

APPROVED

# Town of Lansing

Monday, October 6, 2010 7:15PM

PLANNING BOARD

## PLANNING BOARD MEMBERS

(\*Denotes present)

* Nancy Loncto	* Tom Ellis
* Larry Sharpsteen	* Lin Davidson, Chairman
Viola Miller	* David Hatfield
* Richard Prybyl - 8:31 PM	
* Jeffrey Overstrom, EIT	
* Lorraine Moynihan Schmitt, Esq.	
* Robert Cree, TB Liaison	

### Public Present

Wayne Matteson, P.E.	Maureen Cowan
Roger Hopkins	Glenna Thaler
Ben Gustafson	Mary Ellen Lane
Stephen Cardamone	Mary Adie
Ron Seacord	Kathy Miller
Dorothy Krizeck	
Mary Krizeck	
Dale Baker	

### General Business

Lin Davidson called the Planning Board Meeting to order at 7:20 PM. Mr. Davidson inquired if there was anyone from the Public that would like to speak to the Board with issues other than the Agenda items.

### Public Hearing- Preliminary Plat Approval for Woodland Park Planned Development Area, Tax Parcel # 41.-2-5

Lin Davidson, Chairman read the Legal Notice published in The Ithaca Journal. Thomas Ellis made a motion to open the Public Hearing at 7:22 PM. Nancy Loncto seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Nancy Loncto - Aye**  
**Larry Sharpsteen - Aye**

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Lin Davidson - Aye

MOTION CARRIED.

## Public Comments/Concerns

Dale Baker, Representative for The Lansing Recreational Pathway Committee read the following statement;

10/16/10  
PB Mtg. ✓

**To: Lansing Planning Board**  
**From: Lansing Recreational Pathway Committee**  
**Date: 10-5-2010**  
**Re: Warren Road/Woodland Park PDA: Cardamone residential development pathways**

In our role as a Lansing Town citizen advisory group we have reviewed the proposal for a residential development between Hillcrest and Warren Road and are recommending that the proposed development include a provision for safe pedestrian and non-motorized transportation in the form of a trail next to the proposed road. We also recommend that a perimeter footpath be included with access by those who live in the development and town citizens who can access the path on Warren Road or Hillcrest Rd. This footpath will be a key link to the east-west connector trail for Lansing.

We realize that the town is in process of constructing specifications for pedestrian walkways. In the meantime, we provide some suggestions that are based on common best practices.

1. We recommend that the developer provide a pedestrian trail along the primary road between Hillcrest and Warren with grass separating the trail from the road. This would give residents safe pedestrian and non motorized transport within the community and to the bus stop on Warren. We suggest the initial trail either be a hard pack with stone or asphalt and that the easement allow for an 8 foot trail in the longer term. At the completion of the development, the easement for this trail would be given to the town for longer term maintenance. The primary determination of the specifications for the path should be determined by town specifications for this type of residential area.
2. We recommend that the developer provide a footpath along the perimeter of the property from Hillcrest to Warren with access by residents via one of the cul-de-sacs or along the most westerly lot on Hillcrest. This trail would provide critical links to the future east west connector trail as approved by the Town Board. The footpath may be initially cleared and graded by the developer then turned over to the town for longer term maintenance by volunteers. The easement for this path should accommodate an 8 foot wide path in the longer term.
3. We recommend that the developer provide pedestrian paths, 6 to 8 feet wide, in the condominium area, preferably in front of the condominiums. The type of path would be determined by the developer and the maintenance would be included in the HOA fees.

We have spoken with Mr. Cardamone about our recommendation and have offered to meet with him or other town representatives if this is desired.

Our recommendation this evening is in line with section #3 and #5 of the Town's Comprehensive Plan as well as the Town's subdivision regulations, sec.801, that designate 5% of the total area for purposes such as this.

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Thomas Ellis requested clarification from the Committee with respect to the footpath in #2 above. Mr. Ellis requested to know if the footpath is separate from the road way path.

Maureen Cowan indicated yes. The second one they are referring to is the perimeter trail along the northern boundary.

