

**Village of Lansing
Planning Board Meeting
April 12, 2010**

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 Phil Dankert,
3 Mario Tomei, and Maria Stycos; Alternate Board Member Lisa Schleelein; Code Enforcement
4 Officer Ben Curtis; Village Attorney David Dubow, Code Enforcement Officer in training
5 Marty Moseley; Trustee Liaison Lynn Leopold; residents Nick Vaczek, Frank Moore and Larry
6 Bieri; and Ian Shapiro and Yossi Brosnick from Taitem Engineering,

7 Hickey appointed Lisa Schleelein as an Acting Planning Board member for Richard Durst who
8 could not attend the meeting.

9 **Public Comment**

10 Hickey opened the public comment period. With no one to speak, Dankert moved to close the
11 public comment period. Seconded by Stycos. Ayes by Hickey, Schleelein, Dankert, and Tomei.

12 **Promoting Green Building Practices at the Local Level**

13 Hickey introduced Ian Shapiro and Yossi Brosnick from Taitem Engineering. Shapiro explained
14 that Taitem stands for “technology as if the earth matters”. Taitem Engineering works for
15 architects by performing energy studies, research, and designing building systems. Shapiro has a
16 background in mechanical engineering, and will be teaching a class at Tompkins Cortland
17 Community College that deals with green building design. He also recently had an article
18 published in the Journal of Green Building on green building design. Shapiro noted that Taitem
19 Engineering was just awarded a contract to train Building Code Officials on how to enforce the
20 Energy Code of New York State. Shapiro commended Curtis for his diligence in enforcing the
21 new energy standards in the Building Codes and his willingness to work collaboratively with
22 designers and mechanics in the field to achieve the best results possible with the resources
23 available. Shapiro noted that one approach to Green Building is a voluntary rating system called
24 LEED (Leadership in Energy and Environmental Design). LEED is a whole building rating
25 system, looking at the environmental impacts of the building from design through occupancy.
26 There are five main categories to the LEED rating system. The first category is sustainable sites
27 which Shapiro described as factors outside of the building. To obtain points for the first category,
28 a building cannot be built on wetlands, within 100 feet of a body of water, or on agricultural
29 land, and there cannot be light pollution. The second category is water efficiency, and if, for
30 example, a building does not have an irrigation system it could gain a point. The third category is
31 energy & atmosphere, and points are earned when renewable resources are used like solar and
32 wind power. In this category one can also earn points for a building’s energy efficiency. The
33 fourth category is materials & resources. Points are earned in the fourth category in such ways as
34 using materials with low chemical emissions and diverting construction waste away from
35 landfills. The fifth category is indoor environmental, which includes such things as air quality.
36 Shapiro noted that with these five categories, LEED has a balanced approach. Shapiro explained
37 there are some rigid prerequisites, or “must” points, that need to be met in order for a building to
38 become LEED certified. One of which is tobacco smoke; the building either needs to be smoke
39 free or have very tight stipulations on containing smoke. Shapiro noted that the Gateway

1 Commons apartment building in Ithaca incorporated a no smoking requirement in each of the
2 renter's leases in order to become LEED certified, and is possibly one of the first large apartment
3 buildings to do this in the State. Another prerequisite requires a building to have a recycling
4 room. Shapiro explained that currently one shortcoming of LEED is that it focuses on the
5 construction of the building, and does not evaluate the operation of the building over time.
6 Shapiro stated that there are several levels of a LEED certified building, based on a point rating
7 system. The points that are associated with the specified rating are the minimum required points
8 needed to achieve that rating. The levels are; Basic LEED (28 points), silver (33 points), gold
9 (39 points), and platinum (52 points). Shapiro stated that Taitem Engineering has just designed
10 the renovations to Maguire Imports dealership, which is trying to obtain a platinum rating. This
11 would be the first Dealership in the United States to obtain a platinum rating.

