

Village of Lansing
Board of Trustees & Planning Board
Joint Meeting
September 27, 2011

The joint meeting of the Village of Lansing Planning Board and the Village of Lansing Board of Trustees was called to order at 7:35 P.M. by Planning Board Chairman Mario Tomei and Mayor Donald Hartill. Present at the meeting were Planning Board Chairman Mario Tomei; Planning Board Members, Maria Stycos, Phil Dankert, Richard Durst, Lisa Schleelein, and Alternate Member Jon Kanter; Mayor Don Hartill; Trustees John O'Neill, Patricia O'Rourke, and Julie Baker. Also present were Village Attorney David Dubow; Code Enforcement Officer Marty Moseley; Clerk/Treasurer Jodi Dake, and Engineer Brent Cross.

Public Comment Period

Mario Tomei opened the public comment period but there were no public comments. Durst moved to close the public comment period. Seconded by Schleelein; Ayes: Tomei, Dankert, Stycos, Durst, Schleelein, and Dankert.

Proposed Local Law G (2011) Public Hearing

Mayor Hartill stated that the purpose and intent of Proposed Local Law G (2011) is to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use "Members only fuel station;" (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use "Planned Development Area clustered housing;" and (iii) amend accordingly Section 145-3 [entitled "Terms defined"], Section 145-42.1 [entitled "Lansing Meadows PDA"], Section 145-60 [entitled "Additional conditions for certain Special Permit uses"], and Section 145-82 [entitled "Typical uses; category of use"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code

Mayor Donald Hartill entertained a motion to open the public hearing on Proposed Local Law G (2011).

Motion-To Open the Public Hearing on Proposed Local Law G (2011)
Amendment to Village of Lansing Code-Zoning Law- Lansing Meadows
PDA.

Trustee Baker moved to open the public hearing. Trustee O'Rourke
seconded the motion. A vote was taken:

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Mayor Donald Hartill-Aye

Trustee John O'Neill-Aye

Trustee Julie Baker-Aye

Trustee Patricia O'Rourke-Aye

Dubow stated that the Board has already seen this proposed law. It adds to the specific uses permitted in the previously authorized Lansing Meadows PDA. This is a PDA amendment to add to the new use "Members only fuel station" and the additional new use "Planned Development Area clustered housing". There were no comments from the public.

Motion-To Close the Public Hearing on Proposed Local Law G (2011)

Trustee O'Neill moved to close the public hearing. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye

Trustee John O'Neill-Aye

Trustee Julie Baker-Aye

Trustee Patricia O'Rourke-Aye

Dubow stated that there was previously a thorough environmental review, based upon a SEQR Full Environmental Assessment Form (EAF), completed for the original PDA authorization. The SEQR review for this proposed local law is just for the two new uses. The Board completed the SEQR Short EAF form and their environmental review for Proposed Local Law G. O'Neill confirmed that the water issue will be addressed as part of the Special Permit review process related to an application for a project involving any permitted PDA use. The Board found that the proposed action will not result in any significant adverse environmental impacts. The Mayor entertained the following motion:

RESOLUTION#5788-SEQR Review for Proposed Local Law G

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law G (2011), to be designated Local Law 6 (2011) upon its adoption, to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use "Members only fuel station;" (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use "Planned Development Area clustered housing;" and (iii) amend accordingly Section 145-3 [entitled "Terms defined"], Section 145-42.1 [entitled "Lansing Meadows PDA"], Section 145-60 [entitled "Additional conditions for certain Special Permit uses"], and Section 145-82 [entitled "Typical uses; category of use"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and

- C. On September 27, 2011, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Baker moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O’Rourke-Aye
Trustee John O’Neill-Aye

The Mayor then signed the SEQR. He then entertained a motion to adopt Proposed Local Law G.

Resolution #5789-To Adopt Proposed Local Law G as Local Law 6 (2011)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law G (2011), to be designated Local Law 6 (2011) upon its adoption, to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled” Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code; and
- B. The Village of Lansing Planning Board has (i) performed a review of the proposed action and (ii) referred such proposed action to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On September 15, 2011, and after discussion at meetings prior thereto, the Village of Lansing Board of Trustees further discussed the purposes and intent of Proposed Local Law G (2011), and thereupon scheduled a public hearing thereon for September 27, 2011; and
- D. On September 27, 2011, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law G (2011), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
- E. On September 27, 2011, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the

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

- F. On September 27, 2011, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law G (2011), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law G (2011), to be designated Local Law 6 (2011).

Trustee Baker moved this resolution. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye

Trustee Patricia O’Rourke-Aye
Trustee John O’Neill-Aye

The Following is a copy of Local Law 6:

**AMENDMENT TO VILLAGE OF LANSING CODE – ZONING LAW –
LANSING MEADOWS PDA**

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled “Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code.

SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

- A. Section 145-3 [entitled “Terms defined”] of the Village of Lansing Code is hereby amended so as to add a new listed defined term as follows:

Fuel station -- Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products.

- B. Subclause “(1)” [entitled “General conditions”] of Subsection “D” [entitled “Permitted with Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new listed use (permitted with Special Permit, general conditions) in Area A of the Lansing Meadows PDA, such new use being identified as “(l)” and reading in its entirety as follows:

(l) Members only fuel station.

- C. Subclause “(2)” [entitled “General and additional conditions”] of Subsection “D” [entitled “Permitted with Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new listed use (permitted with Special Permit, general and additional conditions) in Area B of the Lansing Meadows PDA, such new use identified as “(e)” and reading in its entirety as follows:

(e) Planned Development Area clustered housing (see subsection O under § 145-60).

- D. Subsection “O” of § 145-60 [entitled “Additional conditions for certain Special Permit uses”] shall be amended to reflect the addition of the “Planned Development Area clustered housing” use in Area B of the Lansing Meadows PDA, such amended subsection to read in its entirety as follows:

O. One-unit residential building, two-unit residential building, multiunit residential building and Planned Development Area clustered housing in Lansing Meadows PDA Area B.

(1) Housing units in Lansing Meadows PDA Area B shall meet Fair Housing Act definition of “housing for older persons.”

- E. Subclause “(30)” of subsection “A” of Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to delete the reference to “gas station” and to substitute therefor the revised term “**fuel station (see definitions, § 145-3)**”

- F. Subsection “A” of Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add new and additional subclauses “(42)” and “(43)”, reading respectively as follows:

(42) Members Only Fuel Station. Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products, which facilities are (i) associated with a specific shopping club (e.g., BJ's Wholesale, Sam's Club, Costco, etc.); (ii) available only to the members of such specific shopping club; and (iii) located on the same premises as the building housing the specific shopping club.

(43) Planned Development Area clustered housing. Multiple residential buildings for rental occupancy grouped on a single un-subdivided parcel which is incorporated as part of an authorized Planned Development Area and owned and controlled by a single entity; subject to Special Permit additional condition set forth in subsection O of § 145-60; the density (including the number of buildings and residential units), dimensions, setbacks and related requirements are to be determined and established as part of required Special Permit review and action; such density, dimensions, setbacks and related requirements so authorized will supersede any inconsistent district regulations and requirements otherwise applicable.

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Dubow added that a 239 Review was completed by Tompkins County Planning and they determined that this had no negative inter-community or county wide impacts.

Public Hearing to Consider Special Permit #2594:

Mario opened the Public Hearing for Special Permit #2594. Eric Goetzmann with Arrowhead Ventures gave a brief presentation on the special permit materials. Eric explained that the fueling station project is part of the overall BJ's Wholesale Club membership program. The only thing that will be modified from the prior special permit approval is the addition of the fueling station. The only changes are removing some parking and adding the proposed fuel pumps electric charging stations. Two concerns expressed by the Village were lighting and screening. Eric showed a picture of a view from Oakcrest Road to show what the view currently is. They will plant trees and install fencing to further protect the view shed. Jim Vitter, Peter Hopley and Nelson Cabral from BJ's were present to address questions.

Eric stated that by 2015 it is projected that there will be 1 million electric cars. The nearest charging stations around here is in Syracuse. Ithaca is the second greenest community. BJ's is planning to install 2 electric charging stations and make them the first such stations in the area. There is room for expansion if there is a demand. Eric showed a short video on Electric Charging Basics-Vol 2 from YouTube. Eric explained that Level 3 charging is in Europe now and would enable full charges in 30 minutes. There are also six gas pumps proposed, similar to the TOPS Gas Station project.

The Lighting Commission and Planning Board previously advised the developers of their concerns with the rust look of the steel columns. To alleviate that concern, they are proposing to add split stone to the columns to make it similar to the façade of the BJ's building. Lisa thinks that since the fuel pumps and charging stations will be next to the proposed PDA residential development, it would be nice if pumps and charging stations are integrated with the building design and therefore more appealing. The developers acknowledged that fueling involves a first impression and BJ's will have it blend with the building and be very clean. The other concern was the canopy lighting. The one thing they came back with after meeting with the Village Lighting Commission was LED lights that are recessed, use less energy and don't produce the glare. Eric stated that when we started discussing the fueling business we didn't feel there was a need for lights that glow at night. We felt it was important to be more sensitive to the customers and neighbors so we've always planned for recessed lighting. Lisa was please with the amount of reduction they were proposing. Lisa stated that the Village is trying to accomplish zero leakage and she feels that BJ's has accomplished what we've asked them to do. Lisa asked what the sign stating the price of gas will be like. Eric stated that they are looking at 2 signs, one on the east side and one on the south side facing Regal Cinema. Usually BJ's go with four signs but they have cut it down to two. It's all part of the Mall's planned sign area. Nelson Cabral stated that if there is an issue with BJ's lighting they will try to be responsive and address it.