David Hatfield inquired what group of volunteers will be taking care of these trails, and who would be liable if someone is injured.

Maureen Cowan indicated there are several ways for maintenance of this project. Volunteers can sign Waivers. In addition, the Committee is not requesting the Developer to build the perimeter trail now, only reserve (easement) the space for it in the near future.

Larry Sharpsteen made a motion to close the Public Hearing at 7:34 PM. Nancy Loncto seconded.

### **VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Nancy Loncto - Aye**  
**Larry Sharpsteen - Aye**  
**Lin Davidson - Aye**

### **MOTION CARRIED.**

#### **Further Discussion**

Ben Gustafson, P.E. for the Developer expressed concerns for this Subdivision with respect to the trails. The first would be the private Townhouse area. The purpose as proposed in the PDA is to be a "private community". To have a public walking trail through that space would defeat that purpose. There are maintenance issues which would be incurred throughout the development process until they are turned over. Trails of this size would create a burden on the Developer with respect to re-sale and new property owners not wanting people within 30 feet of their back yards. The proposed perimeter trail would have significant impacts (wetlands around the northern and southern boundaries). It would make the trail generally unusable, difficult to construct, and difficult to permit. Significant Army Corps. Of Engineer Permitting would have to reoccur. Lastly, due to the Public Comments held at the Concept Plan Presentation on April 26, 2010 the Developer added the trail for the private development. After several discussions with the Planning Board and Town Board with respect to the trail along the road, it was agreed that 6' shoulders would be provided on the

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one side of road B and taken out of the 60' road right of way. In addition, the Developer will be providing lighting. On road B, there is an extended shoulder with a painted stripe on it.

Larry Sharpsteen stated it was his understanding that the extended shoulder would not be a part of the 60' right of way. The drawings show different.

Mr. Sharpsteen suggested 4' of shoulder on each side, plus a 4' walkway on which ever side they wish to place it on, for a total increase in the paved width of 4'. That will leave a 2' decrease on each side for ditches and utilities on each side. This will still be well within the 60' road right of way.

Jeff Overstrom indicated there is an option that the Town would allow a separate divided walkway that is not attached to the pavement.

Jeff Overstrom states he received the Traffic Study this evening and it indicates no negative impact on the area.

Mr. Gustafson pointed out that early in the PDA process, conditions and documentation along with a letter of Intent was presented and accepted. The Planning Board's request for change seems to be out of order. Mr. Gustafson states the entire documents have been prepared and the Board is requesting extensive work to be re-done on them which would cost an extreme amount of money from the Developer.

Nancy Loncto inquired from Counsel if all public comments should be taken into consideration as the process continues?

Lorraine Moynihan Schmitt indicated yes. The Planning Board can impose conditions at any time. However, it is ultimately up to the Town Board to determine. Ms. Moynihan Schmitt further stated there is room for discussion as to where the pathway can fit without interfering with the Developer's Stormwater Plan.

Roger Hopkins states his Committee is not requesting pavement or side walks, all they are requesting is dotted lines.

Ben Gustafson said given there is a 60' right of way, if the Town ever wanted to put in a walk way at their expense, they can put in additional storm sewer in the area that is currently used for the ditch. Mr. Gustafson again reiterated that he does not understand why the conditions that were established and agreed upon in the Intent to Comply Letter are now being changed by the Planning Board.

Lorraine Moynihan Schmitt inquired from Robert Cree, Town Board Liaison

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if at any time did the Town Board have a discussion about pathways in this proposal.

Mr. Cree indicated no, however when the Town Board spoke with the Pathway Committee it was his understanding that all new Development should be made aware of the request from the Pathway Committee for consideration of a “paper path” in the early stage of development in their project.

\*Larry Sharpsteen made a motion requesting that the prepared Resolution be amended to incorporate the following;

Page 2, #4. The waiver has been granted by the Town Board for the road width.

Page 2, #6. The Planning Board is not suggesting any change in the cross section or any change of the paved width. The Board is requesting that the shoulder width remain 4’ on both sides and any consideration for a pathway be made in the remaining 16’ on either side of the Road within the Town right of way.

