

**Village of Lansing
Planning Board Meeting
May 10, 2010**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:33 P.M. by
2 Chairman Mario Tomei. Present at the meeting were Planning Board Members, Maria Stycos,
3 Lisa Schleelein, and Richard Durst; Alternate Board Member Ned Hickey; Code Enforcement
4 Officer Ben Curtis; Village Attorney David Dubow, Code Enforcement Officer in training
5 Marty Moseley; Acting Trustee Liaison Julie Baker; resident Nick Vaczek: Jim Bold, Eric Goetzmann,
6 and Gina Speno from Triax Management Group; Beth Ann Prudence from the Ithaca Montessori
7 School; and Carla Marceau observing for the Community Party.
8

9 Tomei appointed alternate Ned Hickey as an Acting Planning Board member for Phil Dankert
10 who could not attend the meeting.
11

12 **Public Comment**

13 Tomei opened the public comment period. Carla Marceau introduced herself as the observer from the
14 Community Party. With no one else to speak, Hickey moved to close the public comment period.
15 Seconded by Stycos. Ayes by Hickey, Stycos, Schleelein, Durst, and Tomei
16

17 **Montessori Subdivision Classification**

18 Tomei introduced Prudence from the Ithaca Montessori School, and asked her to explain the
19 proposed subdivision. Prudence explained that the parcel of land where the Montessori school is
20 located now is 5.13 acres, which is a combination of two former parcels. The Montessori School
21 would like to subdivide the parcel, creating a 3.13 acre lot on which the Montessori school is
22 located and a 2 acre undeveloped lot. Durst asked why the Montessori school would like to
23 subdivide. Prudence explained the school does not now use the area that would become the 2
24 acre lot, and would like to realize some extra income in order to pay for some larger maintenance
25 items and capital improvements for the school. Hickey asked if Doctor Newton was still the
26 owner of the building next to the Montessori School. Prudence wasn't sure. Curtis noted that
27 Doctor Strominger has his practice there and might be the owner. Prudence noted that she would
28 work with Curtis to inform all contiguous property owners of the subdivision. Prudence stated
29 that an official survey done by a licensed surveyor will have to be done to produce the final plat.
30 Curtis asked if the survey would be available by the Planning Board meeting on the 25th.
31 Prudence hoped it would be. Curtis noted that the area is zoned Commercial Low Traffic. Stycos
32 asked about a dotted line on the map. Prudence explained that it indicated where the old property
33 line used to be before two lots were combined to create the 5.13 acre parcel. Baker asked what
34 the minimum lot size is in Commercial Low Traffic. Curtis responded that it is 10,000 square
35 feet. Schleelein asked if a builder would have to get a special permit to develop the vacant lot.
36 Curtis explained that they would have to obtain a special permit. Hickey asked if there would be
37 a separate driveway. Prudence replied that they may propose a shared driveway to minimize curb
38 cuts on the Ascot cul-de-sac, but noted that the Montessori school already has two curb cuts, and
39 the new parcel could use one of those driveways. Curtis recommended that the subdivision be
40 classified as a minor subdivision. Hickey moved that the subdivision being proposed by the
41 Montessori School be classified as a minor subdivision and that a public hearing be scheduled
42 for 7:30PM on May 25. Seconded by Stycos. Ayes by Hickey, Stycos, Schleelein, Durst, and Tomei.
43 Motion carried

1
2 **Triax PDA**

3 Tomei asked if Triax Management Group would be able to answer some questions for the
4 Planning Board. Bold replied that they would do their best. Schleelein noted that in the traffic
5 study they were still referencing 15 senior housing units. Bold stated that it is 12 senior housing
6 units but they never changed it for the traffic study. Curtis asked the Planning Board if they were
7 ready to submit the traffic study to Fisher Associates and if they had any particular issues they
8 wanted Fisher to consider. Hickey noted that the Planning Board has been using Fisher
9 Associates to perform their traffic studies consistently in the past, and that they are very familiar
10 with traffic conditions on North Triphammer Road. Curtis again asked if there were any specific
11 questions that the Planning Board would like to have Fisher Associates answer. There being no
12 questions, Curtis indicated he would contact Fisher. Tomei asked Triax to explain why, in the
13 traffic study, there is mention of a restaurant. Goetzmann explained that the restaurant would be
14 located at the end of Pyramid Dr. behind the Ramada Inn. Bold stated that Triax was trying to
15 incorporate the restaurant and the proposed PDA into one traffic study instead of two separate
16 studies. Tomei stated that the in the letter the New York State Office of Parks, Recreation, and
17 Historic Preservation wrote, there was a sentence that stated that their recommendation pertained
18 to the "Area of Potential Effects examined during the above referenced investigation". Tomei
19 asked Bold if the whole parcel of land was the "Area of Potential Effects". Bold stated that it was
20 the whole parcel, and the archeological study refers to specific areas of the site where the digs
21 occurred, which are shown on a map in the full report a copy of which he submitted to Curtis.
22

