

**Village of Lansing
Planning Board Meeting
September 30, 2008**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M.
2 by Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria
3 Stycos and Mario Tomei; Alternate Member Richard Durst; Trustee Liaison Lynn
4 Leopold; Code Enforcement Officer Ben Curtis; Larry Bieri, observing for the
5 Community Party; Stu Lewis and Stan Goldberg, Bob Williams of the Vineyard Church,
6 and two Ithaca High School students observing.

7
8 Hickey appointed Alternate Member Durst to serve as an Acting Member in place of Phil
9 Dankert who could not attend.

10
11 **Public Comment:**

12 Hickey opened the Public Comment Period. Bieri stated that he was observing on behalf
13 of the Community Party Observers Program. There being no one else who wished to
14 speak, Stycos moved to close the Public Comment Period. Seconded by Tomei. Ayes by
15 Hickey, Durst, Stycos and Tomei. Motion carried.

16
17 **Special Permit #2304 – Vineyard Church of Ithaca**

18 The next item on the agenda was continued discussion of Special Permit 2304, Vineyard
19 Church of Ithaca, to convert a retail space in the Small Mall at 23 Cinema Drive into a
20 church space. A Special Permit is required pursuant to Section 145-58B of the Village of
21 Lansing Code because the proposed conversion constitutes a change in category of use
22 and will result in a change in the amount of required off-street parking. The property is
23 located in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.6.

24
25 Summarizing the discussion to date, Hickey stated that the applicant is seeking to convert
26 the old Bishop's space in the Small Mall. The Church has two services on Sundays
27 splitting the congregation into two smaller groups and occasional meetings in the
28 evenings and on special occasions. It is a permitted use, but involves a potentially large
29 parking impact. The key concern for the Planning Board is adequate off-street parking as
30 the Small Mall has a limited amount of parking with only 77 spaces available for all the
31 businesses located in the Mall, up to 20 of which may be needed by other Mall tenants on
32 Sunday mornings. The Planning Board has stipulated that there can be no on-street
33 parking and that the Church must secure and identify alternate off-street sites to
34 accommodate any overflow parking their services might generate. The Church had
35 identified and secured spaces across the street on a vacant lot, next door in neighboring
36 apartment complexes and at another nearby shopping mall. Tonight the Church was to
37 confirm the number and location of those additional parking spaces and document the
38 agreements with the property owners involved.

39
40 Bill Williams who was representing the Church at this meeting stated that he did not have
41 the exact number of spaces at the various locations. Stan Goldberg, owner of the Small
42 Mall and the neighboring apartment complexes stated that there were 77 spaces in the
43 Small Mall at this time and none are assigned to specific businesses; restriping could

1 generate another 7 spaces. He thought it very unlikely that more than 5 or 10 spaces
2 would be used by the other tenants on Sunday morning and certainly less than the
3 Church's projection of 20. The apartment complexes have 106 spaces for 64 apartments
4 where some residents have two cars, some one and many no cars at all; he estimated 30
5 spaces would be available in the apartment complexes at any one time. The lot across the
6 street can accommodate 34 spaces and the owner of that parcel also owns the large
7 shopping mall nearby and has offered space there for additional overflow. In addition, the
8 Church buses in members of the congregation, others car pool and some will arrive on
9 foot. The Church has also offered to have personnel in the parking lot to direct traffic at
10 peak hours. Hickey stated that this would be a condition of approval.

11
12 Durst asked if there was any provision for liability with people parking on these various
13 privately owed parcels. Goldberg responded that the Church must maintain in effect
14 substantial insurance coverage indemnifying him and also Triphammer Development
15 which owns the vacant parcel and nearby larger mall. Goldberg added that he could also
16 expand the parking lot at the Small Mall and accommodate up to 30 new spaces, but it
17 would be expensive and he would rather not do it unless it was absolutely necessary. It
18 would involve installing a storm sewer pipe in what is now a drainage ditch along the
19 north edge of the property, filling it and paving over that.

20
21 Hickey emphasized that Cinema Drive was too narrow to permit any on-street parking
22 and that all parking for the Church must be provided off-street. In the event the Church
23 was unable to prevent on-street parking, the Village would have no choice but to revoke
24 its permit to operate. Williams acknowledged the Village's position with regard to this
25 matter, but expressed concern that, in spite of the Church's best efforts and through no
26 fault of theirs, someone might park on the street, possibly not realizing they were not
27 supposed to. Hickey reiterated that that was exactly the reason the Planning Board
28 anticipated the Church would maintain personnel in the parking areas to direct parking.
29 He added that if, necessary, the Village would install "No Parking" signs to reinforce the
30 Church's efforts. Williams said that would help.

