

**Village of Lansing  
Planning Board Meeting  
October 25, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:35 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Alternate Planning Board Member, Mario Tomei; Attorney David Dubow; Trustee Liaison Lynn Leopold; Code Enforcement Officer Ben Curtis; Village Engineer, Brent Cross and members of the public.

**Public Comment:**

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Stycos moved to close the Public Comment period. Seconded by Dankert. Ayes by Klepack, Brown, Dankert, Hickey, and Stycos. Motion carried.

**Final Plat Approval of the Dart Subdivision, Phase 2**

The next item on the agenda was the Dart Subdivision, a minor subdivision dividing the lands of the Dart Estate, Tax Parcel Nos. 46.1-1-6 and 46.1-1-21, to create one new lot approximately of 1 acre and enlarge an existing and adjoining lot by approximately 3.534 acres. The Dart Estate lands are currently known as 89 Graham Road and constitute approximately 70.48 acres in the Medium Density Residential District.

Bill Shaw, Attorney for the Dart Estate in this matter, reviewed the subdivision being requested which is part of the distribution of the Dart Estate to family members. Curtis confirmed that he had received proof of mailing of notice to adjoining land owners for this action as well as the others before the Board this evening.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Klepack moved to close the Public Hearing. Seconded by Dankert. Ayes by Klepack, Brown, Dankert, Hickey, and Stycos. Motion carried.

Dubow reminded the Board that this action, as a minor subdivision, was exempt from SEQR. Brown moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT APPROVAL OF DART  
MINOR SUBDIVISION, PHASE 2, ADOPTED ON OCTOBER 25, 2005**

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Final Plat Approval of the Dart Subdivision, Phase 2, a minor subdivision dividing the lands of the Dart Estate, Tax Parcel Nos. 46.1-1-6 and 46.1-1-21, to create one new lot approximately of 1 acre and enlarge an existing and adjoining lot by approximately 3.534 acres. The Dart Estate lands are currently known as 89 Graham Road and constitute approximately 70.48 acres in the Medium Density Residential District; and
- B. The Village of Lansing Planning Board, in accordance with Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed minor subdivision is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR); and
- C. On October 25, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the subdivision plat and accompanying materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully

before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the Dart Minor Subdivision, Phase 2 is **GRANTED**, subject to the following conditions and requirements:

**none**

2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such final plat in accordance with Sections 303.07 and 312.01 of the Village of Lansing Land Subdivision Regulations.

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

**Special Permit 2063, Watercress Restaurant**

The next item on the agenda was Special Permit 2063, The Butler Trust to convert Watercress the existing restaurant at 2 Hickory Hollow Road, from Restaurant Without Bar to Restaurant With Bar in the Commercial Low Traffic District, Tax Parcel No. 47.1-1-17.14. A Special Permit is required because the proposed use will increase the amount of parking required.

Hans Butler who will be operating the restaurant explained that the restaurant will be offering a Mediterranean menu and that they would like to have a small bar where guests could have a drink while waiting to be seated. Curtis had informed him that this would change the classification of the business from "Restaurant Without Bar" to "Restaurant With Bar" which doubled the parking requirement and required Planning Board approval. That is why he is here tonight. The bar will be very small with a half dozen or so seats. He has provided a plan for the parking lot showing the 84 spaces that would be required for a "Restaurant With Bar". The layout constricts the drive lane on the south side of the building to about 16' which is a lot less than the 24' normally required. Cross noted that 24' is the standard for two way traffic, but that if the traffic were one way 16' would be alright. Butler stated that Curtis had advised him that he could request a reduction in required spaces as long as he could demonstrate that he could provide the spaces if needed. He would like to eliminate the parking spaces along the north and south sides of the building for now as he does not think he will need them. That will increase the drive lanes to over 24'. Brown moved to grant a reduction of 8 spaces, specifically those shown on the plan along the building, spaces 72, 73, 74, 75, 80, 81, 82 and 83. Seconded by Dankert, all in favor. In the event those parking spaces were needed, it will be recommended that the parking lot be signed one way counterclockwise traffic around the building. Butler stated that would be okay. It was noted that the dumpsters had been in an enclosed area behind the kitchen, but that they were now in the NW corner of the parking lot with no screening. Hickey stated that it was Village policy to require dumpsters to be screened. Butler noted that it had been difficult for the waste haulers to pick up the garbage inside the enclosure behind the kitchen and the enclosure had been routinely damaged leaving it in an unsightly condition. Hickey suggested leaving the dumpsters where they were, but screening them on three sides so that they were not visible from neighboring properties. Butler should work with Curtis and the haulers to come up with something that would work. Stycos noted that a number of the trees that had been required as part of the original approval had either died or been removed. Butler said that Curtis had discussed that with him and that he was getting quotes from landscapers to replace the missing trees. Curtis noted that the landscaping on the Triphammer Road side would not be put in until the reconstruction project was complete and that money had been placed in escrow to ensure that planting would be done.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Klepack moved to close the