12 Shapiro noted that if the Village was to adopt a local green ordinance, one option would be to
13 require LEED certification for certain types of development. This might create a problem
14 because it adds 5-10% to a building's overall cost. The projects are certified through the Green
15 Building Council and there is a significant cost associated with that certification. Shapiro also
16 stated that there might be some legal issues because it involves ceding municipal authority to a
17 third party. Shapiro stated that there are some LEED buildings that do not save energy, but for
18 the most part LEED certified buildings do use less energy than conventional code compliant
19 buildings. Shapiro noted that New York State is preparing the ground work to help
20 municipalities incorporate green building techniques at the local level. This program would fund
21 consultants to work with municipalities. Hickey asked what the benefit to the developer would
22 be for building LEED certified project. Shapiro stated that the project could be more marketable,
23 and it would save on energy costs over time.

24
25 Shapiro noted that standard 189 from ASHRAE (American Society of Heating, Refrigerating and
26 Air-Conditioning Engineers) in many ways follows LEEDs approach, but doesn't require
27 certification. It is written in code adaptable language, but it only applies to commercial buildings.
28 Tomei asked if there are any tax credits available for LEED buildings. Shapiro explained LEED
29 is not tax credit eligible, but some components that are incorporated into the building could
30 qualify through NYSERDA (New York State Energy Research and Development), like solar
31 panels. Shapiro suggested provisions that the Village could incorporate into a local ordinance
32 might include limiting permitted lighting intensity to a level lower than that permitted in the
33 current New York State Energy Code. This would reduce the number of lights in a conventional
34 building and would reduce energy costs for the building owner. Shapiro stated that ideas like
35 these are more attractive to developers because they reduce project costs while at the same time
36 incorporating green building standards. Shapiro stated that another example of such a provision
37 would be permitting less window area in a typical building because a typical window uses 4 or 5
38 times more energy then the same area of a typical wall, and windows are expensive. Shapiro
39 pointed out that this too would lower energy costs and building costs at the same time.

40
41 Shapiro noted that the use of solar panels seems to be increasing as technology improves and
42 costs decline. The orientation of the roof and vent penetrations can often make it difficult to
43 install solar panels down the road when it will be more advantageous to do so. Regulating the
44 orientation of buildings and limiting plumbing vents to the north side of a roof would enhance
45 the opportunity to install solar panels on the south side of the roof some time in the future.

1 Bold asked if any green building technique earned a quick payback besides the energy efficient
2 mechanicals. Shapiro replied that reducing windows and reducing lighting are both a quick
3 payback because they reduce construction cost. Shapiro stated that if a blower door test were
4 required, then a builder would be able to find air leaks to plug them. The blower door test creates
5 negative pressure in the building, which then pulls air from the outside in through holes that
6 might have not been plugged during construction. Schleelein asked what a blower door test
7 would accomplish. Shapiro replied that it would save on energy costs if all holes were plugged.
8 Shapiro explained that installing a high efficiency heating system generates a fast payback
9 because such systems often entail less labor. A high efficiency heating system could be installed
10 for the same amount of money as a conventional system, but be more effective heating the
11 building. Goetzmann asked about solar panels and their payback time. Shapiro stated that solar
12 panels have a 20 to 30 year pay back, but there are some great Federal financial incentives at this
13 time. Curtis noted that he is unaware that LEED rewards for embodied energy. Wood, for
14 example, requires much less energy to produce than either steel or concrete, and wood used for
15 construction sequesters carbon while steel and concrete production release huge amounts of
16 carbon from fossil fuels. Embodied energy is the amount of energy that goes into producing
17 building products. Shapiro explained that the main problem with green building is cost and that if
18 a municipality was to incorporate green building practices into their local ordinances they should
19 try to institute ideas that would cost less for the builder but green the building.

