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# Town of Lansing

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Monday, February 24, 2014 7:15 PM

PLANNING BOARD

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## PLANNING BOARD MEMBERS

(\*Denotes present)

- \* Tom Ellis, Chairman
- \* Lin Davidson, Vice-Chairman
- \* Larry Sharpsteen
- \* Richard Prybyl
- \* Al Fiorille
- \* Gerald Caward
- \* Jonathan Kanter, Planning Consultant
- \* Ray Farkas
- \* Deborah Trumbull (Alternate)

## Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer

Kathy Miller, Town Supervisor, TB Liaison

Doug Dake, TB Member

## Public Present

Roy Moore

Diane Moore

Bill Miller

Amanda Ryen-Yowhan

Claes Nyberg

Liam Murphy

CJ DeVecchio

Deborah Cipolla- Dennis

Joanne Cipolla- Dennis

## Other Business

Tom Ellis, Chairperson called the Planning Board Meeting to order at 7:15 PM.

## Public Comments/Concerns other than Agenda Items

Claes Nyberg: Mr. Nyberg states after reviewing the proposed Agricultural and Farmland Protection Plan it states that agriculture demands 16 cents in services for

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every dollar paid in taxes, compared to \$1.56 in services demanded by residential development for every dollar paid. Mr. Nyberg asked, why is the Town saying they will make money on a Town Center?

Larry Sharpsteen: Mr. Sharpsteen a Member of the Ag. Committee and Planning Board, states the County came up with figures that are even more conservative than the ones they have been using on the board. It is Mr. Sharpsteen's opinion that single family residential does cost a lot more in services than it pays in taxes. The obvious advantage to multiple family housing or to concentrated development (increasing the density) is you have more residences paying for services. Mr. Sharpsteen encouraged Mr. Nyberg to attend the Town Board Meetings where they should be able to provide information to him.

Kathy Miller: Advised Mr. Nyberg the figures in the draft plan are based upon Census figures.

Deborah Cipolla-Dennis: Recently heard there is a large development in the planning progress for a property near their residence. Ms. Cipolla-Dennis also questioned why they were not notified of the project.

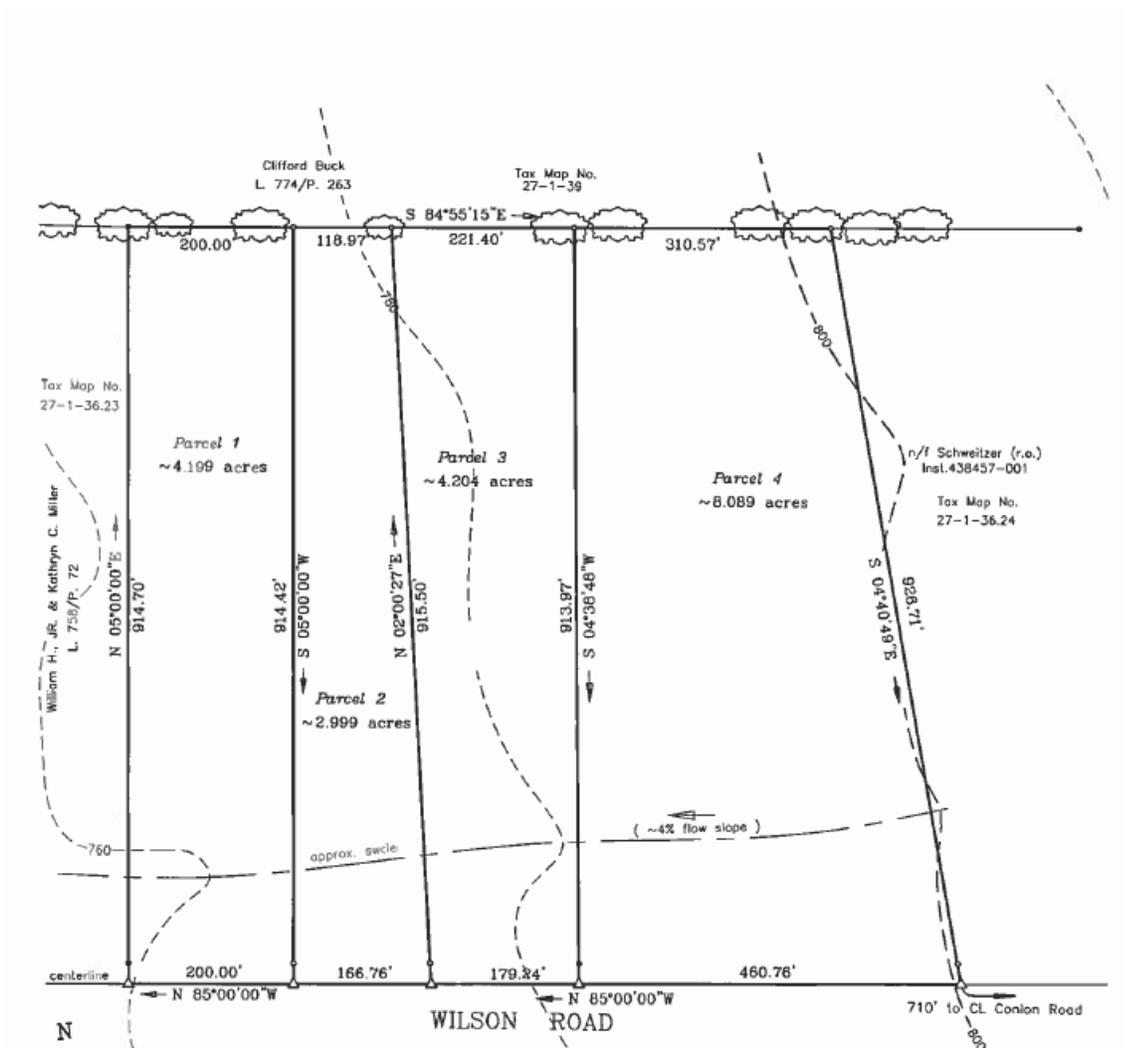
Lynn Day, Zoning Officer clarified for Ms. Cipolla-Dennis that the property that she is speaking about is not the same Lucente property that has been on the Town of Lansing Planning Agenda. (Mr. Day also showed Deborah Cipolla-Dennis and Joanne Cipolla-Dennis the Town's Zoning Map with respect to their residence and the location of the Lucente project which is nowhere near their property).

