

**Village of Lansing  
Planning Board Meeting  
May 31, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman  
2 Mario Tomei. Present at the meeting were Planning Board Members Phil Dankert, Maria Stycos, Richard  
3 Durst and Lisa Schleelein; Alternate Board Member Jonathan Kanter; Trustee Lynn Leopold; Code  
4 Enforcement Officer Marty Moseley; Village Attorney David Dubow; Guest Speaker: Darrel Sturges  
5 from Tomkins County Soil and Water; Residents Phil and Yasamine Miller, Bill and Nora Shang; Chris  
6 Dirr from NRP Group; John Spence from Better Housing of Tompkins County; David Herrick from TG  
7 Miller Engineers; Gina Speno from the Shops at Ithaca Mall; and Community Party Observer Yaun Zhou.

8 **Public Comment Period**

9 Tomei opened the public comment period. With no one wishing to speak, Durst moved to close  
10 the public comment period. Seconded by Stycos. Ayes: Tomei, Durst, Dankert, Stycos and Schleelein.

11

12 **Temporary Commercial Activity**

13 Tomei noted that the Shops at Ithaca Mall would like to request the Temporary Commercial  
14 Activities (TCA) section of the Village Code be changed. Tomei referenced the current Section 145-58,  
15 subsection C, of the Village Code, which reads as follows:

16 *Temporary commercial activities*

17 *Permitted with written permission of owner of property; driveways and parking areas*  
18 *must be adequate for proposed use; written approval for temporary sign design and*  
19 *placement must be obtained from the Zoning Officer, although no sign permit is required;*  
20 *intermittent uses may not exceed three (3) days per month for each use or vendor;*  
21 *continuous uses may not exceed twenty-one (21) days per year*

22 Speno noted that there are both permanent and specialty leasing practices that occur at the Shops at Ithaca  
23 Mall and some involve a temporary commercial activity (TCA,) and kiosks in the middle of the mall  
24 would fall under specialty leasing. Speno noted that the Shops at Ithaca Mall currently has a vendor  
25 seeking an outside location that would be used to display sheds. Speno added that for this vendor to move  
26 the sheds into the parking lot for only 3 days per month and no more than 21 days per year would not be  
27 worth their time or effort. Speno noted that the vender would only be at the mall beginning in June and  
28 ending in September. Speno further noted that the mall would like to be able to utilize their parking lot  
29 more often, which would help not only with their business, but generate more consumer activity for the  
30 Village's commercial area. Speno noted that they would eventually like to move the sheds into the old  
31 Borders space if all works well. Tomei asked if there were any other businesses that were interested in  
32 coming to the mall. Speno indicated that there were not, but that if the language was to be changed in the  
33 Village Code to allow a longer TCA, then it would open opportunities to other vendors as well. Speno  
34 added that maybe farm equipment or campers would be able to be displayed in the parking lot. Dankert  
35 asked if an extended TCA was to be allowed then it might open the doors to too many vendors. Kanter  
36 noted that the current wording of the TCA section indicates that there are no limits on the number of the  
37 TCA's that could take place on the property parcels. Kanter added that he was not comfortable with four  
38 months of continuous TCA use. Dubow noted that this would be an overall amendment to the Village's

39 Zoning, and would presumably affect all mall areas and TCA's that might be approved in the Village.  
40 Dubow added that the Planning Board might need or want to look at different ideas that could be  
41 implemented to approve future TCA's, like a special permit requirement for some or all TCA's prior to  
42 operation. Dubow noted that this request is probably due to a change in the marketplace venue. Durst  
43 asked what the original intent was for the current TCA section in the Zoning Law. Dubow indicated that it  
44 was probably to accommodate the TCA use, but on a limited basis.

45 Kanter noted a concern for parking requirements for the TCA's. He also asked if there was any  
46 particular TCA size that the mall would be looking for. Speno indicated that the currently permitted  
47 TCA's usually are held in the parking lot next to the Dick's Sporting Goods Store. Kanter asked the  
48 number of parking spaces located in that area. Speno indicated that she was not certain, but possibly  
49 around two hundred. Schleelein asked if there is signage associated with the typical TCA's. Speno  
50 indicated that the signs are required to be approved, by the Zoning Officer, prior to installation. Leopold  
51 asked Kanter if the Town of Ithaca had any codes that pertained to TCA's. Kanter indicated that they do  
52 not and that would probably pertain more to the City of Ithaca. Leopold voiced a concern about the  
53 appearance of the TCA's and what a broader authority for such uses could evolve into. Dubow noted that  
54 the Planning Board and Board of Trustees could determine if a slightly more elaborate review process  
55 should also be required if the TCA section is amended. Speno asked if it would be a possibility to achieve  
56 temporary relief from the current TCA language. Moseley indicated that that would involve a use  
57 variance application that would have to be reviewed and acted upon by the Board of Zoning Appeals.  
58 Leopold stated that the Village probably should not discriminate against a certain product that would be  
59 displayed. Dubow noted that under the current wording of the TCA section, any TCA would be limited to  
60 the three days per month and no more than twenty-one days per year. Speno asked if the Planning Board  
61 would be discussing the TCA topic at future meetings. Tomei indicated that they would be. Dankert asked  
62 if there were other similar activities that the mall would like to have that might fall under a TCA. Speno  
63 noted that Doug's Fish Fry wanted to stay for an extended period of time, but could not do so due to the  
64 Zoning regulations. Stycos asked what the mall would gain in having an outside tenant that might  
65 eventually move inside the mall. Speno indicated that they would possibly gain a specialty lease. Kanter  
66 stated that he would like to see a rewording of the current TCA section that might include a requirement  
67 for special permit approval in some instances. Leopold noted that this topic should not be entered into  
68 lightly and should be looked at very carefully to see what the impacts are. Dubow noted that the Board  
69 should think about how to possibly manage the provisions of a new TCA section and its integration with  
70 other district regulations, such as parking requirements, which might apply.

