

**Village of Lansing  
Planning Board Meeting  
June 30, 2009**

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, Phil  
3 Dankert, Mario Tomei and Richard Durst; Village Attorney David Dubow; Village Engineer Brent  
4 Cross; Code Enforcement Officer Ben Curtis; Trustee Liaison Lynn Leopold; and Architect Tom  
5 Schickel; Ivar Jonson; John O'Neill and Don Lein; Dan Veaner from the Lansing Star; and  
6 Carolyn Kenyon observing for the Community Party.

7  
8 **Public Comment:**

9 Hickey opened the Public Comment Period. There being no one who wished to speak, Stycos  
10 moved to close the Public Comment Period. Seconded by Tomei. Ayes by Hickey, Dankert,  
11 Stycos, Tomei and Durst. Motion carried.

12  
13 **Special Permit 2377, Kinney Drugs**

14 The next item on the agenda was continued discussion of Special Permit 2377, Triphammer  
15 Development Co., Inc., to reconfigure part of the entranceway and parking lot of Triphammer  
16 Mall and construct a drive-thru window for an existing retail space being converted to a Kinney  
17 Drugs store at 2255 North Triphammer Road in the Commercial High Traffic District, Tax Parcel  
18 No. 46.1-6-2.32. Hickey noted that the Public Hearing had been adjourned at the June 8 meeting  
19 and was now resumed for anyone who had additional comments or questions. Veaner asked the  
20 purpose of the pick-up window. Hickey responded that it was for drive-thru prescription pick-up.  
21 Hickey reviewed the history of the proceedings to date starting with the May 26 meeting and  
22 continued to the June 8 meeting, noting that the Board determined that a traffic study was essential  
23 for the Special Permit approval process including the environmental review. Since the June 8  
24 meeting, a traffic analysis was completed by Fisher Associates and distributed to the Board  
25 members. A copy was also sent to Tompkins County Planning Department which had identified  
26 traffic as a potential concern in their 239 Review. Before discussing the traffic analysis, Hickey  
27 asked the Project Architect, Tom Schickel, to explain minor changes he had made to the plan  
28 presented previously. Schickel distributed revised plans to the Board and pointed out a sidewalk  
29 revision he had made in response to comments by Tomei at the preceding meeting to improve  
30 pedestrian traffic between the bank and the drugstore.

31  
32 Hickey then asked Cross to comment on the Traffic Report from Fisher Associates. Cross  
33 distributed his Engineers Report as follows:

34  
35 **VILLAGE OF LANSING**  
36 **ENGINEER'S REPORT**

37  
38 **DATE:** June 30, 2009  
39  
40 **TO:** Planning Board  
41  
42 **FROM:** Brent A. Cross, Village Engineer  
43

1       **RE:**       Kinney Drug Traffic Study

2  
3       **NOTE:**    I have reviewed the Triphammer Mall Traffic Assessment for Kinney Drugs as preformed  
4                   by Fisher Associates on behalf of the Village. I have the following observations and  
5                   comments:

- 6  
7                   1.    The assessment concludes that the proposed Mall Entrance intersection is an  
8                   improvement over the existing conditions.  
9  
10                  2.    The Level of Service for the Mall Entrance will not be impacted, but the nearby N.  
11                   Triphammer Road intersection at Sheraton Drive may see slight delays in turning  
12                   movements. I suspect that this is less of a result of increased traffic from Kinney Drugs  
13                   as it is more a result of the change in traffic patterns to limit the non-mall thru traffic.  
14  
15                  3.    There is an observation about existing sight distance restriction and limited stop sign  
16                   visibility. These concerns would likely be the responsibility of the Village.  
17  
18                  4.    There are four recommended site plan revisions. All of them seem to be valid and  
19                   reasonable modifications for the developer to incorporate into their plan.  
20  
21

22       Cross reviewed the report with the Board, noting with regard to Item 2 that the changes should result in  
23       better compliance with existing requirements - for example, traffic exiting the bank being required to turn  
24       right to Sheraton Drive, and this improved compliance will impact the intersection of Substation Alley and  
25       Sheraton as much as or more so than Kinney Drugs. With regard to Item 4, Cross directed the Board's  
26       attention to a marked up site plan in the Traffic Report which showed the four recommended changes.  
27       Cross stated that these proposed changes should be required as a condition of approval.  
28