Public Hearing. Seconded by Dankert. Ayes by Klepack, Brown, Dankert, Hickey, and Stycos. Motion carried.

Hickey reviewed the General Conditions required for all special permits. Stycos moved that all conditions had been met, seconded by Dankert. All in favor. Hickey then reviewed the SEQR SEAF. Stycos moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT NO. 2063 ADOPTED ON OCTOBER 25, 2005**

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Special Permit 2063, The Butler Trust to convert Watercress, the existing restaurant at 2 Hickory Hollow Road, from Restaurant Without Bar to Restaurant With Bar in the Commercial Low Traffic District, Tax Parcel No. 47.1-1-17.14. A Special Permit is required because the proposed use will increase the amount of parking required; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- C. On October 25, 2005, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

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

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

There ensued some discussion of conditions that should be attached to any approval of the Special Permit. Klepack moved the following resolution, seconded by Brown:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2063  
ADOPTED ON OCTOBER 25, 2005**

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Special Permit 2063, The Butler Trust to convert Watercress, the existing restaurant at 2 Hickory Hollow Road, from Restaurant Without Bar to Restaurant With Bar in the Commercial Low Traffic District, Tax Parcel No. 47.14-17.14. A Special Permit is required because the proposed use will increase the amount of parking required; and
- B. On October 25, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- C. On October 25, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On October 25, 2005, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2063 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

1. **Provision of screening for the dumpster approved by the Code Enforcement Officer.**
2. **Required Parking shall be reduced by 8 spaces – 72, 73, 74, 75, 80, 81, 82 and 83 – as depicted on the parking lot layout, pursuant to Section 203.05 of the Village of Lansing Zoning Law.**
3. **In the event the above referenced 8 spaces are required, then the parking lot shall be signed for one way traffic circulation counterclockwise around the building.**
4. **Implementation of the landscape plan approved by the Planning Board as a condition of approving the original construction of the building.**

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

#### **Final Plat Approval of the Homewood Suites Subdivision**

The next item on the agenda was the Homewood Suites Subdivision, a minor subdivision moving the boundary line between Tax Parcel 46.1-6-4.1 known as 36 Cinema Drive and Tax Parcel 46.1-6-4.2 immediately south, enlarging Tax Parcel 46.1-6-4.1 by approximately 3100 sf and squaring the boundary line to Cinema Drive.

Richard Thaler, representing Triphammer Development Corporation, the owner of the property, explained the proposed subdivision. They will be enlarging by 3100 sf the lot where the Homewood Suites residential hotel is proposed and at the same time squaring the lot line to Cinema Drive. This will permit some additional parking on the Homewood Suites parcel and provide a more sensible boundary line. It would also facilitate the use of space beneath NYSEG transmission lines for parking.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Klepack moved to close the Public Hearing. Seconded by Dankert. Ayes by Klepack, Brown, Dankert, Hickey, and Stycos. Motion carried.