23 Tomei noted that Triax has received a letter from the Planning Board stating conditions for
24 recommending the preliminary proposal for the proposed PDA to the Board of Trustees, and the
25 Planning Board is waiting for the letter from Triax indicating their intention to comply with
26 those conditions. The Conditions are as follows:
27

28 **Conditions For The Proposed Triax PDA**

- 29 1. Confirmation from funding source(s) in a form approved by the Village Board of Trustees and
30 Village Attorney, ensuring that financing is committed for the construction of the senior housing
31 units and associated infrastructure.
- 32 2. Phasing plan indicating approximate start and completion dates for each of the proposed four
33 phases and any dependencies for each phase, together with financial and/or other security in
34 favor of and acceptable (in form and substance) to the Village Board of Trustees and Village
35 Attorney in the event of default in completing all phases properly and timely.
- 36 3. Full planting list for the wetland/bird habitat and surrounding buffer, including grass list, and
37 indicating general locations of the plantings.
- 38 4. Letters from utility companies including NYSEG, Bolton Point, and the Village of Cayuga Heights
39 confirming that sufficient capacity exists to allow connection and that no publicly funded
40 improvements will be necessary to allow such connection.

- 1 5. Landscape plan and buffer location for the west side of the property where it abuts a Residential
2 Zoning District.
- 3 6. Lighting plan approved by the Village of Lansing Lighting Commission.
- 4 7. Exact delineation of the wetland/bird habitat and surrounding buffer which will serve as a
5 screen between the residential and commercial components.
- 6 8. Approval by the Village of Lansing Engineer of site work, stormwater management and
7 infrastructure plans; in the case of stormwater management facilities that are not dedicated to
8 the Village, a stormwater management maintenance agreement will be required. Upon final
9 construction having been completed, four (4) sets of as-built/record drawings and plans are to
10 be prepared and submitted to the Village Engineer together with a certification by the
11 developer's engineer (s) confirming that all construction has been completed as required.
- 12 9. Approval by the Army Corps of Engineers of plans pertaining to the preservation, replacement
13 and enhancement of delineated wetlands.
- 14 10. Approval of the traffic study by Fischer Associates, the Village's traffic consultants. (as revised)
- 15 11. Approval by the Village of Lansing Superintendent of Public Works of design details related to
16 Village infrastructure including, but not limited to, proposed road connections to Oakcrest Road
17 and alterations to the existing mall emergency access road which includes a Village sewer
18 easement.
- 19 12. Satisfactory completion by the Village of Lansing Planning Board of (i) its review of the SEQR
20 LEAF and (ii) it's recommendations to the Village Board of Trustees related thereto.
- 21 13. Plan showing the locations and design of pedestrian connections between the YMCA, the senior
22 housing units and the retail center.
- 23 14. Document describing the exact criteria that residents of the senior housing units must meet,
24 and an agreement and other supporting documentation ensuring that the senior housing units
25 will be reserved for that use only.
- 26 15. Maintenance agreement to ensure that the wetland/bird habitat and surrounding buffer will be
27 maintained per the plan approved by the Village of Lansing and the Army Corps of Engineers,
28 including, but not limited to, replacement of plants, trash removal and deer protection.
- 29 16. District regulations (use and dimensional) consistent in format with those of other Zoning
30 Districts in the Village of Lansing, including, but not limited to, possible special permit approval
31 requirements.
- 32 17. Written approvals, as required, from all other federal, state and local governmental agencies.