Ben Gustafson requested that it be noted that the cross section has not changed through the process. The Notice of Intent and the conditions of the PDA specifically mentions the shoulder. This same cross section has been viewed by the Planning and Town Board and approved.

Also, it should be noted that if the proposed changes as far as the cross sections and the location of the pathways be further specified, that is a change of the conditions of the PDA.

Lorraine Moynihan Schmitt stated at this point of the process, the Planning Board can indeed propose modifications. Ms. Moynihan Schmitt recommended to the Planning Board that they ask the Town Board to weigh any undo hardship for the Applicant against what is being requested by the Lansing Pathway Committee.

Stephen Cardamone, Developer states items like this should be spelled out in the beginning. Mr. Cardamone has no objections to walkways, however, it is not fair at this point of the project for re designing.

Lorraine Moynihan Schmitt advised the Developer he is at a Preliminary Phase and changes can be made.

Nancy Loncto seconded Larry’s amendments to his motion.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**

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David Hatfield - Nay  
Nancy Loncto - Aye  
Larry Sharpsteen - Aye  
Lin Davidson - Aye

## MOTION CARRIED.

Ms. Moynihan Schmitt also recommended that #6 be added as # 3 under conditions on the last page.

Thomas Ellis inquired if an allowance is made for the path, does it have to have deed restrictions attached?

Lorraine Moynihan Schmitt stated that will fall under condition #1 on page 3 which reads;

PDA Approval with Condition by the Town Board should encompass any all deed restrictions or easement respecting Pathways encumbering the development property to be developed;

Thomas Ellis still has concerns with not having a bus pull off. Mr. Ellis suggested making a wider shoulder on the east side of this development which would be west of Warren Road.

Ben Gustafson stated they contacted TCAT and were told they do not want a shoulder, easement, and bus stop of any kind.

Nancy Loncto made a motion to accept the amendments and offered the following Resolution;

### **RESOLUTION No. 10-62**

#### **RESOLUTION OF THE PLANNING BOARD RECOMMENDING TO THE TOWN BOARD**

#### **CONDITIONS AND SPECIFICATIONS**

**UNDER WHICH THE CARDAMONE "WOODLAND PARK PLANNED DEVELOPMENT AREA" APPLICATION MAY BE CONSIDERED FOR PDA APPROVAL BY THE TOWN BOARD**

**WHEREAS**, Applicant, Cardamone Home Builders, Inc., has requested Town Board Approval, and Planning Board preliminary review, of a PDA Application for the

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“Woodland Park Planned Development Area” (formerly Warren Road PDA) respecting a +/- 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, P/O Tax Map Parcel 41.-2-5; and

**WHEREAS**, the Lansing Planning Board has considered and carefully reviewed the Application and the Applicant’s Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated August 26, 2010, respecting the Applicant’s PDA Proposal; and

**WHEREAS**, the Public Comment Period on the Application was commenced on August 26, 2010 upon submission of the Applicant’s Statement of Intent to Comply, pursuant to Section 706.5 of the Lansing Land Use Ordinance, and a public hearing was held by the Lansing Planning Board on October 6, 2010 respecting Planning Board consideration of the “Woodland Park Planned Development Area” PDA Application materials and the Applicant’s August 26, 2010 Statement of Intent to Comply, as well as consideration of whether the Planning Board should recommend to the Town Board either: (1) disapproval of the proposed PDA development; or (2) conditional approval of the PDA development, subject to such conditions set forth in the Statement of Intent to Comply and/or any other conditions otherwise imposed by the Planning Board; and

**WHEREAS**, at the public hearing held on October 6, 2010, the residents of the Town of Lansing were given a full opportunity to be heard respecting the Woodland Park Planned Development Area PDA Proposal, and the Planning Board reviewed said comments and concerns of the residents, including concerns respecting the following potential impacts of the project: increased traffic, drainage and stormwater concerns, density issues, infrastructure capacity; and