Dubow again reminded the Board that as a minor subdivision this was an exempt action under SEQRA. Klepack moved the following resolution, seconded by Brown:

#### **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT APPROVAL OF HOMEWOOD SUITES MINOR SUBDIVISION ADOPTED ON OCTOBER 25, 2005**

#### **WHEREAS:**

- A. This matter involves consideration of the following proposed action: Final Plat Approval of the Homewood Suites Subdivision, a minor subdivision moving the boundary line between Tax Parcel 46.1-6-4.1 known as 36 Cinema Drive and Tax Parcel 46.1-6-4.2 immediately south, enlarging Tax Parcel 46.1-6-4.1 by approximately 3100 sf and squaring the boundary line to Cinema Drive; and
- B. The Village of Lansing Planning Board, in accordance with Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed minor subdivision is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQRA"); and

- D. On October 25, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the subdivision plat and accompanying materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the Homewood Suites Minor Subdivision is **GRANTED**, subject to the following conditions and requirements:

**none**

3. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such final plat in accordance with Sections 303.07 and 312.01 of the Village of Lansing Land Subdivision Regulations.

The vote on the foregoing motion was as follows:

**AYES: Doris Brown, Phil Dankert, Ned Hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

**Special Permit 2071, HomewoodSuites**

The next item on the agenda was Special Permit 2071, Ithaca Suites, LLC to construct HomewoodSuites a 70,700sf, 91 unit extended stay hotel on the location of the old Cinema 4 Theater, 36 Cinema Drive in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.1.

Andy Sciarabba Jr. from T.G. Miller Engineers explained the project. The existing theater will be demolished and most of the pavement removed to make way for the hotel. The hotel will include 91 units in three stories and approximately 34' high to the peak. There will be an exercise room, a pool and common spaces for socializing and each unit will be equipped with a kitchenette. The hotel will not have a full service restaurant or conference facilities.

The driveway connection between Cinema Drive and Triphammer Mall will be improved and continue to be used as a private road. Guests will enter the hotel from this private road. The Zoning Law requires 1.25 parking spaces per unit which is 114 spaces. They are proposing 98 parking spaces on site and are requesting that the Planning Board use its discretion under Section 203.05 of the Zoning Law to reduce the number of required spaces to 98. To meet the requirements of Zoning Law Section 203.05 that the additional 16 spaces be shown on the plan so that if needed in the future they can be provided, the applicant is further requesting that the Planning Board use its discretion under Section 203.01 to permit these spaces to be provided on the adjoining property. Triphammer Development owns both properties; there will be a driveway linking the two properties; and an agreement for shared parking to be approved by the Village Attorney will be provided.

In response to a question about what an extended stay hotel is, Glenn Jette representing the developer, the Waterford Hotel Group, explained that the units are designed for stays of five days or more. Each unit is equipped with a kitchenette and the hotel provides a hot breakfast. There are exercise facilities and social amenities that might include

a barbecue or other such get together. The hotel will be a little more expensive than a regular hotel for short stays, but the rate is adjusted down as the length of stay increases and will be less than a regular hotel for a longer stay.

Hickey opened the Public Hearing. As there was no one present who wished to speak, Stycos moved to close the Public Hearing. Seconded by Dankert. Ayes by Klepack, Brown, Dankert, Hickey, and Stycos. Motion carried.