Durst asked if level three of the charging stations is 480DC, and inquired if BJ's had considered solar panels. Eric indicated that they have looked at solar panels and there is

no net gain. Peter Hopley stated that it doesn't make financial sense because it is a large capital investment and there is no real return on investment. Peter added that they are testing it.

Lisa asked about lighted gas signs. Peter stated that there is very little glare off of the pump. Plus, there aren't any on the residential side. The lights will go off when the station is closed.

Additional arborvitae trees will be used for buffering along with the six foot fence to be installed. There will be additional spruce to the west of the residential property and arborvitae in between the commercial and residential properties. Wayne Knoblauch suggested they plant Blue Spruce so that the deer do not eat the trees. The fencing around the area will also help keep the deer from eating the plantings. Dubow reminded everyone that the overall project landscaping plan was already approved as part of the previous special permit approval, which included an ongoing obligation to maintain the plantings in perpetuity, which obligation should be extended to include the additional trees, fencing and landscaping that would be part of this newly proposed special permit approval.

Conrad Decker of Drake Petroleum questioned the thoroughness of the process. He indicated that the Village officials seem to be filtering the project through without all of the necessary information. Drake Petroleum owns the Lansing Xtramart, among many others in the northeast United States. He stated that what he had seen in terms of the application materials for this project resembled a sketch plan without details necessary to review for a project of this kind. He questioned whether issues of storm water management, wetland buffers, safety, traffic impact, and other issues had been sufficiently reviewed. He was concerned that there has been more detail provided on the electric fueling component than on the underground gasoline tanks and dispensing equipment. With six dispensers and 12 fueling positions, Conrad feels this is a high volume gas station design. Conrad questioned the PDA "member only" concept plan provided in prior meetings, and he wondered if there will be any more detailed plans. Conrad has seen nothing at all, and wondered who on staff checks this. Conrad thinks it looks like they will be missing 40 parking spots with this plan. Mario stated that the Board has already looked at the parking issue and the Code Enforcement Officer had confirmed that the proposed elimination of the parking spaces would still leave the required number of parking spaces. Conrad questioned the traffic patterns. He indicated that full traffic studies, which can take over a year, have not been done. He also asked if NYSDOT was consulted on this. Mario stated that the engineering report was going to be discussed next and that would answer many of Conrad's questions.

Village Engineer Brent Cross stated that many of the issues raised by Conrad were reviewed in detail when the original PDA was approved, and that other details and drawings would have to be forthcoming before a building permit is issued. Cross said that he thinks 12 gas fueling positions may be more than is needed. He noted that there are not 12 fueling positions total at the two existing gas stations in the Village. Peter stated that the company is now building eight-dispenser gas stations at new stores,

making the six-dispenser station here relatively smaller, a size the company feels will best serve its members.

Dubow stated that this proposed special permit matter was submitted to the Tompkins County Planning Department for General Municipal Law 239 review, and they did not anticipate any negative inter-community or county-wide effects, and that they would therefore not have additional comments or recommendations regarding the proposed project.

Peter Hopley addressed Conrad's concerns from BJ's perspective. He stated that BJ's is a very risk-averse company and will be going public very soon. We are proud of our record in terms of the quality that goes into our facilities and the engineering that goes into the details of our facility. We train and certify our staff in emergency response. They have a monitoring agency that covers all of their fueling facilities. They are on 24 hour call. The layout of the station is to have delivery of fuel outside of the public area or path to the fuel pumps. Efficiencies meet the concerns of our consumers. There are 12 fueling stations, but not always will they all be in use at the same time. He indicated that they have state of the art equipment and exceed the state agency requirements. The tanks are doubled walled which are monitored. Pipe is all welded with a continuous connection to the tank to cut down on the potential leak. The installation of the tank will be overseen by an environmental engineer. They have quick-disconnect hoses. They do everything within their power to be safe. All details will be on the drawings that will be reviewed by Marty Moseley, the Village Code Enforcement Officer, before giving them a building permit.

Conrad stated that he knows BJ's and they will do a great job. Though he believes there will be times that there will be cars piling up.

With no one else wishing to speak, Schleelein moved to close the public hearing, Seconded by Dankert, Ayes: Tomei, Schleelein, Dankert, Durst, Stycos.

Marty added that the fire suppression plans would be reviewed and be up to required NYS specifications. The issuance of the special permit will be done by Marty and it won't be until he has received all required engineered drawings and approvals.