20 **PDA Preliminary Proposal**

21 Hickey asked the Board if they needed additional information on the proposed PDA. Stycos
22 stated that she had some concern about making a determination that the PDA would benefit the
23 Village or Tompkins County without knowing exactly what the proposed retail center was.
24 Stycos asked Bold and Goetzmann if they could disclose the name of their tenant. Bold replied
25 that he could not, but that he would be willing to answer any specific questions that might help
26 the board understand how this retail store would benefit Tomkins County and the Village
27 residents. Goetzmann added that Triax Management Group is constrained by the tenant at this
28 time from disclosing the name of the tenant. The tenant will make the announcement when they
29 decide the timing is right. Bold explained that the tenant's type of business is not currently
30 available in Tompkins County. Many residents travel outside of the county to shop at this retail
31 store, many residents of the Village would find it to be a benefit, and it would provide some
32 economic benefits to the County and to the Village. Goetzmann added that it would strengthen
33 the Shops at Ithaca Mall by bringing a use that is not currently at the mall.

34
35 Bold stated that it would make sense for the retail store to be built at the mall because it would
36 result in less trip generations because the mall is a central shopping location. Bold stated that
37 47% of all retail in Tompkins County is located in the Village of Lansing. Stycos noted that Rt.
38 13 south in the City of Ithaca is another central shopping location in Tompkins County. Stycos
39 asked what was meant by Goetzmann's comment that it would strengthen the mall. Bold replied
40 that retail stores have to change in order to survive in today's economy. Bold explained that ten
41 years ago Dicks, Borders, Best Buy, and Target were not in Tompkins County; this is an
42 example of how change keeps the mall a strong shopping center. Stycos asked how the Carousel
43 Mall is handling the economy. Bold replied that he was not sure. Dubow asked if there is a point
44 in time during the review process when the tenant would disclose all relevant information

1 including their name. Bold stated that he thought there would be. Leopold stated that for other
2 Special Permit approvals the Village has known the tenants' names well in advance. Bold stated
3 that the economy has created a very competitive market. Bold explained that Triax has a big
4 investment already in this tenant, and they need to have some level of assurance that they can
5 actually build the proposed PDA before they can release the retailer's name. Dankert asked how
6 that retail store would impact the current traffic pattern. Bold replied that they had a traffic study
7 performed and that in most intersections, with the exception of Pyramid Dr. where Tops was
8 added, the traffic count is lower now than in 1999. Dankert asked if that study included the
9 movie theater. Bold replied that the theater was included in the new traffic study. Dankert asked
10 if the economy has had an impact on people shopping. Bold agreed that the economy affects how
11 some people shop, but Bold thinks that with the new stores, like Target, people are shopping in
12 one stop instead of multiple stops. Hickey noted that the traffic study will be sent to Fisher
13 Associates, the Village's traffic consultants, to review at the expense of the developer. Hickey
14 stated that the organization that will be providing the financing for the project needs to submit
15 documentation acceptable to the Village Attorney. There also needs to be a formal timeline and
16 phasing plan. Hickey noted that after Dubow reviews the financing and provisions for securing
17 completion of the project, he will make a recommendation to the Mayor. Hickey explained that
18 this would be part of the preliminary proposal and needs to be completed as soon as possible.
19 Goetzmann replied that they will work on the financing, but a letter of credit is virtually
20 nonexistent in the present economy. Hickey noted that the Board understands this, but there
21 needs to be a more formal commitment than what was included in the preliminary proposal. Bold
22 replied that they would work with the Village Attorney to satisfy the Village Boards. Dubow
23 stated that both the Planning Board and the Board of Trustees will have to consider the issue of
24 financing and security which will include a risk analysis. Dubow noted that both the Board of
25 Trustees and the Planning Board will need as much information as possible to make an informed
26 risk analysis decision. Dubow explained that the assurance and the phasing of the proposed
27 residential component need to be addressed. Dubow explained that this process needs to be a
28 collaborative process. Hickey noted that this Planning Board will not be approving the proposed
29 PDA; the Board of Trustees will be approving the proposed PDA. The Planning Board is
30 gathering information for the Board of Trustees and making recommendations.

