 40 cars to include handicap ones.
2. An area for busses to pull off road and turn around.
3. Additional bathrooms (16 'x 30' expansion to existing building)

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4. Emergency egress
5. Structured and non structured playground area
6. Separation from age groups
7. Aging Septic System
8. Stormwater Management

Mr. Bittner states the School faculty, staff and neighbors of the Community have met with Mr. Leathers and have tried to integrate their concerns in this plan. A wooden fence will be placed around the perimeter of the school. All uses on the west side of the property will be diverted adjunct to the school. A second entrance will be added to separate the age group of the children.

Chairman Davidson read the following;

The present application before the Planning Board appears to be a request, pursuant to Lansing Land Use Ordinance Section 706.10, for change/modification to a PDA. However, because the proposed modification includes a *change of land use* to include educational purposes and a private school, Section 707.10.1 requires a new PDA application.

The original application and the in-house site plan will also need to be amended given the new information now available respecting the instant application.

Because the PDA is already in existence and the modification is the sole request for the one change of use, the process can be expedited and the public comment period deemed already commenced. Because of the concerns of the neighbors, the chair has determined that public hearing is appropriate and shall be scheduled for the Planning Board's working meeting on February 28, 2011. Preliminary review of the project can be conducted by the Planning Board on February 14, 2011. Final site plan review, SEQR review and vote on whether to recommend the proposal to the Town Board is slated to be scheduled for the February 28, 2011 Planning Board meeting. Since the Town Board is the agency making the final approval, the Town Board shall be charged with the final SEQR determination. The Planning Board should review the LEAF and advise the Town Board of any areas of environmental concern.

Larry Sharpsteen made a motion to set the Public Hearing (s) for the following dates and time;

- February 28, 2011
- 7:40 PM - Public Hearing - SEQR
- 7:50 PM - Public Hearing - Overall Application for Modification to Eastlake PDA to modify use for educational purposes

Thomas Ellis seconded.

VOTE AS FOLLOWS:

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Thomas Ellis - Aye
David Hatfield - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

Lorraine Moynihan Schmitt requested clarification to know if the change of use would be a constraint to the four acre parcel (lot 19) and not the entire PDA. Ms. Masson advised yes. The two Attorneys will work together to amend the Application.

Joseph Steuer, Agent for The Ithaca Waldorf School indicated they are not willing to give up their long term lake rights as this could financially impact future sale of the property.

Thomas Ellis questioned whether a full size school buses could get in and turn around without any problems. Mr. Bittner advised the turning radius has been designed for standard school buses.

Larry Sharpsteen requested that the proposed Site plan be submitted to the Fire Department and the Highway Department for their comments prior to the Public Hearing of February 28, 2011.

Jeff Overstrom advised all present that the Code Enforcement Office will be performing by-annual Safety inspections of the interior of the building. An alarm system will be a hook in to the fire department as oppose to a sprinkler system.

Additional comments/concerns via Public/ emails/letters

1. Tot Lot areas re: noise to neighbors, buffering, septic
2. Lake use issue
3. School fit to the neighborhood
4. Traffic (in & out)
5. Property values
6. Safety (Fire & rescue)
7. Loss of tax revenue

Mike Herbster, Tennis Coach for Lansing, Trumansburg and Ithaca College stated buses can get in and out of the property with no problem. Mr. Herbster feels the children in the community need this Tennis court to continue running.

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The Waldorf School representatives have advised Mr. Herbster that they will continue to rent out the tennis court space.

Mike Duesing, Representative for the Homeowners Association states they have not taken a position for or against the Waldorf School, however, the Association does feel there is a process issue that should be resolved first. To date there has not been a Meeting with all three groups (Neighbors, Waldorf School and Design Board).

Amanda Steinhardt inquired if the Town Board approved the modifications, would they leave the residents in Eastlake to fend for themselves with respect to the covenants'. In addition, Ms. Steinhardt has great concerns with the possibility of increased traffic as the result of trying to access the lakefront via the lot owned by the homeowner's.

Ms. Moynihan Schmitt expressed that she believed the original PDA included the covenants.

Todd Bittner expressed to the Board that timing is an issue with respect to enrollment for the private school. The process begins at this time of year for recruitment of students in order to establish their budget. The school needs a location in order to start this process.