At this point, Don asked if he could adjourn the Board of Trustees meeting at this point. Wayne Knoblauch, who was present for his special permit matter on the agenda, asked the Board to stay because they may need to act on an item in the Engineer's Report by Brent Cross that would involve the Village of Lansing spending money. Brent stated that his comments on his report for the Knoblauch special permit matter should have nothing to do with the Board of Trustees. There was some perceived confusion as to a stream - crossing issue and it was determined that it was not necessary for the Trustees to make any decisions at this point.

Marty stated that he and Wayne have walked his property and the issue is the pond flows into a creek that goes into Knoblauch's area. The creek has deviated from the stream bed and should be re-routed. Brent stated that it is not on the Village property, and that is

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why he does not believe this necessitates the involvement of the Board of Trustees. Brent indicated that he would be happy to look at the issue with Marty and Wayne.

Mayor Hartill entertained a motion for the Board of Trustees to adjourn their meeting.

Motion- To Adjourn

Trustee Baker moved for adjournment. Trustee O'Neill seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Patricia O'Rourke

Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye

The Board of Trustees adjourned at 8:48pm.

The Planning Board continued their meeting.

The following is the Engineer's Report prepared by Brent Cross which was distributed to the Board regarding the BJ's Fueling Station:

Arrowhead Ventures (Developer) has proposed to add a fueling station on the site of the previously approved BJ's Wholesale project. I have reviewed the sketch plan prepared by the Developer and have the following comments/observations:

1. The drawing depicts the installation of 6 fuel pumps that can be accessed from both sides providing 12 fueling stations. There is one large canopy to cover all of the pumps. There is a separate kiosk building for customer service. There are also 2 electric recharge stations.
2. The general location of the fueling station is at the north end of the parking lot.
3. The proposed fueling station is proposed in place of previously approved parking "island". Although the total number of parking spaces is reduced, the traffic pattern will remain effectively the same as the original plan.
4. The petroleum storage tanks will be located underground at the east end of the fueling pumps. The design, installation and operation of these tanks and the associated pumps and piping are subject to issuance of a Petroleum Bulk Storage permit from the NYSDEC. NYSDEC has requirements for such safety features as double wall tanks, leak detection and alarms, double wall piping, and emergency pump shut-off provisions.
5. Since the entire proposed fueling station is located within the impervious area of the site, no additional stormwater run-off should be expected from this change in the previously approved stormwater management design.
6. As an added safety measure to address possible spills during tanker truck deliveries and customer dispensing, the site should be graded in such a way that

all surface run-off and potential spillage will drain to designated storm sewer drop inlet(s).

7. The designated storm sewer drop inlet(s) should be outfitted with specially designed filter device(s) that can detect presence of petroleum and “shut down” the flow to prevent transmission of petroleum down stream.
8. The operator of the fueling station should agree to regular scheduled inspection and maintenance of the drop inlet filter(s). Documentation of this maintenance should be provided to the Village on a regular basis or upon request by the Code Enforcement Officer.
9. It seems unlikely that 6 pumps that could serve 12 cars at a time are necessary. If not, then I would recommend the reduction of the number of pumps. The fewer the pumps, the fewer the possible spillage opportunities.

In light of the question from the audience, Cross explained the process to Mr. Decker. If the fueling station was coming to the Board and it was on vacant land then there would be a full review. The area in which the project is being proposed is part of the site plan that was already approved. This may appear less intense because many details are already in our hands because it is a small part of the BJ’s project.

Marty commented on item number three of the engineers report. He stated that even with the loss of parking there are still 13 extra spaces as it stands. In reference to item number four, NYSDEC will approve. Cross won’t need to spend a lot of time looking at plans for the tanks because NYSDEC will be reviewing them. In reference to item number five, the location is within the paved portion of the BJ’s project that was already engineered for stormwater management. This will not create any more run off so they are not required to submit any additional stormwater modifications. The additional feature of drainage Cross is asking for details is in item number seven. TOPS has a system and BJ’s will need to submit their proposed technology. Tonight’s level of effort is for a special permit for a site plan. There will potentially be conditions as a normal practice with any special permit.

Cross’s final comment was how BJ’s Wholesale came up with twelve pumps when the customer base is limited to members only. Peter Hopley stated that this was for peak capacity. Cross indicated that he was concerned that there might be more pumps than necessary and asked if there was research that supports this many pumps being needed at this site. Hopley stated that their market research is what their operations people have statistically determined. Hopley was unable to share that proprietary information. Hopley stated that most of the new BJ’s are going to eight dispensers. Statistically, this is the right number. The only documentation that they can show is having a minimum of six dispensers.

Eric Goetzmann added that this is all driven by operations. The store is designed from the inside out. Goetzmann has never dealt with a company like this with such specific plans. Cross stated that he was only making a statement as to whether this is the right number of pumps. Tomei stated that when BJ’s first came in they were asked about the additional

traffic. They don't feel there will be the same flow as a regular gas station because it is member only.

Moseley asked how many pumps did the old criteria call for at the previous situations..