31
32 The Board reviewed the number of spaces available between the Small Mall, the
33 apartment complexes, the vacant parcel and the nearby Triphammer Mall and determined
34 that at least 125 spaces would be available. Goldberg reiterated the importance of having
35 personnel in the parking areas to direct parking to these spaces. Williams asked on which
36 roads were they not allowed to park. Hickey responded Sheraton Drive, Cinema Drive
37 and Uptown Road.

38
39 Stycos asked about gatherings at other times besides Sunday like Good Friday when
40 more of the spaces at the Small Mall and the neighboring Triphammer Mall might be
41 needed to accommodate business generated by the other tenants. Williams noted that
42 most of the alternate meeting times would coincide with holidays like Christmas when
43 many of the merchants would be closed as well. Beyond that they would work with
44 Triphammer Development to utilize the alternate parking on the south side of
45 Triphammer Mall where currently almost no one parks. Hickey stated that he passed by
46 the synagogue on Triphammer Road over the weekend and noticed that they had

1 someone in an orange vest directing traffic into the parking lot. The parking attendant
2 seemed to be a key factor in such a parking plan.
3

4 Hickey then moved on to the Environmental Review under SEQRA, noting that this was
5 an unlisted action and would not receive coordinated review. Part I of the Short EAF was
6 reviewed and deemed to be accurate. Regarding Part II, responses were as follows: A –
7 No; B – No; C1 – No, subject to the requirement that the church secure off-site parking
8 so that there would be no on-street parking; C2 – No; C3 – No; C4 – No; C5 – None; C6
9 – None; C7 – None; D – No; and E – No. Curtis noted that the action was exempt from
10 General Municipal Law 239 review pursuant to the Village’s agreement with the
11 Tompkins County Planning Department.
12

13 Durst moved the following resolution, second by Stycos:
14

15 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW**
16 **OF SPECIAL PERMIT NO. 2304 ADOPTED ON SEPTEMBER 30, 2008**
17

18 **WHEREAS:**
19

- 20 A. This matter involves consideration of the following proposed action: Special
21 Permit 2304, Vineyard Church of Ithaca, to convert a retail space in the Small
22 Mall at 23 Cinema Drive into a church space. A Special Permit is required
23 pursuant to Section 145-58B of the Village of Lansing Code because the
24 proposed conversion constitutes a change in category of use and will result in
25 a change in the amount of required off-street parking. The property is located
26 in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.6; and
27
- 28 B. This proposed action is an Unlisted Action for which the Village of Lansing
29 Planning Board is an involved agency for the purposes of environmental
30 review; and
31
- 32 C. On September 30, 2008, the Village of Lansing Planning Board, in performing
33 the lead agency function for its independent and uncoordinated environmental
34 review in accordance with Article 8 of the New York State Environmental
35 Conservation Law - the State Environmental Quality Review Act (“SEQR”),
36 (i) thoroughly reviewed the Short Environmental Assessment Form (the
37 “Short EAF”), Part I, and any and all other documents prepared and submitted
38 with respect to this proposed action and its environmental review (including
39 any Visual Environmental Assessment Form required), (ii) thoroughly
40 analyzed the potential relevant areas of environmental concern to determine if
41 the proposed action may have a significant adverse impact on the
42 environment, including the criteria identified in 6 NYCRR Section 617.7(c),
43 and (iii) completed the Short EAF, Part II;
44

45 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
46

- 1 1. The Village of Lansing Planning Board, based upon (i) its thorough review of
2 the Short EAF, Part I, and any and all other documents prepared and
3 submitted with respect to this proposed action and its environmental review
4 (including any Visual Environmental Assessment Form required), (ii) its
5 thorough review of the potential relevant areas of environmental concern to
6 determine if the proposed action may have a significant adverse impact on the
7 environment, including the criteria identified in 6 NYCRR Section 617.7(c),
8 and (iii) its completion of the Short EAF, Part II, including the findings noted
9 thereon (which findings are incorporated herein as if set forth at length),
10 hereby makes a negative determination of environmental significance
11 (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above
12 referenced proposed action, and determines that neither a Full Environmental
13 Assessment Form, nor an Environmental Impact Statement will be required;
14 and:
15
16 2. The Responsible Officer of the Village of Lansing Planning Board is hereby
17 authorized and directed to complete and sign as required the Short EAF, Part
18 III, confirming the foregoing **NEGATIVE DECLARATION**, which fully
19 completed and signed Short EAF shall be attached to and made a part of this
20 Resolution.

21
22
23 The vote on the foregoing motion was as follows:

24
25 **AYES: Richard Durst, Ned Hickey, Maria Stycos and Mario Tomei**

26
27 **NAYS: none**

28
29 The motion was declared to be carried.