Joanne Cipolla-Dennis: Requested that she have respect for her property and that the Town not allow Surveyors on her property unless they ask permission.

**Sketch Plan Review & Classification of Subdivision, Applicant:  
Matthew & Aline Shulman, Agent: Liam Murphy, Wilson Road, Tax  
Parcel # 27.-1-36.22**

Agent Liam Murphy appeared before the Board on behalf of the Shulman's. The following map was presented;

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Mr. Murphy states parcel 1 has been sold and 4 is under contract at this time. Tax Maps were provided by Lynn Day, Zoning Officer of the parent parcel which shows the following division of land;

2007- 2008 - 3 lots sold south side of the road

2011 - Existing Exempt subdivisions have been split.

Legal Counsel recommended the Planning Board classify this Subdivision as a Minor Subdivision as oppose to an Exempt. Due to the past history, the Board should consider an overall common plan for the whole area.

Thomas Ellis advised the Members that it is spelled out in the Town's Local Stormwater Law.

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Mr. Murphy is requesting the Board consider this proposal an Exempt Subdivision as all the Shulmans' would like to do is sell vacant lots. Mr. Murphy further states the Shulmans' are not in a position to undertake Stormwater practices as they have no idea what future owners plan to do with their parcels.

Jonathan Kanter encourage the Board to make a decision as to whether this is an Exempt or Minor Subdivision. Mr. Kanter states he does not believe you can actually place conditions on an Exempt Subdivision. However, you can on a Minor Subdivision whereas the Board can place a Stormwater condition for each lot.

**Bill Miller:** Mr. Miller resides on Wilson Road and purchased his property from Mr. Shulman. Mr. Miller gave the Board a brief history of his property and the property before the Board. In addition, the following material was presented to the Members;

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**HEALING SPRINGS FARM  
154 WILSON ROAD  
LANSING, NEW YORK 14882**

February 24, 2014

Planning Board – Town of Lansing  
Auburn Road  
Lansing, NY 14882

Dear Board Members:

I received notification of the proposed subdivision of the vacant land of the Shulmans on Wilson Road and appreciate the opportunity to share my concerns about the subdivision. I have attached 2 sets of photographs from the North and South sides of Wilson Road which I took on February 22, 2014.

In 1993, I purchased the parcel at 154 Wilson from the Shulmans which included 6.5 acres on the South side of the Road and 11.96 acres on the North side. In 1995, I purchased an addition 14.75 acres on the North side of the road from them. Since I've owned the property I have had the opportunity to review the idiosyncrasies of the land with Charles Poturnay, the farmer from whom the Shulmans bought the property, and Bill Kirk, the excavator who installed drainage tiles on the South side of the road for the Shulmans. Depending on the rainfall and depth of the water table, many areas in the fields on both sides of the road can be wet. Drainage tiles are scattered throughout the fields on both sides of the road. The tiles on the North side either run through my property to its western most boundaries or into drainage ditches on my property. Those ditches empty in to the pond west of the house and subsequently drain westward to Salmon creek. The tiles on the South side of the road run beneath my property and empty into the small creek that runs through the pasture.

Beyond issues of increased traffic and how the development might impact the value of my property, my major concern revolves around surface, ground, and well water. The acreage in question slopes downwards to the West. Any run off from a heavy rain or rapid snow melt ends up on my property. Please see the Set 1 of 9 illustrations. These photographs demonstrated the flow of surface water from the Shulman acreage to my property. When the fields were plowed for farming, ground absorption was compromised and run off often was excessive. My property, to include the building behind the house, was flooded multiple times. The new houses, sheds, driveways, etc. won't absorb rainwater and this could increase the runoff. As mentioned above the fields can be very wet. What will happen to the surface water if the tiles are cut? If the new homes are to

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have basements, they will need footer drains to keep the basement dry. How will the footer drains be run? Unless the footer drain incorporates a sump pump they won't be able to drain into the ditch on the road.