Hopley indicated that the new prototype is traditionally eight pumps, but BJ's uses a six pump design in New Jersey because they are required, by law, to man each pump. It is a good, efficient and safe layout.

Cross asked if there is a plan for traffic flow for tanker trucks. Since this was already planned when the Planning Board was looking at the original special permit, there is no need for any additional planning. As far as traffic generation, he doesn't think that is the environment we are talking about. Being membership only, he doesn't anticipate that the number of members will go up just because of the gas pumps. He believes the impact will be minor.

Peter Hopley stated that the BJ's Gas Stations used to be open to the public in the past but they decided to change that. They determined that 95% of the people using the fuel station were there for dual purposes. Phil Dankert suspects that people from Cortland may come. Hopley thinks that since they are also off the beaten path there will be less activity.

Kanter felt we received some good details from Goetzman's power point presentation; however, in the future Kanter would like to get more detailed information before the meeting. Moseley will get the Board hard copies and put them in their files. How material will be presented to the Board will be a discussion at a future meeting. Dubow stated there was a presentation of much of this at the last meeting. There was an effort to have the materials presented to the Board twice. The question is do we want documentation. Moseley has an informal checklist that he gives the applicant at the beginning of the special permit process which is informal and not in the Zoning Law. Kanter feels that if the Board goes ahead there will need to be a lot of conditions.

Dubow stated that lighting, landscaping and stormwater management has generally been provided for in the specific conditions of a special permit approval. This special permit is a modification of a previous special permit approval. This turns out to be a new permit, but this is a relatively minor modification of a previously approved special permit. Cross stated that this Board wouldn't generally take action without supporting documentation, but this is a little different in that it is a modification. Kanter comes from the Town of Ithaca Planning Department where they may have the ability to collect more detailed information. Cross questioned if we were not to proceed then why would we go through all of this review. Kanter felt that it would be helpful to have more materials in the packets distributed before the meeting. Dubow stated that this is a unique set of circumstances. This is the first time we've been presented with an electronic presentation. The message that Eric Goetzmann got from the Board previously was that it would be nice if the information was to be in electronic form because printing was too cumbersome. Kanter feels that we should receive the presentation before the meeting.

Dankert questioned whether we should table this until next meeting. Durst indicated that he has heard enough and is satisfied that the conditions attached to an approval will address our concerns. Tomei stated that we can add conditions to the special permit as we normally do.

The Planning Board went through and completed the SEQR Environmental Assessment Form for the special permit to construct a member only station. The following resolution was presented:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW
OF SPECIAL PERMIT NO. 2594 ADOPTED ON SEPTEMBER 27, 2011

Motion made by: Phil Dankert

Motion seconded by: Lisa Schleelein

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit # 2594, Arrowhead Ventures, LLC/Triax Management Group, to construct a “Members only fueling station” in the proposed parking lot of the stand-alone retail center (BJ’s Wholesale Club). This project is proposed to be constructed in the Lansing Meadows Planned Development Area, Area A, at 40 Graham Road West, Tax Parcel Number 47.1-1-17.2; and
- B. In conjunction with and prior to (i) its grant of conditional and final authorization of the Lansing Meadows Planned Development Area (PDA) (formerly the Triax Planned Development Area) providing for the rezoning of approximately 11.1 acres of land previously in the Commercial Low Traffic District (Tax Parcel Nos. 47.1-1-17.2 & 47.1-1-17.6) between Oakcrest Road and the Shops at Ithaca Mall in accordance with subsection C of Section 145-33 of Article IV of Chapter 145 of the Village of Lansing Code and Appendix A-2 of said Chapter 145, to include an approximately 82,000SF retail center, residential buildings providing an anticipated total of 12 senior housing units, and enhanced wetlands adapted to provide a bird habitat and buffer area, and (ii) its adoption of Local Law 4 (2010) amending the Village Zoning Law and Zoning Map to incorporate the authorized Lansing Meadows PDA [now codified as Section 145-42.1 of the Village of Lansing Code] and thereby reclassifying such area from its previous Commercial Low Traffic District (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing Meadows PDA designation, the Village of Lansing Board of Trustees undertook the required environmental review with respect to the proposed PDA and proposed local law; and
- C. On June 29, 2010, at a joint meeting of the Village of Lansing Board of Trustees and Village of Lansing Planning Board, and with the Planning

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Board's participation, the Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review of the proposed Lansing Meadows PDA and proposed local law related thereto in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) completed its thorough review of the Full Environmental Assessment Form (the "Full EAF"), Part 1, and any and all other documents prepared and submitted with respect to the proposed Lansing Meadows PDA and proposed local law related thereto and their environmental review [including traffic study materials and information provided by the Village's traffic consultant; additional comments, suggestions, conditions and recommendations, if any, provided by the Village of Lansing Planning Board; comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and -m; and comments from the public]; (ii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed PDA and proposed local law may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); (iii) completed the Full EAF, Part 2 (and, if applicable, Part 3); and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the proposed PDA and proposed local law and determined that an Environmental Impact Statement would not be required; and

