

**Village of Lansing
Planning Board Meeting
November 10, 2008**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos,
3 Phil Dankert, Carol Klepack and Mario Tomei; Village Attorney David Dubow; Village
4 Engineer Brent Cross; Alternate Member Richard Durst; Code Enforcement Officer Ben
5 Curtis; Robert Schleelein, observing for the Community Party; and Richard Thaler.

6
7 **Public Comment:**

8 Hickey opened the Public Comment Period. Schleelein stated that he was observing on
9 behalf of the Community Party Observers Program. There being no one else who wished to
10 speak, Stycos moved to close the Public Comment Period. Seconded by Tomei. Ayes by
11 Hickey, Dankert, Stycos, Klepack and Tomei. Motion carried.

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13 **Triphammer Mall Entrance/Parking Reconfiguration**

14 The next item on the agenda was a proposed reconfiguration of the Triphammer Mall
15 entrance including the addition of parking spaces around the south end of the building. The
16 property is located in the Commercial High Traffic District, Tax Parcel No. 46.1-6-2.32.

17
18 Hickey introduced one of the Mall owners, Richard Thaler, and asked him to describe the
19 proposed changes for the Board. Thaler referenced “existing” and “proposed” drawings
20 distributed to the Board prior to the meeting. Thaler stated that the existing configuration
21 dated back to 1971 or 1972 when the A&P was the only store in that south end of the mall.
22 After the A&P moved out in 2001, however, its space was subsequently broken up into
23 several large stores including Kleins, Triphammer Liquor and Ithaca Coffee. The
24 southernmost space with approximately 12,000sf, occupied first by Kleins, then by
25 Homeworks and now empty, has no parking immediately adjacent to the space. This has been
26 a problem for prospective tenants to whom he has shown the space.

27
28 He engaged Tom Schickel, a local architect, to develop a solution to the parking problem.
29 Schickel devised the proposed plan Thaler had distributed to the Board which would create
30 42 parking spaces adjacent to the southernmost tenant space without diminishing the effect of
31 the landscaping at that end of the Mall. Thaler stated that delivery trucks would not be
32 permitted to use the reconfigured Mall entrance and instead would be rerouted to Substation
33 Alley and around the rear of the Mall. He noted that there had been some safety concerns
34 with truck and car traffic at the south end of the Mall and this would improve safety as well
35 as addressing the parking problem.

36
37 Thaler stated that he is in discussions with a good potential tenant for whom this sort of
38 improvement would be essential. He needs to know from the Board if it would consider a
39 plan such as the one he presented. Hickey asked Brent Cross, the Village Engineer, to share
40 his observations with the Board. Cross asked Thaler how wide the current entrance drive is
41 since it would be changed to provide two way traffic flow. He also asked Thaler if the newly
42 proposed drive through the new parking area was intended for two way traffic, noting that the
43 Village generally requires 24’ for two way traffic. Thaler responded that the drives were

1 more than 20' wide and that he thought Schickel intended them to be 24'. The drive through
2 the new parking area is intended for two way traffic. The main entrance to the Mall will still
3 accommodate two lanes going out with a left turn lane, and one lane coming in. There will
4 also be a stop sign for traffic leaving the new parking area going west toward the Mall
5 entrance. Brent noted that driveways off of Substation Alley serving both the bank and the
6 Mall were currently confusing with traffic cutting across from one property to the other and
7 asked if Thaler planned to reconfigure that area to better define the driveways. Thaler
8 responded that he wanted to preserve vegetation where possible, but also would do whatever
9 he could to improve safety. He is also considering signage to discourage through traffic from
10 Substation Alley. Hickey asked about a notation regarding a pick-up window on the rear of
11 the building. Thaler replied that a pick-up window was a possibility, but, if it was to be
12 proposed, the exact location and traffic design had not yet been decided. Hickey noted that
13 the area behind the building might not be adequate to accommodate a pick-up window and
14 that Substation Alley is a Village road and extends into this area. Cross stated that given the
15 layout, he thought it would be difficult to accommodate a functional pick-up window.

16
17 Hickey asked Cross if he thought the proposed reconfiguration would be doable. Cross stated
18 that with some changes, he thought it could be done and could improve the less than perfect
19 situation that currently exists. Thaler stated again his commitment to retain the landscaped
20 entrance to the Mall which in his view distinguishes Triphammer Mall from other malls.
21 Hickey complimented Thaler on the improved time and temperature sign, another
22 distinguishing feature of the Mall. Thaler stated that he would discuss the Board's response
23 with the prospective tenant and return to the Board when and if they decide to proceed.

24 25 **Joint Meeting Review**

26 Hickey stated that the Board had planned to use this meeting to review the discussions they
27 had had with the Trustees at their November 3 joint meeting.