1 Goetzmann explained that they did receive the letter of conditions, but would like to discuss
2 some of them with the Board. Dubow noted that it was a collaborative effort by the Planning
3 Board, Curtis, and himself to compose the letter of conditions. Goetzmann noted that #10 and #
4 13 both mentioned pedestrian connections, and that #10 pertained to Fisher Associates' review of
5 the traffic study, and the traffic study does not include any information about pedestrian traffic or
6 connections. Dubow assumed that Fisher Associates would look over the pedestrian connections.
7 Hickey noted that the traffic study, performed by GTS Consulting for Triax, did not incorporate
8 pedestrian connections, so Fisher Associates could not evaluate the pedestrian connections since
9 they were not incorporated in the traffic study. Curtis indicated that he would delete the
10 reference to pedestrian connections in item #10, but leave it in item #13. Durst expressed interest
11 in why the addition of 12 new senior housing units only created a minor traffic impact during the
12 evening peak at the intersection of Oakcrest and North Triphammer Road. Bold replied that it
13 might seem counterintuitive, but it is based on an average predicted count. Goetzmann stated that
14 he wasn't sure if in #14 Triax group could legally supply documents to the Village stating that
15 they only will accept individuals over a certain age. Goetzmann noted that they could stipulate
16 age requirements in their lease agreement. Curtis explained that the Village does not have any
17 type of information, at this point, on how the residential units will be reserved for senior housing
18 over time. Dubow stated that #14 was left somewhat generic because the Village does not have
19 any information on the senior housing and anticipated receiving more detailed information in the
20 future. Hickey noted that the senior housing needs to be maintained as senior housing.

21
22 Goetzmann pointed out with regard to #15 that the Triax Group already has to meet the Army
23 Corps of Engineers regulations in which they have to maintain the plantings in the enhanced
24 wetlands for five years. Dubow noted that the Village expects Triax to comply with the Army
25 Corps of Engineers regulations, but the Village may impose additional conditions and
26 requirements. Curtis explained that the Village needs documentation explaining who will be
27 responsible for the maintenance of the buffer areas, who will replace the plantings if needed,
28 how the plantings will be protected from the deer, etc. Bold explained that they had hoped that
29 the Village requirements would be in line with those of the Army Corps of Engineers with regard
30 to how the plantings are to be cared for. Hickey stated that the Village might have more stringent
31 requirements because the buffer would be providing screening between the commercial
32 component and the residential component as well as the surrounding residential properties along
33 Oakcrest. Hickey noted that buffers need to be maintained in perpetuity. Dubow explained that
34 the details could be discussed at a later time, but that the Village and Triax both have to agree on
35 the list at this point in time. With regard to plant replacement, Curtis noted that the survival rate
36 for the plants being supplied is supposed to be higher than average and the Village is not looking
37 for a 100% survival rate only the survival rate designated for the plantings. Hickey asked if the
38 Cornell Lab of Ornithology was helping Triax with the wetlands. Bold replied that the Lab of
39 Ornithology has supplied them with the construction documents for the wetland project they did.
40 Bold explained that even though the plants in the proposed wetland might be different from the
41 one the Lab did, the habitat would still be created for the birds.

42
43 Goetzmann explained that he thought item #2 should be shortened, deleting the requirement for
44 approval of the financing by the Board of Trustees and the Village Attorney. Dubow noted that
45 at sometime Triax will be required to show the Village that they have the financing in place.
46 Dubow pointed out that Section 6B(4) of the PDA provisions in the Village Code requires a