- D. On June 29, 2010, following its having made its Negative Declaration as indicated above for the proposed PDA and proposed local law, the Village of Lansing Board of Trustees (i) granted its final authorization of the final Lansing Meadows PDA development plan and (ii) adopted Local Law 4 (2010) amending the Village Zoning Law and Zoning Map to incorporate the authorized Lansing Meadows PDA [now codified as Section 145-42.1 of the Village of Lansing Code] and thereby reclassifying such area from its previous Commercial Low Traffic District (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing Meadows PDA designation; and
- E. On July 27, 2010 (i) consistent with and authorized by the final Lansing Meadows PDA development plan and (ii) permitted with special permit, general and additional conditions, in accordance with section 145-42.1 (entitled "Lansing Meadows PDA") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code [such section 145-42.1 having been added to said Chapter 145 of the Village of Lansing Code by Local Law 4 (2010)], the Village of Lansing Planning Board, after full and thorough review of a special permit application for the commercial and related development of the Lansing Meadows PDA, made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR with respect to such

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proposed commercial and related development special permit action, and granted approval (with conditions) thereof; and

- F. On September 27, 2011, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) pursued and completed its thorough review of the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared, submitted and available with respect to Proposed Local Law G (2011) providing for amendments to the Lansing Meadows PDA, including the new use "Members only fuel station" in the previously approved commercially developed portion of the PDA, and its environmental review [including the Full EAF reviewed and acted upon by the Village Board of Trustees and the Negative Declaration made by the Village Board of Trustees as to the authorization of the Lansing Meadows PDA and the adoption of Local Law 4 (2010) now codified as Section 145-42.1 of the Village of Lansing Code]; comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and -m; and comments from the public; (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the adoption of Proposed Local Law G may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); (iii) completed the Short EAF, Part II; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for Proposed Local G (2011)"; and (v) determined that an Environmental Impact Statement would not be required; and
- G. On September 27, 2011, the Village of Lansing Board of Trustees, after making its SEQR Negative Declaration, adopted Proposed Local Law G (2011), upon its adoption it being designated as Local Law 6 (2011); and
- H. The proposed special permit action provided for herein seeks approval for development of a new "members only fuel station" as now permitted in the commercial area of the Lansing Meadows PDA authorized by (i) the final Lansing Meadows PDA development plan, (ii) the special permit granted by the Village of Lansing Planning Board on July 27, 2010 as provided above, and (iii) the newly adopted Local Law 6 (2011); and
- I. On August 30, 2011 and September 12, 2011, in anticipation of Proposed Local Law G (2011) being considered and possibly acted upon by the Village of Lansing Board of Trustees, informal presentations related to the proposed action provided for herein were made by the applicant to the Village of Lansing Planning Board at which time (i) the proposed special permit project was described, (ii) preliminary plans and related documents were provided,

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(iii) environmental, engineering and design issues were discussed, and (iv) required additional information and materials were identified, after which it was agreed that the applicant could submit his formal special permit application materials and a public hearing would be scheduled, any actions thereon by the Planning Board being contingent at that time upon Village of Lansing Board of Trustees adoption of Proposed Local Law G (2011); and

- J. The proposed action provided for herein is an Unlisted Action in accordance with SEQR for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- K. On September 27, 2011, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review (including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and –m, and comments from the public), (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review (including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and –m, and comments from the public), (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II , including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and:

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

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Lisa Schleelein, Phil Dankert, Richard Durst, Maria Stycos

NAYS: None

Tomei read the required special permit general conditions as follows:

- (1) It will not be detrimental to or endanger the public health, safety or general welfare.*
- (2) It will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood.*
- (3) It will not impede the orderly development of the vicinity or neighborhood and is appropriate in appearance and in harmony with the existing or intended character of the vicinity or neighborhood.*
- (4) The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner.*
- (5) Natural surface water drainageways are not adversely affected.*
- (6) Water and sewerage or waste disposal facilities are adequate.*
- (7) The general environmental quality of the proposal, in terms of site planning, architectural design and landscaping, is compatible with the character of the neighborhood.*
- (8) Lot area, access, parking and loading facilities are sufficient for the proposed use.*
- (9) The requested use or facility conforms in all other respects to the applicable regulations of the district in which it is located.*
- (10) The applicant has shown that steps will be taken where necessary to meet all performance standards and all other applicable general regulations.*

Dubow stated that the Planning Board needs to discuss and determine if these 10 requirements have been met. After that, the Board then goes to the approval or denial process.

Durst moved that all items in the general conditions for special permit have been satisfied. Seconded by Stycos; Ayes: Tomei, Dankert, Stycos, Durst, and Schleelein.