29       Hickey asked Cross if he was concerned that the intersection of Sheraton Drive and Substation Alley was  
30       rated at E even though the proposed Kinney Drugs project would not lower the rating below E. Cross  
31       replied that E was not good, but in terms of this project, it did not concern him because the intersection was  
32       already an E and the number of actual cars involved was not a lot.  
33

34       Hickey indicated that there being no further questions, he was ready to move on to the Environmental  
35       Review, General Conditions and Final Approval. Dubow reminded the Board that, in its 239 review the  
36       County had indicated the project may have negative inter-community, or county-wide impacts and  
37       recommended a traffic analysis, which analysis the Board undertook and reviewed tonight and which was  
38       sent to the County at the same time it was distributed to the Board. Curtis stated that he had checked with  
39       County Planning earlier in the day and was told that County Planning Commissioner Ed Marx would  
40       contact him if he had any concerns. Marx did not subsequently contact the Village. Dubow noted that,  
41       absent specific notification from the County that they were changing their earlier determination based on  
42       the Traffic Analysis, the Board should proceed as though that earlier determination was still in effect and a  
43       super-majority would therefore be required to approve the project.  
44

45       Durst asked if the employee parking opposite the drive-thru should not be diagonal since the drive in that  
46       area was one way. Schickel responded that that had been considered, but the space was sufficient for  
47       perpendicular parking which will provide one or two extra parking spaces. Signage, including that  
48       recommended in the traffic study, should ensure that traffic will move as directed. Durst asked why the  
49       curbed planter islands on the ring road were only at the ends of four parking aisles and not all of them.  
50       Schickel responded that the locations of the islands are based on where cut-through traffic occurs. Closer to

1 the entrance there are often cars parked at the ends of the aisles discouraging cut-through traffic. There  
2 being no one else with questions or comments, Stycos moved to close the public hearing, seconded by  
3 Dankert, all in favor.

4  
5 Hickey then led the Board through the Short Environmental Assessment Form. Tomei moved the following  
6 resolution, seconded by Durst:

7  
8 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF**  
9 **SPECIAL PERMIT NO. 2377 ADOPTED ON JUNE 30, 2009**

10  
11  
12 **WHEREAS:**

- 13  
14 A. This matter involves consideration of the following proposed action: Special Permit  
15 No. 2377, Triphammer Development Corporation, to reconfigure part of the  
16 entranceway and parking lot of Triphammer Mall and construct a drive-thru window  
17 for an existing retail space being converted to a Kinney Drugs store at 2255 North  
18 Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-  
19 2.32.; and  
20  
21 B. This proposed action is an Unlisted Action for which the Village of Lansing Planning  
22 Board is an involved agency for the purposes of environmental review; and  
23  
24 C. On June 30, 2009, the Village of Lansing Planning Board, in performing the lead  
25 agency function for its independent and uncoordinated environmental review in  
26 accordance with Article 8 of the New York State Environmental Conservation Law -  
27 the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the  
28 Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other  
29 documents prepared and submitted with respect to this proposed action and its  
30 environmental review (including any Visual Environmental Assessment Form  
31 required), (ii) thoroughly analyzed the potential relevant areas of environmental  
32 concern to determine if the proposed action may have a significant adverse impact on  
33 the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and  
34 (iii) completed the Short EAF, Part II;

35  
36 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- 37  
38  
39 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short  
40 EAF, Part I, and any and all other documents prepared and submitted with respect to  
41 this proposed action and its environmental review (including any Visual Environmental  
42 Assessment Form required), (ii) its thorough review of the potential relevant areas of  
43 environmental concern to determine if the proposed action may have a significant  
44 adverse impact on the environment, including the criteria identified in 6 NYCRR  
45 Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the  
46 findings noted thereon (which findings are incorporated herein as if set forth at length),

1 hereby makes a negative determination of environmental significance (“**NEGATIVE**  
2 **DECLARATION**”) in accordance with SEQR for the above referenced proposed  
3 action, and determines that neither a Full Environmental Assessment Form, nor an  
4 Environmental Impact Statement will be required; and:  
5

- 6 2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized  
7 and directed to complete and sign as required the Short EAF, Part III, confirming the  
8 foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short  
9 EAF shall be attached to and made a part of this Resolution.  
10