71

## 72 **Review of Lansing Reserve PDA Proposal**

73 Tomei noted that an important point in Appendix A-2 of the Village Zoning Law is that the  
74 Planning Board can require the submission of supplemental information and materials by the developer to  
75 complete the preliminary PDA (Planned Development Area) proposal and the Board's preliminary  
76 review. Tomei noted that the Planning Board does not have a required time table until they deem the  
77 preliminary proposal complete. Tomei added that this would be a balance of time that would ensure that  
78 the Planning Board receives all the information that is needed to deem the PDA proposal complete, but  
79 the Planning Board should not take advantage of this and deliberately lengthen the time table for the

80 developer. Tomei noted that if the developer was to use the current zoning, Medium Density Residential,  
81 it would give them more control. Tomei added that the PDA, as a re-zoning process, essentially gives the  
82 Village more control and allows for more discretion in the development of the land. Tomei noted that  
83 under the proposed PDA the housing units would total sixty five, with a club house, and there would be  
84 approximately fifty percent of the land that would remain undisturbed and be deemed forever wild. Tomei  
85 stated that if this proposal gets to the public information and public hearing stages, there will be ample  
86 time for the public to voice their concerns. Tomei stated that the Planning Board will need to bring, and  
87 should have with them, the Village Code, the Village Comprehensive Plan, the PDA proposal from NRP  
88 Group, and the GTS consulting traffic analysis. Tomei added that the Village would have the traffic  
89 study, which was supplied by NRP Group, analyzed by its own consultants. Mr. Miller asked if it would  
90 be possible for the residents in the audience to have access to the same packet that the Planning Board is  
91 provided. Tomei asked what specifically they were looking for. Mrs. Miller indicated that they did not  
92 have the traffic analysis and would like a copy. Moseley noted that they should contact Jodi Dake, the  
93 Village Treasurer/Clerk, and ask for a copy. Dubow noted that it would make sense for the traffic study to  
94 be sent out to Fisher Associates, the Village's traffic consultant, so they can provide the Village with any  
95 information and input at this preliminary proposal stage to help with the PDA review process. Tomei  
96 asked the Board if there was any additional information that they felt was needed from the developer.

97 Tomei noted that Section 4 of Appendix A-2 describes what specifically the developer needs to  
98 submit in order for a PDA preliminary proposal to be deemed complete. Dubow recommended that the  
99 Planning Board look at the preliminary PDA proposal for the Lansing Reserve that was submitted by  
100 NRP Group, and compare the information that was provided to what is required in Section 4 of Appendix  
101 A-2. Dubow noted that if the Board felt that more information was needed or if any information needed  
102 to be clarified, they have the right to ask for information and materials per Section 4 of Appendix A-2.  
103 Dubow added that this was part of the multi-step procedure included in Appendix A-2 for the Planning  
104 Board to determine if there should be some sort of recommendation to the Trustees. Dubow suggested to  
105 the NRP Group representatives that if there is any additional information that they have or if any  
106 information has changed from the time of their submittal, they should provide that to the Board. Dubow  
107 added that if there was any supplemental information for part one of the Full EAF (Environmental  
108 Assessment Form) that should be supplied as well. Dirr noted that he would be happy to share any  
109 additional information that the Board requests or desires. Kanter noted that there are some deficiencies in  
110 part one of the Full EAF. Tomei indicated that the Planning Board would work through the Full EAF at  
111 their next meeting.

112 Mrs. Shang noted that she was at the last Planning Board meeting at which she understood that  
113 the Board intended tonight's meeting for a discussion of specific information about the Lansing Reserve  
114 proposal. Mrs. Shang asked if the Board was in the position to discuss any of that information. Tomei  
115 indicated that the Planning Board is starting to look through the information provided by NRP Group, and  
116 may start to work through the actual review process at the next meeting. Mrs. Shang noted that there was  
117 no agenda posted for the Planning Board on the Village website. Moseley indicated that he would look  
118 into the matter. Mr. Shang questioned the PILOT (Payment In Lieu Of Taxes) for the Lansing Reserve,  
119 and if there was a public forum that the residents could attend to voice how their tax dollars were spent in  
120 relation to this project. Dubow indicated that the question pertaining to the residents' tax money could be  
121 brought up at the public information hearing or the public hearing. Dubow added that this issue will  
122 continue to be a subject of discussion as it already has been. Tomei added that the question about the  
123 residents' tax money should be brought to the attention of the Board of Trustees. Mrs. Miller asked about  
124 the secondary source of funding for the proposed PDA since there has not been any progress from the  
125 primary funding from the NYSHCR (New York State Housing and Community Renewal Department).  
126 Dirr indicated that as in the past he continues to be open to any questions. Dirr explained that irrespective  
127 of the zoning use and the use of the land, their first option of funding is through the NYSHCR, and will  
128 also include some debt from investors and preconstruction funding of \$75,000 from The Community  
129 Housing Affordability Program. Dirr added that the \$75,000 from the Community Housing Affordability