28
29 *Work Force Housing* By way of an update, he informed the Board that he had contacted
30 Tom Livigne from Cornell Real Estate about the University's plans for workforce housing,
31 and Livigne agreed to meet with the Board at their January 27 meeting. Hickey will invite the
32 Trustees to join them. Other than that, Hickey had nothing new to report with regard to work
33 force housing. He noted that the County has provided model legislation for incentive and
34 inclusionary zoning, but without knowing what Cornell or another developer might propose,
35 it was difficult to know what sort of legislation, if any, might be required.

36
37 Hickey suggested the Board could continue to discuss the issue of special needs housing such
38 as assisted living which Curtis had brought up at the joint meeting. Curtis directed the
39 Board's attention to several articles he had distributed prior to the meeting. He noted that the
40 Village was not by any means alone in recognizing this emerging need and trying to figure
41 out how best to respond to it. In the current Village Zoning Law the only defined uses into
42 which assisted living facilities might fall are group residences and apartments, neither of
43 which are an exact fit. Assisted living facilities are in some respects a 24 hour a day
44 operation with employees there around the clock, but with very little activity in the evenings
45 and little resident traffic. They might fit in a residential neighborhood in a way that a
46 fraternity or an apartment complex might not. There are some concerns about what would
47 happen to an assisted living facility if it went out of business – how else might it be used that

1 would be compatible with a residential neighborhood. Currently few communities have a
2 zoning category for assisted living and many are recognizing a need to do so not just for
3 assisted living, but also for other senior living options like congregate living. In some cases
4 the State may become involved in terms of if and how they may define a facility for licensing
5 purposes. That was the case for the Franziska Racker residence in Highgate Circle which the
6 State defined as a single family residence and precluded the Village from treating it as other
7 than a single family residence. Hickey noted that he had visited assisted living facilities and
8 they seemed to require a lot of parking to accommodate employees, visitors and those
9 residents who still drive on their own.

10
11 Curtis stated that he had raised the issue because the Village's Zoning Law currently does not
12 address this use specifically, and he has had a couple of inquiries. The market recognizes the
13 need and he suspects he will have more inquiries. The Board has an opportunity to get ahead
14 of the issue as opposed to waiting until there is a proposal on the table and having to react
15 within a more limited time frame. He noted that in one of the articles he had distributed,
16 Marriott was mentioned as a service provider in this type of facility and that Marriott was
17 beginning to penetrate the New York market.

18
19 Cross asked if assisted living would include a facility like Kendal in Cayuga Heights. Dubow
20 noted that Kendal goes well beyond assisted living which assumes a higher capacity for
21 independent living and provides skilled nursing care and end of life care. Cross responded
22 that even if such facilities did not provide the full continuum of services that Kendal does,
23 there are often ancillary services associated with such facilities. Cross stated that Kendal was
24 reviewed as a Planned Unit Development which permitted the flexibility to consider the
25 entire spectrum of services without having to consider whether individual uses were
26 permitted or not permitted uses in that zoning district.

27
28 Hickey asked Dubow to address the issue of PDA/PUDs. Dubow stated that the Village
29 Zoning Law had had provisions permitting PDAs and those provisions had been used to
30 establish the Shannon Park development. Subsequently the developer for Sun Downs Farm
31 proposed a PDA for that property which was out of proportion in terms of what the Village
32 infrastructure might support and huge controversy ensued with a protracted legal battle in
33 which the proposal was defeated. As a result the Village opted to remove from the Zoning
34 Law the provisions permitting the establishment of PDAs. Reference remains in the Zoning
35 Law to PDAs for the sole purpose of governing how the one existing PDA, Shannon Park,
36 will be treated. Going forward, in order for the Planning Board to consider establishing a
37 PDA for workforce housing, assisted living or any other purposes, the Zoning Law would
38 have to be amended to give the Board the authority to do so.

39
40 Dubow reminded the Board that he represents Murray Estates, Inc., the current owner of the
41 former Sun Downs Farm property, and therefore will be cautious as to his comments. He
42 stated that there may be a predisposition in the Village against PDA/PUDs based on its
43 history, but there is broad recognition among planners that they can be valuable tools giving
44 Planning Boards the flexibility they need to address special situations such as those being
45 discussed. Klepack asked if enabling legislation for PDA/PUDs could be adopted without
46 opening the door to the sort of protracted legal battle that soured the Village on them to begin

1 with, or were there other tools that might accomplish the purpose without that risk. Dubow
2 responded that one alternative would be to do nothing and if a proposal came in that the
3 Board supported, legislation could be developed at that time. Hickey stated that he would
4 prefer to be proactive and be prepared. With regard to Klepack's concern about Sun Downs,
5 Dubow noted that much of the opposition to that project was specific to that project and more
6 particularly to the scale of the project. He suggested that the Board may benefit from
7 pursuing some inservice training regarding PDA/PUDs as the Village has changed over the
8 years and these tools have evolved as well. Cross recalled that Tom Niederkorn was the
9 planner who worked with Cayuga Heights on the Kendal project. Hickey stated that
10 Niederkorn had also worked with the Village of Lansing on planning issues and that was who
11 he was thinking of asking to speak to the Board about PDA/PUDs. He will ask him to speak
12 at an upcoming meeting.