11  
12 The vote on the foregoing motion was as follows:

13  
14 **AYES: Ned Hickey, Mario Tomei, Phil Dankert, Maria Stycos and Richard Durst**

15  
16 **NAYS: none**  
17

18 The motion was declared to be carried.  
19  
20

21 Hickey next led the Board through Section 145-59E of the Village Code, General Conditions required for  
22 all Special Permits. Dankert moved that the proposal met all General Conditions, seconded by Stycos, all in  
23 favor. Discussion ensued regarding conditions of approval after which Tomei moved the following  
24 resolution, seconded by Stycos:  
25

26  
27 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO.**  
28 **2377 ADOPTED ON JUNE 30, 2009**  
29  
30

31 **WHEREAS:**  
32

- 33 A. This matter involves consideration of the following proposed action: Special Permit  
34 No. 2377, Triphammer Development Corporation, to reconfigure part of the  
35 entranceway and parking lot of Triphammer Mall and construct a drive-thru window  
36 for an existing retail space being converted to a Kinney Drugs store at 2255 North  
37 Triphammer Road in the Commercial High Traffic District, Tax Parcel No. 46.1-6-  
38 2.32.; and  
39
- 40 B. On May 26, 2009, an informal presentation of the proposed action was made by the  
41 applicant to the Village of Lansing Planning Board at which time (i) the project was  
42 described, (ii) preliminary plans and related documents were provided, (iii)  
43 environmental, engineering and design issues were discussed, and (iv) required  
44 additional information and materials were identified, after which it was agreed that the  
45 applicant would submit his formal Special Permit application materials and a public  
46 hearing would be scheduled and held; and  
47

- 1 C. On June 8, 2009, the Village of Lansing Planning Board continued its evaluation of the  
2 proposed action, reviewed the formal application materials submitted by the applicant,  
3 opened the scheduled public hearing regarding the proposed action, and thereafter  
4 reviewed and analyzed (i) the materials and information presented by and on behalf of  
5 the applicant in support of the proposed action, including information and materials  
6 related to the environmental issues, if any, which the Board deemed necessary or  
7 appropriate for its review, (ii) all other information and materials then rightfully before  
8 the Board, including the Tompkins County Planning Department General Municipal  
9 Law Section 239 –l and –m response dated June 8, 2009, and (iii) all issues raised  
10 during the public hearing and/or otherwise raised in the course of the Board’s initial  
11 deliberations; whereupon it was determined that further information, materials and  
12 Board deliberation would be required, particularly with respect to on-premises parking  
13 and traffic control matters, and whereupon the applicant requested additional time to  
14 submit further information and materials as required; and  
15
- 16 D. On June 8, 2009, after the foregoing review regarding the proposed action, the Village  
17 of Lansing Planning Board determined that the Board would await the further  
18 information and materials to be submitted by the applicant and therefore adjourned the  
19 public hearing to its next regularly scheduled meeting on June 30, 2009; and  
20
- 21 E. On June 30, 2009, the Village of Lansing Planning Board reviewed the additional  
22 information and materials submitted by the applicant and continued the previously  
23 adjourned public hearing regarding the proposed action, and thereafter closed the  
24 public hearing and completed its thorough review and analysis of (i) the materials and  
25 information presented by and on behalf of the applicant in support of this proposed  
26 action, including information and materials related to the environmental issues which  
27 the Board deemed necessary or appropriate for its review and the traffic study  
28 assessment dated June 15, 2009 from Fisher Associates; (ii) all other information and  
29 materials rightfully before the Board, including the Tompkins County Planning  
30 Department General Municipal Law Section 239 –l and –m response dated June 8,  
31 2009 and any subsequent response received from the Tompkins County Planning  
32 Department; and (iii) all issues raised during the public hearing and/or otherwise raised  
33 in the course of the Board’s deliberations; and  
34
- 35 F. On June 30, 2009, the Village of Lansing Planning Board determined that the proposed  
36 action is an Unlisted Action for which the Board is an involved agency, and in  
37 performing the lead agency function for its independent and uncoordinated  
38 environmental review in accordance with Article 8 of the New York State  
39 Environmental Conservation Law - the State Environmental Quality Review Act  
40 (“SEQR”), the Board (i) thoroughly reviewed the Short Environmental Assessment  
41 Form (the “Short EAF”), Part 1, and any and all other documents prepared and  
42 submitted with respect to this proposed action and its environmental review (including  
43 any Visual Environmental Assessment Form required), (ii) thoroughly analyzed the  
44 potential relevant areas of environmental concern to determine if the proposed action  
45 may have a significant adverse impact on the environment, including the criteria