**WHEREAS**, on October 6, 2010, the Planning Board, pursuant to Lansing Land Use Ordinance Section 706.5, underwent site plan review of the proposed Woodland Park PDA development, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man made features upon and surrounding the area of the proposed Site Plan, and consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town’s Comprehensive Plan and compliance therewith; and

**WHEREAS**, by correspondence dated September 28, 2010, the Tompkins County Department of Planning, in its GML 239 -l, -m and -n review, made a formal recommendation that the project be modified to provide walkways throughout the entire subdivision in order to provide access to Warren Road where TCAT service is available, and further suggested coordination of a requirement of a TCAT bus shelter with the Tompkins County Highway Division and TCAT, and the Tompkins County Department

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of Planning made an informal recommendation that the two dead end streets within the PDA be changed to a loop road for better vehicular and pedestrian circulation throughout the PDA development; and

**WHEREAS**, the Applicant has consulted with TCAT and has been advised that a bus shelter on Warren Road is not desired by that agency given the rural nature of the route and provision for flagging the bus at any point along said route, and upon TCAT's analysis for public transportation that is anticipated from the proposed development; and

**WHEREAS**, upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it*

**RESOLVED**, that, pursuant to Section 706.5 of the Town Of Lansing Land Use Ordinance, the Lansing Planning Board hereby recommends to the Town Board that the Town Board conditionally approve the Woodland Park PDA application, subject to such conditions as set forth in the Developer/Applicant's September 24, 2010 Preliminary Plans and August 26, 2010 Statement of Intent to Comply as set forth again below with additional comment of the Planning Board in parentheses:

1. Final Development approval shall be contingent upon the ACOE approval and issuance of wetland permits and any wetland mitigation required by the ACOE;
2. Approval of the PDA project is contingent upon review and approval of the applicant's storm water and erosion control plan/SWPPP application;
3. Approval of the PDA is contingent upon review and approval of the Road Infrastructure layout by the Town of Lansing Highway Superintendent (*proposed infrastructure/roadway layout already reviewed by Town Highway Department and Town Board*);
4. The Town's Right of Way/Easement Road Width for the proposed Private Road in the Townhouse phased construction shall be 60 feet unless a waiver for 50 foot easement is granted by the Town Board (*proposed waiver already reviewed by the Town Board*);
5. The applicant shall make provisions of a TCAT bus stop on Warren Road, east of the Townhouse construction; (*Condition no longer required by the Planning Board given TCAT's determination that a bus shelter at that location is not desired*);
6. The applicant shall make provision for a 6 foot shoulder/pathway either north or south of Public Road B, located on the southern portion of the PDA sketch plan (*The Planning Board is not recommending any change in the cross section or paved width of Public Road B as shown on the Applicant's plans. The Planning Board recommends, for safety reasons, that the shoulder width remain, as designed, at 4' on both sides of Public Road B, and further recommends that the Town Board consider any condition for a pathway on*

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*Public Road B to be designed in the remaining 16' of Public Road B on either side of the roadway and within the Town's 60' public road right of way) ;*

7. The applicant shall provide an estimated time frame proposal for each phase of the construction;
8. The lots designated for single family home construction and cannot be amended to permit additional multifamily dwellings in the PDA;
9. The approval of the PDA is contingent upon Town Board approval of the applicant's application for extension of the Water District to encompass the entire PDA project; and

and also subject to the following additional conditions recommended by the Planning Board:

1. PDA Approval with Condition by the Town Board should encompass any and all deed restrictions, if any;
2. Department of Transportation Review and Approval of proposed single curb cut access to Warren Road;

*and it is further*

**RESOLVED**, that, pursuant to Section 706 *et seq.* of the Land Use Ordinance, the Planning Board recommends that the Town Board set public hearing(s) for Town Board consideration of the PDA and SEQR review, said hearing(s) to be held by the Town Board within 45 days of this resolution, pursuant to Section 706.6.1 of the Town of Lansing Land Use Ordinance. Pursuant to Section 706.6.1 of the Town of Lansing Land Use Ordinance, Town Board conditional approval or disapproval of the PDA is to be issued by the Town Board within 30 days of said Town Board public hearing(s).