Bob Hillman pointed out that the covenants allow for additions to the recreation center with permission from the Design Committee. However there is a separate covenant with respect to the use of that building which is very specific and states recreation. Mr. Hillman has not formed an opinion on the School as of yet.

Robin Masson, Attorney for Robert Leathers states the current Design Committee consists of Cheryl Nickel, Robert Leathers and Matthys Van Cort.

Robert Leathers expressed his disappointment with some of the neighbors of Eastlake. Mr. Leathers states he has worked with them for the last 2 months trying to find out and work out their concerns to find a solution.

Susan Murphy expressed concerns over who to believe when it comes to not using the lakefront property/ dock. According to Ms. Murphy, The Waldorf School has assured her that they have no intentions of using it, however, their Agent made it publicly known they will not give up their rights to it. Until such time that a decision is put in writing, Ms. Murphy cannot make a decision on whether she is in favor or not.

Thomas Ellis states the recreational building was originally a benefit to the immediate community and therefore allowed in the PDA. Mr. Ellis has concerns

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with the School expanding and the recreational facility being over taken by the School needs. Mr. Ellis would like to see the community protected.

Larry Cathles, a Member of the Lansing Recreational Pathway Committee presented the following

Delivered orally 2-14-2011 at the Lansing Planning Board meeting by Larry Cathles, a resident of Lansing and member of the Lansing Recreational Pathways Committee.

With regard to the discussion about the proposed modification to the East Lake PDA and the landscape design.

We wish to let the Planning Board know that we've talked with the applicant and know they are willing to consider an easement with the town for a future safe pedestrian pathway along the busy highway. Understandably this footpath might not be necessary unless access to a bus stop or a non-motorized path along East Shore becomes desirable.

Such an easement meets the special criteria established by Town Ordinance for PDA's as outlined in section 706 Namely, in the long run, this would provide the kind of benefits possible in a PDA by giving the local community future safe passage along East Lake.

Thomas Ellis inquired if this would become a tax exempt property.

Roger Hopkins inquired if the loss of tax revenue was really a Planning Board issue.

Larry Sharpsteen advised Mr. Hopkins that the Planning Board has been advised in the past by legal counsel that the protection of property values are a function of the town.

Public Comments/Concerns via emails:

From: James G. Johnston/Linda Mack
109 Eastlake Road

It is our understanding that the issue of use of Lot 19, Eastlake Road is to be reviewed by the Planning Board and Zoning Board while we will be out of country. We are aware that the current owner, Robert Leathers, would like to convey this property to the Waldorf School for their purposes of conducting educational programs for children in grades K-6.

What seems to be in question, raised by some of the home owners of the Eastlake Homeowners Association, is the right of Mr. Leathers to sell his property to any party whose planned use of the site would vary from its R-1 designation except for anything other than

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recreational usage. The property is currently used as a recreational club and offices.

It appears that a variance has been given to Mr. Leathers to use this lot purposes other than R-1, e.g., strictly residential. What is not clear is whether educational purposes, combined with recreational activities for students, would vary from the existing variance already granted.

As change usually creates tensions the change of use of Lot 19 has asked all of the residents of Eastlake to examine their concerns of usage change. The many obvious questions have been raised concerning traffic, safety, noise, property values and the obvious permitted use of Lot 19.

As members of the Eastlake community we support the proposed change of use of Lot 19 from recreational and office use to one of elementary education for children. We feel this change will be a low-impact solution for the use of an unusual property, which has been used for years for other than R-1 purposes.. Further, should this proposition not move forward as proposed it will come before your body again, as surely there will be other proposals that will impact the local landowners because it is unlikely Lot 19 will be sought by a party who wishes to demolish the existing facility to construct a residential home.

As friends of Mr. Leathers, we do have some concern for the financial hardship for him. We feel he is choosing to convey this property to a use that is in keeping with his vision for our Eastlake community.

We urge you to consider the use changes you have approved in the past and favorably support the proposed change of use from the current commercial recreational and office use to that of an educational enterprise.

Thank you for your consideration. James Johnston and Linda Mack, 109 Eastlake Road, Ithaca, NY 14850.

GUTTMAN & WALLACE

ATTORNEYS AT LAW

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ITHACA, NEW YORK 14850

607-272-2102

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607) 272-2350

RICHARD M. WALLACE Service of papers by fax not accepted.