1 identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and  
2 (iv) made a negative determination of environmental significance (“Negative  
3 Declaration”) in accordance with SEQR for the above referenced proposed action and  
4 determined that an Environmental Impact Statement would not be required; and  
5

- 6 G. On June 30, 2009, in accordance with Section 7-725-b of the Village Law of the State  
7 of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of  
8 Lansing Code, the Village of Lansing Planning Board, in the course of its further  
9 deliberations, reviewed and took into consideration (i) the general conditions required  
10 for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable  
11 conditions required for certain special permit uses (Village of Lansing Code Section  
12 145-60), and (iii) any applicable conditions required for uses within a Combining  
13 District (Village of Lansing Code Section 145-61);  
14

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

- 16
- 17 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and  
18 requirements, if any, set forth below) that the proposed action meets (i) all general  
19 conditions required for all special permits (Village of Lansing Code Section 145-59E),  
20 (ii) any applicable conditions required for certain special permit uses (Village of  
21 Lansing Code Section 145-60), and (iii) any applicable conditions required for uses  
22 within a Combining District (Village of Lansing Code Section 145-61); and  
23
  - 24 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit  
25 No. 2377 is **GRANTED AND APPROVED**, subject to the following conditions and  
26 requirements:  
27
    - 28 1. **Implementation of the recommendations of Fisher Associates stated in their**  
29 **traffic analysis for this project dated June 15, 2009 and listed below and as**  
30 **shown on the attached marked-up site plan from that report:**  
31
      - 32 • **All signing and striping shall be in accordance with the Manual of**  
33 **Traffic Control Devices.**
      - 34
      - 35 • **The exit of Mall Drive onto Substation Alley shall be narrowed to 13’**  
36 **and a Stop Sign and Do Not Enter Signs installed to minimize the**  
37 **potential for wrong way travel.**
      - 38
      - 39 • **On Substation Alley a sign shall be posted just prior to the Bank’s**  
40 **entrance that indicates “No Mall Entrance Ahead”.**
      - 41
      - 42 • **On the Mall Drive at Triphammer Road, a Stop Bar shall be added;**  
43 **way-finding signs for the Mall as well as Drive Thru and Bank shall be**  
44 **installed; and the striped triangle island shall be revised for better**

1 **delineation as shown on the attached marked-up site plan referenced**  
2 **above.**

- 3  
4 2. **Approval by the Village Engineer of signing, striping and site work.**  
5  
6 3. **Implementation of a Lighting Plan approved by the Village of Lansing**  
7 **Lighting Commission.**  
8  
9 4. **Implementation of a Landscaping Plan approved by the Village of Lansing**  
10 **Planning Board.**

11  
12  
13 The vote on the foregoing motion was as follows:

14 **AYES: Ned Hickey, Mario Tomei, Phil Dankert, Maria Stycos and Richard Durst**

15  
16  
17 **NAYS: none**

18  
19 The motion was declared to be carried.

20  
21 Dubow noted that by this unanimous vote the Board was overriding the County's 239  
22 determination with a super-majority. While the County had recommended a traffic study and the  
23 Village had undertaken such a study, the results of which were favorable, and had shared the study  
24 with the County Planning Department, the County had not actually rescinded its negative  
25 determination. Hence, technically the super-majority was required and Curtis must notify the  
26 County of the Board's action and the reason for that action.