Further discussion was had as to the need for any possible additional conditions of approval. There are a number of additional conditions the Board added to the special permit. Durst asked if Cross was satisfied with the number of pumps. Cross explained

that he wanted the information more for documentation purposes. It was asked if they should specify when the lights are turned off. Moseley stated that it is already part of our local law. Tomei presented the following:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL
PERMIT NO. 2594 ADOPTED ON SEPTEMBER 27, 2011

Motion made by: Lisa Schleelein

Motion seconded by: Phil Dankert

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit # 2594, Arrowhead Ventures, LLC/Triax Management Group, to construct a “Members only fueling station” in the proposed parking lot of the stand-alone retail center (BJ’s Wholesale Club). This project is proposed to be constructed in the Lansing Meadows Planned Development Area, Area A, at 40 Graham Road West, Tax Parcel Number 47.1-1-17.2; and
- B. In conjunction with and prior to (i) its grant of conditional and final authorization of the Lansing Meadows Planned Development Area (PDA) (formerly the Triax Planned Development Area) providing for the rezoning of approximately 11.1 acres of land previously in the Commercial Low Traffic District (Tax Parcel Nos. 47.1-1-17.2 & 47.1-1-17.6) between Oakcrest Road and the Shops at Ithaca Mall in accordance with subsection C of Section 145-33 of Article IV of Chapter 145 of the Village of Lansing Code and Appendix A-2 of said Chapter 145, to include an approximately 82,000SF retail center, residential buildings providing an anticipated total of 12 senior housing units, and enhanced wetlands adapted to provide a bird habitat and buffer area, and (ii) its adoption of Local Law 4 (2010) amending the Village Zoning Law and Zoning Map to incorporate the authorized Lansing Meadows PDA [now codified as Section 145-42.1 of the Village of Lansing Code] and thereby reclassifying such area from its previous Commercial Low Traffic District (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing Meadows PDA designation, the Village of Lansing Board of Trustees undertook the required environmental review with respect to the proposed PDA and proposed local law; and
- C. On June 29, 2010, at a joint meeting of the Village of Lansing Board of Trustees and Village of Lansing Planning Board, and with the Planning Board’s participation, the Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review of the proposed Lansing Meadows PDA and proposed local law related thereto in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) completed

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its thorough review of the Full Environmental Assessment Form (the “Full EAF”), Part 1, and any and all other documents prepared and submitted with respect to the proposed Lansing Meadows PDA and proposed local law related thereto and their environmental review [including traffic study materials and information provided by the Village’s traffic consultant; additional comments, suggestions, conditions and recommendations, if any, provided by the Village of Lansing Planning Board; comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and –m; and comments from the public]; (ii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed PDA and proposed local law may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); (iii) completed the Full EAF, Part 2 (and, if applicable, Part 3); and (iv) made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the proposed PDA and proposed local law and determined that an Environmental Impact Statement would not be required; and

- D. On June 29, 2010, following its having made its Negative Declaration as indicated above for the proposed PDA and proposed local law, the Village of Lansing Board of Trustees (i) granted its final authorization of the final Lansing Meadows PDA development plan and (ii) adopted Local Law 4 (2010) amending the Village Zoning Law and Zoning Map to incorporate the authorized Lansing Meadows PDA [now codified as Section 145-42.1 of the Village of Lansing Code] and thereby reclassifying such area from its previous Commercial Low Traffic District (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing Meadows PDA designation; and
- E. On July 27, 2010 (i) consistent with and authorized by the final Lansing Meadows PDA development plan and (ii) permitted with special permit, general and additional conditions, in accordance with section 145-42.1 (entitled “Lansing Meadows PDA”) of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code [such section 145-42.1 having been added to said Chapter 145 of the Village of Lansing Code by Local Law 4 (2010)], the Village of Lansing Planning Board, after full and thorough review of a special permit application for the commercial and related development of the Lansing Meadows PDA, made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR with respect to such proposed commercial and related development special permit action (Special Permit No. 2495), and granted approval (with conditions) thereof; and
- F. On September 27, 2011, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State

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Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) pursued and completed its thorough review of the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared, submitted and available with respect to Proposed Local Law G (2011) providing for amendments to the Lansing Meadows PDA, including the new use "Members only fuel station" in the previously approved commercially developed portion of the PDA, and its environmental review [including the Full EAF reviewed and acted upon by the Village Board of Trustees and the Negative Declaration made by the Village Board of Trustees as to the authorization of the Lansing Meadows PDA and the adoption of Local Law 4 (2010) now codified as Section 145-42.1 of the Village of Lansing Code]; comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m; and comments from the public; (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the adoption of Proposed Local Law G may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); (iii) completed the Short EAF, Part II; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for Proposed Local G (2011)"; and (v) determined that an Environmental Impact Statement would not be required; and