February 7, 2011

Mr. Jeff Overstrom

Engineering & Planning Coordinator

29 Auburn Road

Lansing, New York 14882

Dear Mr. Overstrom:

I am the attorney-in-fact for Osman and Ayda Yurekli, who are the owners of property at 34 East Lake Road in the Town of Lansing, which property is part of the East Lake Development. Mr. and Mrs. Yurekli have been advised that there is a proposal which apparently going to the Town of Lansing Planning Board on February 14, 2011, and to the Town Board on February 16, 2011, to permit Lot 19 in the Eastlake Development to be used for a school and to grant site plan approval. Mr. and Mrs. Yurekli are

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currently out of the country and will be out of the country on those dates. They have requested that I forward their concerns to the Town and specifically request that these concerns be presented to the Planning Board and to the Town Board.

Mr. & Mrs. Yurekli bought their property in February of 2009. Their house is currently right behind the recreational center located on Lot 19. When they were looking at this house and decided to purchase this house, the location and the quietness of the neighborhood was a major factor for them. They were aware of the Declaration of Covenants and Restrictions of the Eastlake Development, which had been adopted in August 1988, as well as the First Amendment to the Declaration of Covenants and Restrictions which was adopted in June 2007.

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The Recreation Center Building was designed in a way that it had minimal impact on Yurekli's house. In fact, it has served as a buffer between their house and East Shore Drive.

The Yurkelis are concerned that if the use of this lot is changed from recreational use to a school, that there will be significant adverse affects to their property.

It is their understanding that the plans involve a deck being built facing their house and, in addition, playground facilities will be constructed facing their house. They are concerned that this will cause adverse affects with regard to privacy and noise.

In addition, as far as they are aware, there is nothing which would limit the size of a school established there and having a school itself would adversely affect their property in terms of privacy and noise.

The Yurkelis are also concerned about the intersection of Eastlake Road and Route 34. Putting a school there would significantly increase traffic and potentially cause safety issues.

The lots in the development also have access to the lake. There are concerns about what access the school would have to the lake and potential liability issues.

The Yurkelis understood when they were purchasing the property that the development would be limited to recreational use. A change from just recreational use to allow a school would, in their opinion, adversely affect their use and enjoyment of their property and they believe would adversely affect their property values.

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I respectfully request that these thoughts be presented to the Planning Board and to the Town Board. If you need anything further from me, please advise.

Very truly yours,
Chtma'

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CG/pk

Cc: Osman Yurekli

Dear Mr Davidson,

The hour was late when I sent out the first email. This morning I realized that some wording was incorrect. Please accept my apologies. The correspondence should have read as follows:

Don and I would like to go on record as supporting the plan for the new Ithaca Waldorf school to purchase the East Lake Recreation Center in Lansing.

We have been following the process of the Waldorf planning committee. Many hours of planning, meetings with residents to address concerns and money have be invested.

Great effort has gone into the planning for the use of this site so the neighbors will not be inconvenienced. I hope that the Planning Board will keep their commitment for the hearing scheduled for February 14th. Thanks for your time and consideration. We can be reached for question at (607) 533-4248.

Emma and Don Harner, 105 Auburn Rd., Lansing, NY.

Chairman Davidson advised the Public that Eastlake will again be on the February 28, 2011 Agenda. Hopefully the residents can work together with Bob Leathers & Cheryl Nickel to work out several outstanding issues.

Set Public Hearing for SEQR Review & Preliminary Plat Approval, Lansing Commons Subdivision, Cayuga Vista Drive, Tax Parcel # 37.1-2-53.222, J. Ronald Seacord, Applicant

Larry Sharpsteen made a motion to set the following Public Hearing;

1. Public Hearing for SEQR Review at 7:20 PM
2. Public Hearing for SEQR determination at 7:25 PM
3. Public Hearing on Final Preliminary Plat at 7:30 PM
4. Public Hearing on overall consideration of the Lansing Commons Subdivision at 7:35 PM.

Richard Prybyl seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

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Approval /Denial Minutes of: January 24, 2011

Thomas Ellis made a motion to approve the Minutes of January 24, 2011 as presented. David Hatfield seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

David Hatfield made a motion to adjourn the Meeting at 8:57. Richard Prybyl seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.