27  
28 Hickey next directed the Board's attention to a letter from Richard Thaler on behalf of  
29 Triphammer Development Company, Inc., owner of Triphammer Mall, requesting an amendment  
30 to the Mall's Planned Sign Area. The proposed amendment would authorize a pylon sign at the  
31 entrance of the Mall facing north and south along North Triphammer Road with Kinney Drugs'  
32 colors and logo along with smaller signs for six other businesses in the Mall, a sign identifying the  
33 drive-thru window and a directional sign recommended in the traffic study. Other traffic control  
34 signs recommended in the study were permitted without amendment to the Planned Sign Area.  
35 The building mounted sign for Kinney complies with the current Planned Sign Area regulations  
36 and therefore is not included in the amendment. Hickey noted that the Planning Board simply  
37 recommends the amendment to the Trustees. It is then the Trustees who approve or disapprove the  
38 proposed amendment. Dankert moved to recommend the proposed amendment to the Trustees for  
39 approval, seconded by Durst, all in favor.

40  
41 **Lansing Heights Subdivision Amendment**

42 Hickey directed the Board's attention to an amended Lansing Heights Subdivision plat in their  
43 packets. He reported that he, Cross and Curtis had met with the developer, Ivar Jonson, and his  
44 Engineer, Larry Fabbroni, regarding proposed changes in the Subdivision. Jonson is proposing  
45 changes to the water system that will result in looped system rather than one with dead ends. This  
46 will be an improvement for all concerned. He is further proposing to eliminate the future north-

1 south road, Village Park Way, which connects the northern and southern ends of Nor Way. The  
2 road does not serve any real purpose and eliminating it will result in less road to be built, less road  
3 to be maintained over the years, and more parkland as the land originally set aside for the road will  
4 be combined with other parkland to be dedicated to the Village. The short section of Village Park  
5 Way which connects the southern end of Nor Way with Janivar Drive will be constructed along  
6 with a short drive going north with parking area for access to the parkland. The same will be done  
7 at the north end of Nor Way where it will connect to the Craft Road extension. This will leave in  
8 place three way intersections with stop signs at either end of Nor Way to slow traffic and deter  
9 through traffic between North Triphammer Road and Warren Road. The engineers have both  
10 accepted this solution. Jonson anticipates building the southern section of Nor Way next and  
11 making the connection to Janivar Drive.

12  
13 Hickey explained that there is no time table for the road construction, but Jonson would like to  
14 move ahead with the water line construction, and to do so it is essential to know the road layout so  
15 the lines will be in the road right-of-way. Jonson reiterated the advantages to all concerned. Don  
16 Lein of 62 Janivar Drive expressed concern about people using the proposed parking areas and  
17 parkland after hours for purposes that might be bothersome for nearby residents. Hickey  
18 responded that the Village has other parks and there does not seem to be a problem in well lit  
19 populated areas. Lein suggested that neighbors may not want the area lit. Hickey responded that  
20 the lighting, rules, and character of the park will involve neighborhood participation when the time  
21 comes to improve it for recreational purposes, and Lein may well want to serve on the committee  
22 that develops the park plan. Dubow reminded the Board that the extension of Craft Road and the  
23 connection to Nor Way will require alienating existing parkland which, in turn, requires action by  
24 the State Legislature. The process is somewhat cumbersome and the outcome not entirely certain.  
25 If the Village is not successful in securing the alienation, the connection to Craft Road can not be  
26 made.

27  
28 Dubow explained that Section 125-15 of the Village of Lansing Code requires the Board to  
29 classify this proposed amendment as either a major or a minor amendment. If the proposed  
30 amendment results in increased density or reduction of open space, it must be classified as a major  
31 amendment. A major amendment requires a public hearing. Hickey noted that the proposed  
32 amendment does not affect density and results in an increase in open space. Tomei moved to  
33 classify the proposed amendment as a minor amendment, seconded by Stycos, all in favor.

34  
35 John O'Neill from Janivar Drive asked about the connection between the end of Ayla Way and  
36 Bomax Circle. He understood that it would be closed to all traffic. Dubow responded that the  
37 Conditions of Approval for the Lansing Heights Subdivision required that the connection be  
38 maintained specifically for emergency vehicles until a connection was made from Nor Way to  
39 Janivar Drive with at least a binder coat. The connection is intended to provide a second means of  
40 access to the Lansing Trails Subdivision. Jonson noted that the connection has been a nuisance  
41 encouraging cut-through traffic between Lansing Trails and Bomax Drive. Cross noted that a cable  
42 was authorized and installed to curtail nuisance traffic, but which emergency personnel could  
43 remove if needed. Jonson reported that the cable ripped out on at least one occasion. Jonson asked  
44 when the Village would take over the roads he has completed to date. Discussion ensued with



1 Dubow and Cross regarding outstanding issues. Hickey stated that the matter was not for the  
2 Planning Board to decide and that Jonson would need to resolve the matter with the Trustees.