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Lin Davidson advised Roger Hopkins that the Planning Board is not addressing the perimeter trail on the north property line. This discussion will be left up to the Town Board.

\*Richard Prybyl joined the Meeting at 8:31 PM.

Thomas Ellis seconded the Resolution.

## VOTE AS FOLLOWS:

**Thomas Ellis - Aye**  
**David Hatfield - Nay**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Abstained**  
**Larry Sharpsteen - Aye**  
**Lin Davidson - Aye**

## MOTION CARRIED.

### **Discussion of Revised Lansing Commons** **Project, Cayuga Vista Drive, Tax Parcel # 37.1-2-53.222**

Ms. Moynihan Schmitt clarified for the record that according to the last Meeting Minutes, the PDA Application was withdrawn and a brief Sketch Plan discussion took place. A new Application for a Major Subdivision will be forth coming. A completed LEAF form was presented at this Meeting. At this point Ms. Moynihan Schmitt advised the Board once a formal Application arrives, this Board needs to declare its intent to act as Lead Agency and classifies the SEQR action. Notice of Intents will need to go out to all parties listed. Due to the Members not being able to review the LEAF prior to this Meeting, it was suggested they set a Special Meeting.

Lorraine Moynihan Schmitt advised Mr. Matteson that the Town Board will need to approve roadways and infrastructure prior to a Preliminary Plat review. Also, an updated/modified SWPP will need to be done.

Nancy Loncto made a motion to set a Special Meeting the consideration of the presentation of the Subdivision Application for the purpose of declaring Lead Agency for The Lansing Commons Major Subdivision on Tuesday, October 12, 2010 at 5:00 PM. Thomas Ellis seconded.

## VOTE AS FOLLOWS:

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Aye**  
**Larry Sharpsteen - Aye**

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Lin Davidson - Aye

MOTION CARRIED.

## Approval/Denial of Minutes for: July 12, 2010, September 13, 2010, & September 27, 2010

### July 12, 2010

Thomas Ellis made a motion to approve the July 12, 2010 as amended at the September 27, 2010 Meeting. Rick Prybyl seconded.

Thomas Ellis made a motion to approve the Minutes as amended. Richard Prybyl seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

### September 13, 2010

Thomas Ellis requested on page 2 under Lansing Commons, 2<sup>nd</sup> paragraph the word should read: **prohibitive**. Thomas Ellis made a motion to approve as amended. Richard Prybyl seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

### September 27, 2010

Some Members did not pick up the Minutes for September 27, 2010 therefore, the Chairman requested this item be placed on the Agenda for October 12, 2010.

### Town Board Liaison's Position

Robert Cree advised the Planning Board Members that he was contacted by the Town Attorney, Guy Krogh with respect that his actions as a Town Board

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Liaison within the Planning Board Meetings. Mr. Cree was advised that he should not be sitting at the table, making corrections to Minutes or asking questions. Mr. Cree should only speak when directly asked a question.

Lorraine Moynihan Schmitt indicated she does not believe Mr. Cree's role as Liaison was clearly delineated for him when he took on the role as Liaison.

Larry Sharpsteen stated for the record, "that's bullshit". Mr. Sharpsteen has been on the Board for 26 years and any time the Planning Board has had a Town Board Liaison that came to the Meeting, they have always sat at the table. David Hatfield stated for the first 5 years of his term on the Planning Board, the Town Board Liaison played a heavy role in the Meetings.

Thomas Ellis suggested that the Chairman welcome, introduce and inform the Public of the capacity and roles played by the various individuals at the Planning Board table.

Larry Sharpsteen made a motion requesting that the Planning Board invite Robert Cree, as his role of Town Board Liaison to sit at the Planning Table just like all other Town Board Liaisons have for the last 26 years. Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

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

**MOTION CARRIED.**

Thomas Ellis made a motion to adjourn the Meeting at 9:04 PM. Lin Davidson seconded.

**VOTE AS FOLLOWS:**

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

**MOTION CARRIED.**