1 determination of the amount and type of performance guarantee and/or financial security in order
2 for the Planning Board to make a recommendation to the Board of Trustees. Goetzmann stated
3 that it is difficult for anyone to get financing in today's economy. Dubow noted that he and the
4 Planning Board both understand that the conventional "letter of credit" is virtually nonexistent,
5 but Triax needs to come up with some sort of financing plan and security for completion of the
6 project to present to the Planning Board and the Board of Trustees. Dubow also stated that the
7 Village has been working with Triax to come to some kind of creative agreement that would be
8 acceptable for both Triax and the Village. Dubow noted that the Village and Triax might each
9 have to both take a leap of faith at some point in terms of sharing risk. Goetzmann stated that he
10 would like to build all the residential buildings at the same time, but that's probably not going to
11 happen. Goetzmann explained that he is trying to propose a plan in a worst case scenario, but the
12 banks do not want to talk money until a building permit is in hand. Hickey stated that they can
13 not have a building permit in hand until the end of the PDA process. Goetzmann noted that his
14 company needs to be able to survive in a very difficult economy. Hickey explained that Triax
15 needs to be creative and bring in something tangible so that the process can to move forward, or
16 stop the process now before any more time and money is invested in the project. Dubow
17 explained that the Village has been upfront about the stipulations on financing, and the Village
18 Boards have not misled Triax in anyway. Goetzmann asked if the Planning Board needs to have
19 an actual document indicating that Triax has funding. Dubow explained that the Board does not
20 have to have an instrument in hand, but the Board needs to know that Triax will be able to have
21 the financing in place before the building permit is issued. Dubow noted that the Village is not
22 only concerned with confirmation that money will be available, but also that the money that is
23 allocated for the project will be spent on building the senior housing. Curtis noted that Triax
24 should have the financing plan by the meeting on the 25th of May, so the Planning Board can
25 make a recommendation to the Board of Trustees. Dubow stated that once the Planning Board is
26 ready to make the recommendation, the Board of Trustees would have to decide whether to
27 accept the recommendation, and then proceed with part two of the Environmental Assessment.
28 After the Environmental Review has been completed the Board of Trustees will hold a public
29 hearing on the proposed PDA. Hickey suggested that there should be a joint meeting with the
30 Board of Trustees to help them with the Environmental Review and answer any questions they
31 have. A meeting was proposed for Tuesday May 18 between Goetzmann, Bold, Dubow, Curtis,
32 Moseley, Hickey, Tomei, and Mayor Don Hartill to discuss the details of the proposed PDA as
33 well as a possible land swap to resolve long standing issues concerning Graham Road West,
34 Catherwood Road and Pyramid Drive.

35
36 Bold stated that if "and pedestrian connections" is deleted from item #10 they would agree to
37 sign the list of conditions. Dubow noted that this needs to be accepted at a Planning Board
38 meeting, and if they could put something in writing before the end of the meeting it could be
39 accepted. Curtis printed out a revised copy of the letter of conditions that Triax could then sign.
40 Tomei explained that after the list of conditions has been agreed on by both parties, the Planning
41 Board has 30 days to make their recommendation to the Board of Trustees. Dubow note that 5
42 criteria of section 6 in the PDA provisions need to be met before sending a recommendation to
43 the Board of Trustees. The 5 criteria are: (1) A statement as to the effect of the proposed PDA on
44 (i) the objectives of the Comprehensive Plan and this Chapter 145 and (ii) the character of the
45 neighborhood. (2) A statement of the conditions, specifications and requirements upon which
46 agreement has been reached with the developer and which the developer will be obligated to

1 abide by in developing the proposed PDA. (3) The developer's statement of intent to comply
2 with the required conditions and requirements. (4) The amount and type of performance guaranty
3 and/or financial security which the Planning Board believes developer should be obligated to
4 provide. (5) Such other information and/or materials that the Planning Board determines will be
5 helpful to the Board of Trustees in its deliberations as to the proposed PDA and whatever
6 legislative/zoning action the Board of Trustees may undertake, including, but not limited to,
7 information and/or materials relevant to the environmental review of the proposed PDA. Tomei
8 noted that Triax had signed a statement saying that they agreed to the conditions stated and
9 therefore the PDA process could continue. Hickey moved to accept the developer's written
10 statement of intention to comply with the Planning Board's list of conditions and specifications.
11 Seconded by Durst. Ayes by Hickey, Stycos, Schleelein, Durst, and Tomei. Motion carried
12