3  
4 **Ross Subdivision**

5 Hickey directed the Board's attention to the Ross-Kidney Subdivision Plat in their packets. He  
6 reviewed the history of the 70 acre Dart parcel since the death of Louise Dart several years ago.  
7 He noted that the Planning Board had hoped for a coordinated plan for the development of the  
8 whole 70 acres, but the parcel was split equally among three heirs and the heirs had different  
9 plans. It does not seem likely there will be a coordinated plan. There have been several  
10 subdivisions of the Dart property and the Village is concerned that the parcels not be subdivided  
11 and resubdivided as minor subdivisions without making provision for trails and recreation land to  
12 serve the residents of whatever development eventually occurs on the land. The definition of  
13 *minor subdivision* in Section 125-2 of the Village of Lansing Code provides that after a subdivider  
14 has established four contiguous lots, parcels or plots through minor subdivision, any subsequent  
15 subdivision on the same street or intersecting street may be classified by the Planning Board as a  
16 major subdivision. In the course of the proceeding subdivisions, the Planning Board had indicated  
17 that it would invoke this authority for future subdivisions. At that time, however, it also stipulated  
18 that it would make an exception for this transfer of land to the Kidneys which had been promised  
19 for some time. The Kidneys have owned for many years a parcel adjacent to the one they are  
20 acquiring.

21  
22 Dubow noted that it appeared the ultimate intent of this proposed subdivision was to not only  
23 transfer a building lot to the Kidneys, but also transfer contiguous land sufficient for the Kidneys to  
24 square off their existing lot by pushing the rear boundary line back to align with others on the  
25 street. If that is the case, Dubow recommended the actions be combined using the provisions of  
26 Section 125-34 of the Village of Lansing Code rather than bringing the matter before the Board a  
27 second time. Curtis will suggest to the Rosses and the Kidneys that they consolidate the actions.  
28 Tomei moved to classify the proposed subdivision as a minor subdivision, seconded by Durst, all  
29 in favor.

30  
31 **Zoning Review**

32 Hickey stated that the assignment for the next meeting would be Section 145-82 which includes  
33 descriptions and examples of the various uses authorized elsewhere in the Zoning Law. The Board  
34 will discuss the *construction sales/storage* use as part of that review. Hickey then opened the  
35 review of Sections 145-44 thru 46, noting that Section 145-44 includes the district regulations for  
36 the Business and Technology District. He directed the Board's attention to Section 145-44D(2)(c),  
37 *warehouse/storage/distribution*, noting that while this use which is described in Section 145-82 is  
38 permitted in the Business and Technology District, the use is limited by additional conditions  
39 which are listed in Section 145-60(H). Likewise, although Section 145-44D(2)(d) permits the use  
40 *low traffic food and beverage* in the Business and Technology District, the use is limited by  
41 additional conditions which are listed in Section 145-60(N). In the latter case, the intent was to  
42 permit a food service which could supply the businesses in the B&T Park, but not compete with  
43 the restaurants in the commercial districts of the Village. Curtis suggested that the Board carefully  
44 review the Sections pertaining to *low traffic food and beverage* in the B&T District as the food  
45 service that has been operating in the Park is going out of business and the food service that might

1 replace them will probably be coming to the Board looking for changes in the additional  
2 conditions to make a food service business viable in the Park. Dubow noted that while the Board  
3 was reviewing Section 145-82, it give some thought to alphabetizing the uses listed in the interests  
4 of making the Code more user friendly.

5  
6 Hickey moved next to Section 145-45, Research District, noting that this District includes only the  
7 Ornithology Lab. There being no comment on that Section, he moved on to Section 145-46,  
8 Human Health Services District. He directed the Board's attention to Subsection 145-46D(1)(b) &  
9 H and noted that the permitted uses are very narrowly restricted – optometry is permitted, but not  
10 ophthalmic dispensing. You can see your eye doctor and buy your glasses from the practice, but  
11 the practice can not advertise sales to the general public and a retail outlet like Sterling Optical can  
12 not locate in the District. Likewise your doctor can process your insurance claim, but an insurance  
13 office can not locate in the District. Responding to a question from Tomei, Dubow explained that  
14 the references to sections of the New York State Public Health Law were to licensed professions  
15 which is the criteria the Board opted to use to limit the District to licensed medical professionals.