30
31 Next, the Board reviewed the 10 General Conditions required for a Special Permit as
32 listed in Zoning Law Section 145-59E. Hickey noted that the Church had met conditions
33 # 4, 8 and 10 by securing off-site parking so that there would be no on-street parking and
34 that their permit to operate the church would be conditioned on their maintaining their
35 agreements for this off-site parking in full force and effect. Tomei moved that the
36 applicant has met all the General Conditions required for a Special Permit. Seconded by
37 Stycos. Ayes by Hickey, Durst, Stycos and Tomei. Motion carried.

38
39 The Board then discussed conditions that might be required. Tomei then moved the
40 following resolution, seconded by Stycos:

41
42 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL**
43 **PERMIT NO. 2304 ADOPTED ON SEPTEMBER 30, 2008**
44
45
46

1 **WHEREAS:**

- 2
- 3 A. This matter involves consideration of the following proposed action: Special
4 Permit 2304, Vineyard Church of Ithaca, to convert a retail space in the Small
5 Mall at 23 Cinema Drive into a church space. A Special Permit is required
6 pursuant to Section 145-58B of the Village of Lansing Code because the
7 proposed conversion constitutes a change in category of use and will result in
8 a change in the amount of required off-street parking. The property is located
9 in the Commercial High Traffic District, Tax Parcel No. 46.1-6-5.6; and
- 10
- 11 B. On July 29, 2008, Village of Lansing Planning Board initially discussed with
12 the applicant the proposed action and preliminary application materials related
13 thereto, and raised certain issues and matters to be addressed and further
14 evaluated in conjunction with the applicant's formal application and
15 presentation; and
- 16
- 17 C. On September 8, 2008, the Village of Lansing Planning Board continued its
18 discussion with the applicant regarding the proposed action, reviewed the
19 formal application materials, held a public hearing regarding the proposed
20 action, and thereafter reviewed and analyzed (i) the materials and information
21 presented by and on behalf of the applicant in support of the proposed action,
22 including information and materials related to the environmental issues, if
23 any, which the Board deemed necessary or appropriate for its review, (ii) all
24 other information and materials then rightfully before the Board, and (iii) all
25 issues raised during the public hearing and/or otherwise raised in the course of
26 the Board's initial deliberations, whereupon it was determined that further
27 information, materials and Board deliberation would be required, particularly
28 with respect to on-street parking prohibitions and off-street parking
29 requirements, and whereupon the applicant then requested additional time to
30 submit further information and materials as required; and
- 31
- 32 D. On September 30, 2008, the Village of Lansing Planning Board once again
33 continued its discussion with the applicant regarding the proposed action and
34 further reviewed the formal application materials, including the supplemental
35 information and materials submitted by the applicant with respect to on-street
36 prohibitions and off-street parking requirements, and thereafter reviewed and
37 analyzed (i) the materials and information presented by and on behalf of the
38 applicant in support of the proposed action, including information and
39 materials related to the environmental issues, if any, which the Board deemed
40 necessary or appropriate for its review, (ii) all other information and materials
41 then rightfully before the Board, and (iii) all issues raised during the public
42 hearing and/or otherwise raised in the course of the Board's initial
43 deliberations, whereupon it was determined that further information, materials
44 and Board deliberation would be required, particularly with respect to off-
45 street parking plans and requirements;
- 46

1 E. On September 30, 2008, the Village of Lansing Planning Board determined
2 that the proposed action is an Unlisted Action for which the Board is an
3 involved agency, and in performing the lead agency function for its
4 independent and uncoordinated environmental review in accordance with
5 Article 8 of the New York State Environmental Conservation Law - the State
6 Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly
7 reviewed the Short Environmental Assessment Form (the "Short EAF"), Part
8 1, and any and all other documents prepared and submitted with respect to this
9 proposed action and its environmental review (including any Visual
10 Environmental Assessment Form required), (ii) thoroughly analyzed the
11 potential relevant areas of environmental concern to determine if the proposed
12 action may have a significant adverse impact on the environment, including
13 the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short
14 EAF, Part 2; and (iv) made a negative determination of environmental
15 significance ("Negative Declaration") in accordance with SEQR for the above
16 referenced proposed action and determined that an Environmental Impact
17 Statement would not be required; and
18

19 F. On September 30, 2008, in accordance with Section 7-725-b of the Village
20 Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and
21 145-61 of the Village of Lansing Code, the Village of Lansing Planning
22 Board, in the course of its further deliberations, reviewed and took into
23 consideration (i) the general conditions required for all special permits
24 (Village of Lansing Code Section 145-59E), (ii) any applicable conditions
25 required for certain special permit uses (Village of Lansing Code Section 145-
26 60), and (iii) any applicable conditions required for uses within a Combining
27 District (Village of Lansing Code Section 145-61);
28