13
14 *Stewardship Program* Hickey noted that he had not received any response to the note he
15 included in his Planning Board report in the newsletter asking for volunteers who might be
16 interested in participating in the Stewardship Program. He would like to approach the
17 Community Party to see if they could help identify people who might live near one of the
18 Village parcels and have some interest in being a steward for that parcel. He suggested that
19 the various homeowners associations in the Village might be good resources as well. He
20 would like to involve more Village residents in the program. In the meantime he would like
21 to get an updated map showing the parcels of interest. Curtis noted that the Village owned
22 land is not shown on the latest Zoning Map, but thought that the County Planning
23 Department might have already mapped those parcels on a separate layer, possibly as part of
24 its open space project. He will see what he can get from them.

25
26 Klepack reminded the Board that Betsy Darlington from the Finger Lakes Land Trust had
27 advised that the Village plan on hiring someone to implement the program. Hickey
28 responded that he thought this might be the sort of thing some people in the Village might
29 like to do if their responsibilities were clear and limited to the parcel they adopted. Klepack
30 asked who they would report to. Hickey responded that DPW should be involved and that the
31 Village might subcontract someone involved in similar work for other municipalities. There
32 would have to be clear guidelines about what to look for and document. That would vary
33 depending on whether, for example, the parcel was recreation land in a subdivision, open
34 space or a conservation easement in a Unique Natural Area. Parcels will also need to be
35 marked.

36
37 Klepack will be making calls about signs to mark the parcels. She has learned that plastic
38 signs do not hold up well and metal signs are better. She noted that it would be good to have
39 the signs when the Bolton Estate Subdivision is being laid out so those parcels could be
40 marked then. Curtis will check with TC3 to see if their surveying students could be used to
41 lay out some of the parcels the Village already owns. Hickey noted that one of the first things
42 needed is the map and descriptions of the properties. He suggested the Board use the winter
43 months to get these initial tasks underway. Cross stated that a related issue is maintenance of
44 the various storm water management practices the Village either owns or is otherwise
45 responsible for. He would be interested in speaking with the Village about doing something
46 similar to the stewardship program for those practices with an annual report and

1 recommendations for maintenance. Such a program is probably required by DEC for MS4
2 municipalities. Hickey suggested Cross draw up a plan and propose it to the Village,
3 preferably before the next budget is adopted. It might be a shared responsibility with the
4 DPW
5

6 *Parking Regulations* Dubow stated that he could draft a law, but first someone had to
7 identify exactly where on-street parking would be prohibited. The Trustees would then have
8 to adopt the new regulations which would entail signage and some policy or procedure for
9 enforcement, whether it be calling the sheriff or state police or hiring some sort of parking
10 officer. Hickey suggested that he and Curtis get started by marking on a map where on-street
11 parking would be prohibited and bring that map back to the Planning Board for their
12 consideration. The Superintendent of Public Works can probably provide information on the
13 cost and spacing of signs. Tomei suggested that all roads intersecting with North Triphammer
14 Road be included for a distance of 500' from the intersection. Dankert suggested the same for
15 roads intersecting Warren Road.
16

17 **Town of Ithaca Northeast Study**

18 Hickey directed the Board's attention to the map of the Northeast Study area and the
19 executive summary that were in their packets. He noted that the whole study, which was
20 published in two parts, ran over 130 pages with very nice photographs included. It was not
21 practical to print the whole study for the Board Members, but he strongly recommended they
22 take a look at the report on the Town of Ithaca web page. One of the parcels in the Town's
23 study is contiguous with the parcel in the Village which Cornell has asked to be rezoned from
24 Medium Density Residential to Business and Technology. It is hard to say to what extent the
25 Town's findings regarding the land in their study area might also apply to this contiguous
26 parcel in the Village. Cross suggested that if the parcel were rezoned it might be easier to
27 control development on the property than if it remained residential, because the Special
28 Permit approval process used for commercial projects gives the Village substantial authority
29 to control exactly how a parcel is developed and what environmental safeguards must be
30 implemented. The track record in the B&T Park has been very good. Hickey reported that the
31 Town is in the process of extending the moratorium on development in the study area another
32 6 months to June 20, 2009. When Cornell meets with the Board in January, maybe they will
33 have more information.
34

35 **Approval of Minutes**

36 Stycos moved to approve the minutes for the September 30 meeting as amended, seconded
37 by Tomei, Klepack, Hickey, Tomei and Stycos voted in favor. Dankert abstained because
38 was not at that meeting.
39

40 **Adjournment:**

41 Stycos moved to adjourn at 8:45 P.M. Seconded by Klepack. Ayes by Hickey, Dankert,
42 Klepack, Stycos and Tomei. Motion carried.