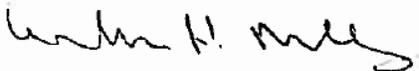
The water issues mentioned above probably can be dealt with if the proposed subdivision is small and does not allow flag lots now or in the future. The drainage issue in the most northern part of the field is more severe than it is near the road. When Ray Sill put a drainage tile in the farm land northeast (parcel 27.-1-39) of my property, the discharge was such that it runs onto my property. With heavy rain, my fields can be flooded and made unusable until they dry. Any flag lot is likely to do the same thing and drainage towards Wilson Road will be difficult if not impossible.

Lastly, what impact will the building of multiple new houses have on the existing well water capacity? It is my understanding that it is difficult to drill a satisfactory new well. What will the addition of multiple new wells do to the stability and capacity of the existing wells? Since municipal water is not likely in the immediate future, any detrimental effects on existing wells would

Although the previous subdivision on the South side of the road is not in issue here, the storm water problem on that side of the road has been referenced in the correspondence, dated January 17, 2014, from Mr. Murphy to Mr. Day. That field always has been wet which is why the drainage tiles were installed. Even with the tiling, my property can experience surface flooding. (Please see Set 2 of 3 illustrations). When the Shulmans subdivided the property on the south side of Wilson road into 3 lots, there was no formal notification of the neighbors of the proposed subdivision. Accordingly, I was not given the opportunity to tell the Planning Board about the drainage tiles in that field and how the water supply to the barns comes from artesian wells. The houses already built have has no appreciable negative impact on the surface water run off but building in the 3 lots closest to my property just might since they run though the wettest part of the field. I had hoped a storm water management review would have been put in place to prevent increased runoff onto my property. If none is recommended, I would like to know what recourse I have if flooding is increased.

Thank you for the opportunity to express my concerns. I hope they can be addressed satisfactorily.

Sincerely:



William H. Miller, Jr.

Attachments: Photo Set 1 and Photo set 2.

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Roy Moore: A Resident who has lived in the area for many years testifies to the extreme wetness of the area. Mr. Moore also gave a history of the land with respect to the springs and tiles.

Larry Sharpsteen brought to the Board's attention that item #12 on the SEQR form is in correct.

Al Fiorille states the Ag Data Statement under # 12 is also incorrect.

Lynn Day, Zoning Officer states due to possible issues with single site Rain Gardens the Planning Board may want to consider requesting a right of way, in case the Town needs to enter the property for up keep of the garden.

Jonathan Kanter reiterated to the Planning Board Members that the Planning Board can require an overall Stormwater Plan on all four lots with the Subdivider being Mr. & Mrs. Shulman. The Shulman's would be responsible for the overall Management Plan and each buyer would be responsible to implement their lot plan.

Attorney Liam Murphy feels the Board's requirements are getting really dangerous.

Lin Davidson expressed to Mr. Murphy the Town has evidence that current land owners are experiencing stormwater issues from previous developments that are now problematic. In addition, the State is trying to address these Stormwater Laws.

Lorraine Moynihan recommends that the Board defer this to the Town Engineer for his review and recommendations.

Thomas Ellis, Chairman stated the Town's Stormwater Management Officer was requested to be at this Meeting, however, he or a Representative is not present.

After conferring with Lorraine Moynihan Schmitt, Legal Counsel for the Planning Board, Mr. Murphy has requested that the Board table the discussion until such time that both attorneys and the Town Engineer have time to converse on this matter.

Larry Sharpsteen made a motion to table the discussion to allow Legal Counsel(s) and the Town Engineer to review and re-group. Richard Prybyl seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**

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**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Nay) Thomas Ellis, Member**

### Approval/Denial of Minutes for the following dates:

#### February 10, 2014

Page 4, Under Further Discussion, sentence 4, a period should be inserted after restrictions and a new sentence to begin with In.

Richard Prybyl made a motion to approve as amended. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

#### February 18, 2014

Lin Davidson made a motion to approve as presented. Ray Farkas seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

### Lorraine Moynihan Schmitt, Esq. Re: Stormwater Determination

Ms. Moynihan Schmitt advised the Planning Board Members as a legislative body, and under common law they have the final say on Stormwater requirements when it comes to Subdivisions, Site Plan Reviews, Special Permits and Planned Development Areas.

### Stormwater Training-March 3, 2014 @ 7:00 PM, Town Hall, 29 Auburn Road

Thomas Ellis reminded Members about the upcoming Stormwater Training to be held

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at the Town Hall. Mr. Ellis requested that Members provided him with different Stormwater scenarios that can be used by David Herrick in the training

### **Comprehensive Plan Review Public Information Meeting-March 12, 2014** **@ 7:00 PM, 29 Auburn Road**

Jonathan Kanter encouraged all Members to attend the upcoming Public Information Meeting on the Comprehensive Plan updates.

Richard Prybyl made a motion to adjourn the Meeting at 8:50 PM. Ray Farkas seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**