31
32 Hickey noted that the Planning Board needs to have letters from all the utilities involved
33 confirming that they have infrastructure and capacity for the proposed PDA. Hickey explained
34 that the preliminary proposal should include a landscape plan and buffer plan for the west side of
35 the property where it abuts a residential district. Hickey stated that the PDA plan should also
36 include a lighting plan. Bold noted that they have that lighting plan for the commercial parcel.
37 Hickey added that the sooner that they can get the lighting plan to the Lighting Commission the
38 sooner it can be reviewed. Dubow stated that the Planning Board, the Board of Trustees and the
39 developer need to address the location of the buffer separating commercial and residential uses in
40 the PDA. If it will be located on the residential side, the Planning Board might make a
41 recommendation to the Board of Trustees that the law that was recently passed be somewhat
42 modified to permit the buffer to be located on the residential portion of the PDA. Bold replied
43 that they proposed the Commercial Low Traffic district regulations as the underlying regulations
44 governing the PDA, with provision to modify the rear yard setback. If that is acceptable it would
45 allow the line between the residential and commercial uses to be located such that the buffer is
46 on the commercial side of the line. Bold stated that if they need to alter the property lines that

1 could possibly be done to keep it on the commercial side. Schleelein noted that the location of
2 the retail use is precise and the location of the residential is not. Bold stated that they have to
3 work with the side yard and rear yard setbacks to adapt the residential component to the land.
4 Bold noted that they also have to work with the Army Corps of Engineers as well. To satisfy the
5 Corps' requirements, Triax had to eliminate one residential building of the five originally
6 proposed. Stycos asked where the 20 foot buffer for the wetlands would be located. Bold stated
7 that it starts under the tree canopy and extends towards the residential housing, and it would be
8 located on the residential side, not the commercial. Schleelein, Stycos, Leopold, and Dankert
9 asked if they could walk the land to better understand the layout of the proposed PDA. Hickey
10 encouraged individuals to go look at the properties. Bieri asked if a walking trail would be added
11 where the existing fire lane is and connected to the current Village greenway trails system.
12 Hickey replied that there would be a connection. Bold stated that there would also be a sidewalk
13 connection towards the east end of the residential component to connect to the sidewalk in front
14 of the YMCA. The other walkway would include a bridge and cut through the wetlands
15 connecting the residential component to a sidewalk in front of the proposed retail store.
16 Goetzmann added that the sidewalks would be seasonal walking paths due to liability issues.
17 Bieri asked if the enhanced wetland buffer strip could eventually be extended behind the Fire
18 Department. Hickey stated that the fire Department will be expanding at some point in time so
19 that might be out of the question. Leopold asked when a list of the native grasses and plantings
20 would be available. Bold showed Leopold the plantings list but stated that they didn't have a list
21 of grasses at this point. Goetzmann added that they would have a list for the public information
22 meeting on April 27, 2010.

23
24 Bieri asked how much the existing topography of the land would be modified by the excavation.
25 Bold explained that they have to excavate about fifty thousand yards of dirt to be able to tie the
26 parking lot and the current Mall ring road together. Schleelein expressed concern about the 30^{ft}
27 tall walls on the retail store and the appearance of the store from Oakcrest Rd. Bold noted that
28 the building will be similar in appearance to Target. Bieri asked if Triax would be removing the
29 large mound of dirt that currently occupies the area and make a berm towards the wetland to
30 reduce the visual impact of the retail store. Bold replied that there is not enough area to create
31 such a berm without adversely impacting the wetlands and therefore all the dirt would be moved
32 off site. Bold stated that there will be a grade change from the Y.M.C.A's parcel to the parking
33 lot of the retail store.

34
35 Tomei moved to accept the PDA preliminary proposal as sufficiently complete to schedule a
36 developers conference and public information meeting on April 27, 2010. Seconded by Dankert.
37 Ayes by Hickey, Schleelein, Dankert, and Tomei.