Hickey then asked Cross to go over his report with the Board. Cross is concerned about the intersection of the private road and Cinema Drive. It is shown as intersecting on the 90<sup>0</sup> curve where Uptown Road and Cinema Drive meet. Cross thinks this could be a safety issue and would like to see the intersection moved south away from the curve or change the intersection to a tee intersection with a three way stop. He also questioned the wide curb cuts for the hotel entrance off of the private road, noting that the Village generally limited such curb cuts to 24' and that this created a safer situation for pedestrians. The pedestrian way from Cinema Drive to the shopping center should be more clearly defined and modified as necessary to minimize exposure to traffic. Cross also asked about the details of the sidewalk proposed along Cinema Drive in the Village's R.O.W. It looks like the sidewalk will be right next to the road and, where possible, the Village likes a planting strip with trees and grass between the sidewalk and the road. Sciarabba noted that this might require moving or removing trees the Village planted in the R.O.W. Finally, Cross stated that he was concerned that no treatment of storm water for either quantity or quality is being proposed for this project. Sciarabba noted that they are reducing the amount of impermeable surface and therefore reducing the rate and quantity of storm water discharge and the addition of a significant amount of plantings should improve quality as well. He also indicated that it is their position that the project as proposed complies with EPA Phase 2 regulations; he has confirmed this with DEC. Cross stated that he views the EPA regulations for previously developed sites as limiting the obligations of the developer where there are practical constraints due to construction done prior to the adoption of the regulations. In this case the developer is removing most of the existing construction and hence there is no practical constraint to implementing storm water management practices as though it were a previously undeveloped site. Sciarabba again noted that this was not consistent with DEC's interpretation of the regulations. Hickey stated that the Village must rely on the expert opinion of its engineer and that Sciarabba will need to meet with Cross and work this out so that the Board can make its determination. The matter will be adjourned to the November 14 meeting to give the engineers time to work on the issues in Cross' report.

#### **Special Permit No. 2060 – Cardiology Associates** – Continued Discussion

The next item on the agenda was continued discussion of Special Permit No. 2060, Greenstate Properties, to construct a 8005 sf office building on part of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2.

Rob Colbert brought the Board up to date on what had been done since the last meeting. He, his engineer, Gary Wood and his architect, Jagat Sharma had met at the site with Hickey, Curtis and Cross. He had the surveyor mark the corners of the building so that they could see what effect construction of the building might have on the small stream to the north. There had been discussion of limiting disturbance to a line 5' north of the building, but there was concern that this might still be too close to the stream. The brush was so thick that it was difficult to determine the risk to the stream and Colbert agreed to have the building line brush hogged so that Cross could better evaluate the situation. He subsequently did this and Cross returned to evaluate the problem. As a result of all this Colbert has decided to move the building an additional 5' south away from the stream and to limit disturbance to a line five feet north of the building. Cross is satisfied that the stream can be protected within these parameters provided that the developer takes special care with tree removals between the building and the stream bank, leaving the roots and grinding down the stumps rather than pulling them. Cross would also like to see debris removed from the stream which is currently impeding flow and causing ponding. Hickey noted that Colbert's proposal would require a minor amendment to the previously approved subdivision plat shifting the southern boundary 5' south where the building is located. Colbert pointed out that the driveway had been straightened out a little to accommodate the change and worked out better. Klepack moved to approve the minor amendment of the subdivision plat, seconded by Stycos; all in favor.

Wood further explained that in response to concerns about the amount of fill the parking lot would require and the effect the resultant grading would have on the land and vegetation along the stream he had revisited the parking lot design. He had determined that he could construct the parking lot at close to existing grade with little if any fill and

that the slope of the walk between the parking lot and the front door would be well within the parameters of ADA. Colbert also noted a minor change in the South elevation of the building where he had substituted a door for a window at the east end.

Kathryn Wolf, Trowbridge & Wolf Architects, representing adjacent property owner Ken Horowitz (Murray Estates), stated she had reviewed the changes to the plans and that they went a long way towards addressing the concerns she had expressed at the earlier meeting. She noted that EPA regulations, in addition to requiring storm water management systems be constructed, also require that they be maintained. Horowitz has had some bad experiences with septic discharges from neighboring properties adversely affecting the ponds on his property. He would like to be assured that not only will the storm water management system be constructed in accordance with the EPA Regulations, but that it will also be maintained in accordance with those regulations. He would like to be able to review the annual inspection reports to confirm that the quantity and quality detention areas are functioning properly so that the rate and quality of storm water discharging onto his property is being properly controlled. Colbert stated that he always tries to be a good neighbor, maintaining his buildings, mowing lawns, tending landscaping, fixing fences and whatever else is needed including the maintenance of drainage ways and the storm water management system. He would be glad to share the reports with Mr. Horowitz and respond to any other concerns he might have.