16  
17 Leopold asked about the snack bar in the Surgicare Medical facility. Curtis stated that it was for  
18 staff and patients and purely accessory to the medical operation – not a place visitors from  
19 elsewhere would come to eat. It was constructed sometime ago with a Building Permit, but would  
20 not have required a Special Permit unless it increased the foot print of the building.

### 21 22 Meeting Dates

23 Hickey asked Curtis to explain the problem with the meeting date change. Curtis acknowledged  
24 that his proposal from the previous meeting actually made the problem he was trying to correct  
25 worse. To avoid crowding meeting too close together, he had suggested going from the second  
26 Monday and last Tuesday to second Monday and fourth Tuesday. Laying this out on the calendar,  
27 it became immediately apparent that the revised schedule would result in Planning Board meetings  
28 being only 8 days apart twice a year. He apologized for not figuring this out before recommending  
29 the change and suggested that the Board recommend that the Trustees change the meeting dates  
30 back to second Monday and last Tuesday. The Board agreed that Curtis should recommend to the  
31 Trustees that they change the meeting dates back to second Monday and last Tuesday.

### 32 33 Approval of Minutes

34 Durst moved that the minutes for the June 8 meeting be approved as amended, seconded by  
35 Dankert, all in favor.

### 36 37 Reports

38 *Trustees* – Hickey reported that the meeting June 15 had been short, but very interesting.  
39 Businesswise, the Trustees approved the meeting time change the Planning Board had requested  
40 and will hopefully change it back when they meet again. They also approved Local Law C  
41 regarding tourist signs. Then two members of the Lansing Community Council reported on the  
42 Harbor Fest scheduled for August 15 at Myers Park and explained the work that the Council  
43 does. One of the members, Ed LaVigne, described in greater detail the North Log Cabin project  
44 that Dan Veaner, from the Lansing Star, had spoken about at the previous meeting. Veaner  
45 spoke at length about the North Log Cabin which is the oldest log cabin in Tompkins and

1 Cayuga Counties, having been originally built in 1791 in Lansing. It has been disassembled  
2 three times and the logs now wait to be reassembled again as an historic site in Lansing. Bud  
3 Shattuck from the Town Board has taken on the project and tapped Ed LaVigne to take the lead.  
4 LaVigne has been working tirelessly to raise money and support for the project. LaVigne hopes  
5 to get the project done in time for Harbor Fest if possible. He has already secured replacement  
6 logs for those that have rotted and needs only a slab, a roof and a place to put it (probably Myers  
7 Point). More information can be found at [www.lansinghistory.com](http://www.lansinghistory.com).

8  
9 **Other Business as Time Permits**

10 Hickey directed the Board's attention to a proposal in their packets in which he recommends that  
11 the land donated by the Edelmanns to the Village be designated the "William and Audrey  
12 Edelman Nature Area" to reflect the Village's appreciation for the gift and to preserve it as part  
13 of the Village's Greenway Plan. Dubow asked which parcel was being referenced – the original  
14 parcel or the one subsequently separated from the apartment complex and deeded to the Village.  
15 Curtis suggested it could be both. Dubow expressed concern that once land is designated  
16 parkland it can be difficult changing that use later. Hickey noted that these properties will be the  
17 first to be surveyed and marked for the Stewardship Program. The Superintendent of Public  
18 Works has recently put a trail through the original parcel which is covered by mostly dense  
19 second growth brush with some white roses and other interesting plants. The trail is already  
20 popular. Hickey stated that he thought that recognition of the Edelmanns' very generous gift is  
21 long overdue. Dankert moved to send the recommendation forward to the Trustees, seconded by  
22 Tomei, all in favor.