38 Bold handed out a revised environmental assessment form for the Planning Board to review.
39 Curtis noted that he revised part one and there were only minor errors. Dubow noted that on page
40 2, under description of action, there needed to be further clarification of the commercial use.
41 Bold suggested commercial retail. Dubow stated on page 3 the wetland category was left blank
42 and the other category listed "federal wetland" with 1.27 acres and some explanation is needed
43 for this choice. Bold replied that it would be fixed. Dubow asked if they had the source of the
44 information for the soil study and other reports that would substantiate their information in Part 1
45 of the LEAF. Bold replied that the source is their own environmental consultant which is TES.

1 Curtis asked if their consultants would be willing to write a letter explaining the soil types. Bold
2 explained that the wetland delineation report has all the soil types listed in it. Hickey asked if
3 Triax had the reports from the New York State DEC and the New York State Natural Heritage
4 Program. Bold replied that they did and would provide them to the Planning Board. Under the
5 Project description, 1-f, proposed parking spaces should be 340, not 309, and 1-h should indicate
6 12 housing units will be built, not 15. Bold agreed. Tomei asked that under 1-j after 770ft if the
7 word "Oakcrest Rd." could be typed in. Bold agreed to do so. Dubow asked for an explanation of
8 the 6 phases cited in 7-a on page 6. Bold stated that there are actually 4 phases now and that
9 needed to be changed. Hickey asked if they would be completely done building in 2012. Bold
10 replied that is the plan. Curtis asked if the 1st phase is the retail store, the 1st residential building,
11 the wetland restoration, and all of the site work, and that the 2nd, 3rd, and 4th phases would be the
12 remaining residential buildings. Bold again confirmed that is the plan. Hickey asked what the LP
13 gas (liquid petroleum) is to be used for. Bold replied that it would be stored on site for retail sale.
14 Dubow asked if there would be any noise associated with the LP gas. Bold replied that the LP is
15 to fill tanks like for gas grills. Dubow noted on page 7 number 20 was marked "no". The
16 question asked if the project would produce noise exceeding the local ambient noise levels.
17 Dubow asked if the construction noise levels would be exceeding ambient noise levels, because
18 that could affect the surrounding properties. Bold stated that there are not many adjacent
19 properties that would be affected by the construction noise. Hickey noted that there are
20 properties across the road and the Y.M.C.A, all of which would be affected by construction
21 noise. Curtis pointed out that the building permit would state the hours of operation, which are
22 the same as when the theater was built. Schleelein asked how to determine what a noise level is
23 that exceeds the local ambient noise level. Hickey explained that an individual with a sound
24 meter would have to measure the sound levels at surrounding properties to make sure that it
25 would comply with the local standards. Dubow stated on page 8 that there needs to be
26 clarification on the review process. Dubow noted that the only approval is by the Board of
27 Trustees and that the Planning Board only makes recommendations to the Board of Trustees in
28 this circumstance. Bold asked if they should then list the special permit under zoning. Dubow
29 replied that there is no special permit for a PDA. Curtis added that they are introducing district
30 regulations that are being proposed to be the same as Commercial Low Traffic with a few minor
31 changes. Therefore, they would have to obtain a special permit, because in Commercial Low
32 Traffic a special permit is required for any new commercial building that is being proposed.
33 Curtis noted that the land will be developed with the residential on one part of the parcel and
34 commercial retail on the other part. Restrictions may need to be added for the residential
35 development to ensure the residential units are used for senior housing. Dubow asked Curtis if he
36 was proposing that a special permit would have to be required to build the residential housing.
37 Curtis explained that they could be permitted by right or with a special permit. Schleelein asked
38 for clarification on the PDA process, because her understanding was that a PDA eliminated the
39 special permits. Dubow stated that he would like to have a meeting with Curtis to clarify the
40 PDA process. Hickey asked if Triax would be contemplating a subdivision. Bold replied that
41 they would not. Dubow asked if Triax needed to have the Tompkins County Health Department
42 involved. Bold stated that they did not because they have access to the municipal water and
43 sewer. Bold explained that there would be no extension on the sewer or water mains, and that
44 they would be connecting to existing utilities. Dubow noted that on page 9 number 3 there needs
45 to be more information. Goetzmann replied that they would add something about maximum
46 potential development under the current zoning. Dubow stated that Triax needed to clarify how