Hickey proceeded to the environmental review noting under Item C1 the special precautions required to ensure the stream would not be adversely impacted. Dankert moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT NO. 2060 ADOPTED ON OCTOBER 25, 2005**

**WHEREAS:**

- D. This matter involves consideration of the following proposed action: Special Permit 2060, Greenstate Properties, to construct an 8,005 square foot office building on part of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2; and
- E. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- F. On October 25, 2005, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

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

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:

2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

Hickey reviewed the General Conditions required for all Special Permits. Klepack moved that the conditions had been met, seconded by Stycos, all in favor.

There ensued some discussion of conditions that should be attached to any approval of the Special Permit. Klepack moved the following resolution, seconded by Dankert:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2060 ADOPTED  
ON OCTOBER 25, 2005**

**WHEREAS:**

- E. This matter involves consideration of the following proposed action: Special Permit 2060, Greenstate Properties, to construct an 8,005 square foot office building on part of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2; and
- F. On September 27, 2005, the Village of Lansing Planning Board, following the required public hearing therefor, granted final minor subdivision approval for the division into two (2) parcels of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2, the northerly subdivided parcel ("Parcel A" on the subdivision plat with an area of 0.866 acres) being the parcel upon which the proposed office building and related improvements are to be situated, and the southerly parcel ("Parcel B" on the subdivision plat with an area of 1.829 acres) being the parcel upon which the driveway and possible additional parking for Parcel A is to be situated; and
- G. On September 27, 2005, following the aforesaid minor subdivision approval, the Village of Lansing Planning Board opened a second public hearing regarding this proposed action, and in the course thereof reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's initial deliberations, whereupon it was determined that further information, public comment and Board deliberation would be appropriate, and the public hearing was therefore adjourned to be continued at the Board's next regularly scheduled meeting on October 10, 2005 at 7:30 PM; and
- H. On October 10, 2005, the Village of Lansing Planning Board continued the public hearing adjourned at its previous meeting on September 27, 2005, took further public comment regarding this proposed action, and thereupon further reviewed and analyzed (i) all materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing (as

opened on September 27, 2005 and continued and closed on October 10, 2005) and/or otherwise raised in the course of the Board's deliberations, whereupon it was again determined that further information and materials should be submitted to the Board; and

- I. On October 25, 2005, the Village of Lansing Planning Board further reviewed and analyzed (i) all materials and information presented by and on behalf of the applicant (including all supplemental information and materials provided as previously requested by the Board), in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing (as opened on September 27, 2005 and continued and closed on October 10, 2005) and/or otherwise raised in the course of the Board's deliberations; and
- J. On October 25, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- K. On October 25, 2005, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board further reviewed and analyzed (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

1. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and
3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2060 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
  1. **The limit of disturbance shall be a line 5' north of and parallel to the north face of the building and shall be designated by installation of an orange construction fence, in addition to silt fence, prior to any site work and subject to approval by the Village Engineer.**
  2. **Approval by the Village Engineer of site work, parking lot, erosion and sedimentation control and storm water management.**
  3. **Approval of a lighting plan by the Village Lighting Commission.**
  4. **Approval of a shared maintenance agreement for driveway and storm water management system**

**approved by the Village Attorney.**

- 5. An easement approved by the Village Attorney permitting the Village to inspect the storm water management system and to require remediation it deems necessary.**

The vote on the foregoing motion was as follows:

**AYES: Phil Dankert, Doris Brown, Ned Hickey, Carol Klepack and Maria Stycos**

**NAYS: none**

The motion was declared to be carried.

**Approval of Minutes** - October 10

Stycos moved to approve the minutes of October 10th as revised. Seconded by Klepack. Ayes by Dankert, Klepack, Brown, Hickey and Stycos. Minutes approved.

**Other Business as Time Permits:**

Hickey thanked the Board for their good work at tonight's meeting.

**Adjournment:**

Stycos moved to adjourn at 9:55 P.M. Seconded by Brown. Ayes by Brown, Dankert, Klepack, Hickey and Stycos. Motion carried.