23  
24 Hickey next directed the Board's attention to a draft memorandum of understanding regarding  
25 clearing limits at the Bolton Estate Subdivision he had received from the developer's engineer,  
26 Andy Sciarabba. He reminded the Board that the primary concern was protecting trees on the  
27 lots where the Village did not already have control through the Special Permit approval process  
28 or the conservation easement. Reading through the proposed MOU, members were concerned  
29 that while the MOU limits the number of trees over 6" in diameter that can be removed, there is no  
30 upper limit on the size of tree a property owner could take down. Leopold noted that it is  
31 unusual to plant more than a 2" – 3" caliper tree whereas the tree removed might be 18". Where  
32 native trees are removed there is no stipulation that the replacement trees shall be native trees.  
33 Dubow reminded the Board that the tree removal issue was directly tied to the stormwater  
34 management issue per Cross' previous comments. To the extent that changing the quality or  
35 quantity of vegetative cover affects the amount of stormwater runoff the stormwater  
36 management practices must handle, the Village has an interest in that vegetative cover. From a  
37 stormwater perspective Cross noted that it must be clear that brush and trees less than 6" in  
38 diameter also can not be removed as that will dramatically affect the rate of stormwater runoff.  
39 Cross noted that the Board's handling of this subdivision is somewhat unusual in that for most  
40 subdivisions the Board starts with the assumption that substantially all of the tree cover will be  
41 removed and sizes the storm water management practices accordingly. In this case the Board  
42 accepted the provision that a large percentage of the tree cover would remain and hence the  
43 stormwater management practices could be sized with less capacity to compensate for the  
44 resulting reduction in the rate of stormwater runoff. Cross noted that sizing the practices on this  
45 basis would be less expensive for the developer, but, on the other hand, constructing full

1 capacity stormwater management practices would require disturbing more land. Cross added that  
2 he had discussed with Sciarabba the contention that clearing without grubbing stumps and roots  
3 would not affect the rate of stormwater discharge and Sciarabba agrees that such clearing would  
4 in fact increase the rate of stormwater discharge. Dubow reminded the Board that, in addition to  
5 restrictions on clearing related to the stormwater issue, there are special permit requirements  
6 related to Unique Natural Areas, steep slopes and drainage ways that allow the Board to control  
7 development on 7 of the lots, and there is protected a vegetative buffer along the north side of  
8 the north end of Blackchin Blvd. There is also the Conservation Easement where no clearing of  
9 any kind is permitted.

10  
11 With regard to the stormwater issue Cross confirmed that the original calculations from  
12 Sciarabba that he reviewed were based on leaving the land outside of the permitted clearing  
13 limits in their current state. If a property owner took down 5 or 6 trees, it would not have a  
14 noticeable impact on the stormwater management practices. If, however, all of the property  
15 owners in the subdivision took down 5 or 6 trees, it could well have a measurable impact. In the  
16 final analysis he contended, any removal of vegetation out side the permitted clearing limits will  
17 have an impact on the stormwater management practices. Curtis reported that the property owner  
18 who is currently building his home in the Subdivision went through and marked significant trees  
19 to be saved in the area approved for clearing. Curtis suggested, based on his experience, that  
20 other home owners will want to save such trees and clear the thick brush which pervades the  
21 area, and over time replace the cleared brush with more attractive vegetation. In the long run,  
22 replacement of this sort may well offset the effect of clearing the brush and the Board might  
23 consider how to accommodate this sort of landscaping. Dubow stated that the Board is bound by  
24 the “science” of the stormwater calculations and that it has an obligation to ensure that the  
25 stormwater management practices are sufficient to manage the rate of stormwater discharge that  
26 will result from development of the site as proposed.

27  
28 Hickey noted that he, Curtis, Tomei, Cross and Dubow will be meeting with Crossmore,  
29 Sciarabba and Attorney Ralph Nash July 6 to discuss the MOU and this evening’s discussion  
30 gives him a better idea of what the Board’s position is. Dubow added that Crossmore’s side may  
31 have a different understanding of the underlying assumptions and the meeting is intended to  
32 reconcile any such differences and produce an understanding both sides are happy with or at  
33 least equally unhappy with. In the final analysis, a clear understanding agreeable to both sides  
34 and incorporated into the documents filed with the subdivision plat will facilitate enforcement of  
35 whatever provisions to which the parties agree.

36  
37 **Adjournment:**

38 Stycos moved to adjourn at 9:45 P.M. Seconded by Dankert. Ayes by Hickey, Dankert, Tomei,  
39 Durst, and Stycos. Motion carried.