1 many lots would be created if the land is subdivided. Curtis explained that the retail store would
2 lease the land on which its building and other improvements are located and request a separate
3 tax parcel number for their land lease. This would not be a subdivision in that no new lots will be
4 created as lots are defined in the Village Code. This is similar to Target's lease arrangement with
5 Shops at Ithaca Mall and that of the businesses in the Cornell B&T Park. Hickey asked why
6 number 11 on page 10 was checked yes, because the proposed project is not going to increase the
7 need for community provided services. Bold stated that it was a typing error. Dubow noted that a
8 traffic study will be provided to support number 12 on page 10. Curtis asked if the approved
9 Gross Leasable Area (GLA) is in reference to the approved 1999 Special Permit 1466. That
10 special permit approved The Shops at Ithaca Mall to expand to a total GLA of 750,000 square
11 feet. Bold replied that it was. Curtis noted that the number of the Special Permit should be
12 included on the Full Environmental Assessment Form.

13 Hickey stated that this cannot go any farther until the public has been involved. Dubow noted
14 that the Public Information Meeting can also serve as the developer's conference. Hickey added
15 that the public would be welcome to comment about the proposed PDA.

16 **Approval of Minutes**

17 Stycos moved the minutes of March 30, 2010 as corrected. Seconded by Schleelein, Ayes by
18 Hickey, Stycos, Tomei, Dankert, and Schleelein

Reports

19 *April 5 Trustees Meeting-* Tomei reported that the Trustees discussed the budget. The Mayor
20 explained that the Village is in good financial shape, due to good planning. The Village is trying
21 to improve Dart Drive, but the Village is still waiting on some engineering documents. Tomei
22 reported that last year the DPW (Department of Public Works) bought a new backhoe and new
23 equipment for snow plowing. The DPW also used 600-700 tons of salt this snow plowing season.
24 The budget was passed. The Trustees discussed retirement health insurance.

25 **Further Discussion**

26 Hickey explained that Curtis had been working with an individual who wants to operate a
27 restaurant at 2 Hickory Hollow Lane, which is zoned Commercial Low Traffic. Curtis explained
28 that the individual would like some assurance that the restaurant would be able to have incidental
29 carry out, if customers would like to take food home. The restaurant would not have a take-out
30 window, take-out counter, take-out menu, take-out signage, take-out parking spaces, take-out
31 advertising, or a drive thru window of any sort. They would like to be able to supply take-out
32 simply as a courtesy, and not as a significant part of the business. They anticipate that the take-
33 out would make up less than 5% of the total sales. Curtis asked the Planning Board if this is
34 consistent with their understanding of Section 145-82A(38) of the Village Zoning Law, which
35 defines a *low traffic food and beverage* business as "Sit-down restaurant with or without bar
36 where food is consumed on premises and where there is no drive-in/drive through or similar
37 service, where there is no carry-out service except such limited carry-out as may be clearly
38 incidental to the primary business of on premises dining; employee cafeteria [food service within
39 a building (which building is being used for a permitted use) serving employees at that building

1 only]”. Dubow asked if the restaurant would require a special permit. Curtis explained that it
2 would not because the building has always been a restaurant. Hickey noted that bushes and
3 plantings should be planted along North Triphammer Road in front of the restaurant. Curtis
4 stated that the Village has money in an escrow account specifically for plantings on this
5 particular property. Hickey explained that there was a plan to have the plantings installed after
6 the Triphammer Rd. reconstruction project was completed, but the plantings have not yet been
7 installed. The Planning Board agreed that the level of take-out proposed for this restaurant would
8 be consistent with that permitted for a *low traffic food and beverage* business in the Village
9 Zoning Law.

10 **Adjournment**

11 Dankert moved to adjourn at 9:45 P.M. Seconded by Stycos. Ayes by Dankert, Stycos, Tomei,
12 Hickey and Schleelein. Motion carried