13 Baker asked who pays for the traffic study analysis from Fisher Associates. Dubow replied that
14 the developer does. Baker asked if the TCAT buses would be dropping off passengers at the new
15 retail center. Goetzmann stated that they would probably not, because the buses damage the
16 roads and parking lots of the mall. Tomei pointed out that the new retail store is not far from
17 Target, and wondered why the buses could not extend their route. Bold stated that it could be
18 possible because the new retail parking lot could be built to withstand the wear and tear from the
19 buses, but the parking lot would deteriorate at a faster pace over time. Hickey noted that the
20 buses probably only want to make one or two stops in the mall, and this would add time to their
21 route. Curtis noted that the ring road is already badly in need of repair. Marceau noted that many
22 seniors like public transportation, and would appreciate a bus pick up in the senior housing area.
23 Bold stated that would be an issue that Triax would have to look into. Vaczek suggested that the
24 residential senior housing might be able to qualify for federal money if green building techniques
25 were included. Vaczek referenced geothermal heating and cooling, which is where water
26 circulating in a piping loop absorbs heat from the earth and carries it to a heat pump, where it is
27 concentrated and the heat used to warm air throughout the home. When cooling is needed the
28 heat pump absorbs heat from the air in your home and transfers it to water circulating in the
29 piping loop where it is absorbed by the earth. This provides cool, dehumidified and comfortable
30 air throughout the home.
31

32 Dubow asked when the Board would be going through the second part of the Full Environmental
33 Assessment Form. Hickey noted that Triax had previously filled in the second part with proposed
34 responses based on the environmental data they had gathered. Dubow stated that the Board could
35 review the second part and determine if they agreed with those proposed responses. Dubow
36 noted that on page 11 question #1 was checked yes, which indicated that the proposed action
37 would result in a physical change to the project site. Under question #1 the following question,
38 "construction that will continue for more than 1 year or involve more than one phase", was
39 checked as a potential large impact. Dubow noted that given the scope of the phasing of this
40 project, this could be classified a "small to moderate impact". Dubow stated on page 12 question
41 #3 wetlands would be considered a body of water designed to be protected. Curtis noted that he
42 was not sure what the referenced articles 15, 24, and 25 of the Environmental Conservation Law
43 are, and proposed that Goetzmann and Bold should be asked to supply more information for that
44 particular question. Dubow stated that on page 13, question #5 should be checked yes to indicate
45 that the proposed action affects surface or ground water quality or quantity. Dubow pointed out
46 that the storage for petroleum products greater than 1,100 gallons referred to propane to refill

1 tanks for retail sale will probably have a “small to moderate impact” rather than a “potential
2 large impact”. Dubow noted that on page 14 question #6 was answered yes, which indicated that
3 the proposed action would alter drainage flow, or patterns, or surface water runoff, and suggested
4 that under “other impacts” “small to moderate impact” should probably be checked given the
5 explanation in that box. That being the case, there would be no need to respond in the column:
6 “can impact be mitigated by project change”. Dubow stated on page 18 question #15 is checked
7 yes, which indicates that there will be an impact on the existing transportation systems.
8 Responses to questions in the second part to this section indicate a small to moderate impact
9 resulting in “major traffic problems”, and the “alteration of present patterns of movement of
10 people and/or goods”. Curtis pointed out that the traffic study would have revealed any or all
11 traffic problems. The traffic study, however, indicates that no “major traffic problems” will
12 result, so that box was probably checked in error and this should be corrected. Dubow noted that
13 on page 19, question #19 indicated that the proposed action will affect the character of the
14 existing community. Dubow pointed out that the second part to #19 was changed in part one of
15 this Environmental Review, which shows that the proposed development would not “create a
16 demand for additional community services”. Therefore the responses under Question #19 should
17 presumably be corrected to indicate that a small to moderate impact might result from “a change in the
18 density of land use” and that no mitigation is required.
19

20 **Approval of Minutes**

21 Stycos moved the minutes of April 12, 2010 as corrected. Seconded by Schleelein, Ayes by
22 Hickey, Stycos, Tomei, and Schleelein. Durst abstained.
23

24 Durst moved the minutes of April 27, 2010 as corrected. Seconded by Hickey, Ayes by Durst,
25 Tomei, Hickey, Stycos, and Schleelein.
26

27 **Other Business**

28 Tomei indicated that he is working on a filing system for the handouts to better inform members
29 about what they may need to bring to meeting for subsequent discussion of the same topic.
30 Dubow noted that he keeps a file for all material distributed for any one topic and brings that file
31 to subsequent meetings where that topic is to be discussed. Upon further discussion, the Planning
32 Board decided that Dubow’s system would work better for them.
33

34 **Adjournment**

35 Durst moved to adjourn at 9:25 P.M. Seconded by Hickey. Ayes by Durst, Stycos, Tomei,
36 Hickey and Schleelein. Motion carried
37