29 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
30

- 31 1. The Village of Lansing Planning Board hereby finds (subject to the conditions
32 and requirements, if any, set forth below) that the proposed action meets (i) all
33 general conditions required for all special permits (Village of Lansing Code
34 Section 145-59E), (ii) any applicable conditions required for certain special
35 permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable
36 conditions required for uses within a Combining District (Village of Lansing
37 Code Section 145-61); and
38
- 39 2. It is hereby determined by the Village of Lansing Planning Board that Special
40 Permit No. 2304 is **GRANTED AND APPROVED**, subject to the following
41 conditions and requirements:
42
- 43 a. No on-street parking will be permitted at any time or for any purpose
44 on Sheraton Drive, Cinema Drive and/or Uptown Road, and
45 enforcement of such on-street parking prohibition will be the
46 responsibility of Vineyard Church of Ithaca, a written plan therefor to
47 be submitted to and approved by the Code Enforcement Officer.

- 1 b. Unless modified by amendment to this special permit approval, a total
2 of 125 off-street parking spaces will be required, such total to
3 include spaces on the Small Mall Premises not specifically reserved
4 for other Small Mall businesses and additional spaces on surrounding
5 private properties for which Vineyard Church of Ithaca has one or
6 more written agreements or other written documentation confirming
7 the availability of such off-street parking spaces and permission for
8 parking thereon by Vineyard Church of Ithaca. Any and all such
9 written agreements and documentation entered into and/or executed
10 from time to time must be approved by the Village Zoning and Code
11 Enforcement Officer and must remain in full force and effect at all
12 times. Copies of all such written agreements and documentation must
13 be provided to the Village Zoning and Code Enforcement Officer, and
14 upon request, written confirmation from the appropriate party or
15 parties involved must be provided to the Village Zoning and Code
16 Enforcement Officer verifying at such time (i) that all of the terms and
17 provisions of any one or more of the applicable written agreements or
18 documentation is/are in full force and effect and (ii) that there are no
19 defaults or breaches thereof.
- 20 c. A drop-off and pick-up plan for any private bus service to the premises
21 must be submitted to and approved by the Code Enforcement Officer.
- 22 d. Compliance with the conditions of this Special Permit shall be a
23 condition for any permit issued by the Village to the Vineyard Church
24 of Ithaca to operate the church.

25
26 The vote on the foregoing motion was as follows:

27
28 **AYES: Richard Durst, Mario Tomei, Maria Stycos and Ned Hickey**

29
30 **NAYS: none**

31
32 The motion was declared to be carried.

33
34 Hickey told Williams the Church should submit their parking plan to Curtis along with
35 their construction drawings to pursue the issuance of a permit. Curtis will send them a
36 copy of the resolution.

37
38 **Approval of Minutes**

39 Durst moved to approve the minutes for the September 8 meeting as amended, seconded
40 by Stycos. Durst, Hickey, Tomei and Stycos voted in favor.

41
42 **Other Business**

43 There was no other business.

44
45 **Reports**

46 *Trustees* – Hickey reported that he had attended the Trustee’s meeting and that they had
47 passed the “one unit converted” amendment to the Zoning Law; progress on the

1 Northwood road transfer has bogged down due to the change in ownership of the
2 Northwood Apartments from Integrated Properties to the Solomon Organization, LLC;
3 the Trustees approved a license agreement with Om Gupta who is building a house at 37
4 Beckett Way to allow him to encroach on Village property with a berm that supports a
5 retaining wall for his driveway. Curtis explained that water and sewer lines run through
6 the Village property and if the Village needs to access those lines, it can disturb Gupta's
7 berm at no expense to the Village and with no obligation to restore the berm. Finally, the
8 Trustees accepted the park at the foot of St. Joseph Lane from Colonial Veterinary
9 Hospital. Hickey hopes they can get into next year's budget money to blacktop the trail
10 through the park.

11
12 Hickey also reported that the Joint Meeting with the Trustees is scheduled for November
13 3 and that the meeting on that date will be in lieu of the regular Planning Board meeting
14 that would have otherwise been scheduled for November 10. It is unclear at this point
15 whether Cornell will be attending and whether there will be other items on the agenda
16 besides workforce housing. Regulating on-street parking is another issue the Planning
17 Board should discuss with the Trustees. Leopold will check with Mayor Hartill.

18
19 Tomei asked if anyone knew why the land near the corner of Warren Road and Cherry
20 Road had been cleared. Curtis will check with his counterpart in the Town.

21
22 Hickey walked part of the Bolton Estate Subdivision with the Project Engineer, Andy
23 Sciarabba, to inventory significant trees that might be removed. They only found one that
24 was worth saving and that was on a building lot, not in the road r.o.w. They could not get
25 into all of the affected areas and will make a second trip when conditions are better.

26
27 **Adjournment:**

28 Stycos moved to adjourn at 8:20 P.M. Seconded by Tomei. Ayes by Hickey, Durst,
29 Stycos and Tomei. Motion carried.