130 Program will need to be paid back. Dirr noted that if the NYHCR funding does not pan out, they have  
131 three other sources of funding that would be applicable to the proposed PDA. Dirr noted that the other  
132 three sources are bond transactions, pure market rate funding, and/or a combined rental project with an  
133 option to buy program. Dirr stated that they would prefer to use the cluster townhouse type housing as  
134 currently proposed for all of the development funding sources unless the Village voices otherwise. Mrs.  
135 Miller noted that based on a letter from the Mayor, the current zoning would not be applicable to the  
136 project. Dirr indicated that the Village preferred to have a cluster townhouse development because  
137 approximately fifty percent of the land could thereby remain undeveloped.

138 Mrs. Miller stated that from her perspective the funding is a critical part to the project. Tomei  
139 indicated that he agreed. Mrs. Miller asked if the Village Comprehensive Plan was developed in 1996  
140 and subsequently revised in 2000. Tomei indicated that he agreed, and that it was updated in 2005 as well.  
141 Mrs. Miller asked if the full Comprehensive Plan was revised in 2005. Dubow indicated that the full  
142 Comprehensive Plan was looked at and the applicable areas were revised as deemed appropriate. Mrs.  
143 Miller asked Leopold if the revision was a Trustee action. Dubow noted that both the Planning Board and  
144 the Board of Trustees worked together on the revisions, with final approval being within the purview of  
145 the Board of Trustees. Mrs. Miller asked if there could be a Village survey asking the entire Village if they  
146 would like to have affordable housing in the Village. Mrs. Miller added that there should not be an  
147 assumption that the whole Village wants affordable housing without the general public being polled.  
148 Dubow stated that a public hearing is associated with revisions to the Village Comprehensive Plan.  
149 Dubow added that the public did have an opportunity to express their opinions at the public hearings in  
150 2006. Mrs. Miller noted that she and others have provided actual data to the Planning Board which may  
151 differ from the assumptions that are stated in the Comprehensive Plan. Dubow noted that any such data  
152 that is submitted will presumably be reviewed by all interested parties, including the Planning Board and  
153 the Board of Trustees. Dubow added that all data from all parties including Tompkins County will need to  
154 be considered by the Planning Board and Board of Trustees in order to evaluate the proposed PDA. Mrs.  
155 Miller asked if there could be a comprehensive assessment in association with this particular issue.  
156 Dubow indicated that there are very limited purposes for the use of mandatory and permissive public  
157 referenda. Mrs. Miller noted that the Village Comprehensive Plan is based on 2000 census data. Dubow  
158 reiterated that the Village updated its Comprehensive Plan in 2006, and noted further that if someone  
159 demonstrates that data and other information has changed significantly since that last review; that new  
160 data and information will not be disregarded. Mrs. Miller asked if the Board of Trustees would entertain  
161 surveying the Village about the proposed PDA. Dubow indicated that she would need to ask the Trustees.  
162 Tomei noted that all of the Board members are residents of the Village as well.

163

#### 164 **Storm Water Management Continuing Education**

165 Tomei introduced Darrel Sturges from Tompkins County Soil and Water Conservation, who was  
166 invited to provide a continuing education presentation on Storm Water Management practices. Sturges  
167 worked through a power point presentation and answered questions thereafter.

168

#### 169 **Approval of Minutes**

170 Durst moved to accept the April 25<sup>th</sup> minutes as reviewed and revised. Seconded by Schleelein.  
171 Ayes: Tomei, Durst, Dankert, Stycos and Schleelein.

172 Dankert moved to accept the May 9<sup>th</sup> minutes as reviewed and revised. Seconded by Stycos Ayes:  
173 Tomei, Dankert, Stycos and Schleelein. Abstention by Durst.

174

#### 175 **Reports**

176 *Trustees- Stycos reported on the May 16<sup>nd</sup> Board of Trustees meeting; for an accurate report of*  
177 *the Trustees meeting please see the minutes from that meeting.*

178

179 **Other Business**

180 Moseley noted that the papers that he handed out were updates to the Village Code and should be  
181 inserted in the appropriate sections. There was a discussion on the procedures that a PDA would follow in  
182 order to obtain a rezoning.

183

184 **Adjournment**

185 Schleelein moved to adjourn at 10:40.M. Seconded by Stycos. Ayes by Tomei, Durst, Dankert,  
186 Schleelein and Stycos.