- G. On September 27, 2011, the Village of Lansing Board of Trustees, after making its SEQR Negative Declaration, adopted Proposed Local Law G (2011), upon its adoption it being designated as Local Law 6 (2011); and
- H. The proposed special permit action provided for herein seeks approval for development of a new "members only fuel station" as now permitted in the commercial area of the Lansing Meadows PDA authorized by (i) the final Lansing Meadows PDA development plan, (ii) the special permit granted by the Village of Lansing Planning Board on July 27, 2010 as provided above, and (iii) the newly adopted Local Law 6 (2011); and
- I. On August 30, 2011 and September 12, 2011, in anticipation of Proposed Local Law G (2011) being considered and possibly acted upon by the Village of Lansing Board of Trustees, informal presentations related to the proposed action provided for herein were made by the applicant to the Village of Lansing Planning Board at which time (i) the proposed special permit project was described, (ii) preliminary plans and related documents were provided, (iii) environmental, engineering and design issues were discussed, and (iv) required additional information and materials were identified, after which it was agreed that the applicant could submit his formal special permit application materials and a public hearing would be scheduled, any actions thereon by the Planning Board being contingent at that time upon Village of Lansing Board of Trustees adoption of Proposed Local Law G (2011); and

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- J. The proposed action provided for herein is an Unlisted Action in accordance with SEQR for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- K. On September 27, 2011, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review (including comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m, and comments from the public), (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part II, and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2594 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 1. Filing of Local Law 6 (2011) with the New York State Department of State as required.
 2. Satisfaction of Conditions Nos. 8, 14 and 15 of the Lansing Meadows Planned Development Area (formerly the Triax Planned Development Area) developer's statement of intent (including 17 conditions) executed on May 10, 2010 (a copy of which is attached hereto, incorporated herein and made a part of this resolution), and the supplemental Condition No. 18 added thereto.

3. Satisfaction of all currently outstanding and unmet conditions imposed as part of the prior granted approval for Special Permit No. 2485.
4. Compliance with all Federal, State and local requirements and regulations; and receipt of all required permits, approvals, consents and other authorizations from all applicable governmental and regulatory agencies.
5. Approval of final lighting plan by Village of Lansing Lighting Commission.
6. Screening and buffering in accordance with previously approved overall PDA Landscaping Plan and related maintenance requirements; and approval of final supplemental landscaping plan (subject to overall PDA landscaping maintenance requirements) for this special permit by Planning Board prior to issuance of Certificate of Occupancy.
7. Satisfaction of items listed on the Engineering Report by Brent Cross dated September 27, 2011.

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Lisa Schleelein, Phil Dankert, Richard Durst, Maria Stycos

NAYS: None

Public Hearing for Knoblauch Special Permit #2595

The next item on the agenda was for the Planning Board to open the Public Hearing to consider Knoblauch Special Permit #2595, Wayne Knoblauch, to construct an approximate 240 square foot retreat cabin, and fill in depressions on vacant land located on Bush Lane, in the Medium Density Residential District, Tax Parcel Number 45.2-1-45.11. Because the proposed construction will occur within 200' of the centerline of a stream included in the Drainageway Conservation Combining District special permit review is required pursuant to Section 145-48 of the Village of Lansing Code.

There were no public comments. Tomei entertained a motion to close the public hearing which was moved by Dankert and seconded by Durst. Ayes: Tomei, Dankert, Stycos, Durst, and Schleelein.

Wayne Knoblauch explained the map that he provided to the Board. It was asked what a retreat cabin is. Knoblauch stated that it is a place with no utilities and has a porch. Knoblauch plans to fill in an area with about a foot of fill. Moseley stated that the stream is technically not really where it is shown on the Village map. It has moved itself. The property is about 8 acres including the three different parcels. There are two little strips

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from the centerline of the road that were deeded to the Village. There will be no erosion. The fill he puts in will be covered with topsoil and grass that will be planted. Stycos asked if there will be car traffic. Knoblauch stated that the only vehicle that will go back there is his gator. Kanter asked when he plans to build this retreat cabin. Knoblauch thinks it will probably not be until next summer because it is too wet. A permit would be good for 3 years.

The Following is the report from Brent Cross regarding The Knoblauch Shed, Bush Lane (tax parcel 45.2-1-15.1B)

The owner has proposed to erect a small storage building at the back (opposite end of Bush Lane) of his property. To make room for this building, he is proposing to clear the brush from a 60'x80' area and level the "pad" with no more than 1' of "fill". After completion of the building, he is proposing to spread topsoil and seed over the disturbed area.

Since the project does not cause a ground disturbance of 1 acre of land, there are no formal stormwater regulations applicable.

To facilitate access to the building, the owner is proposing to extend a "path" along the east side of the property. This will be a continuation of an existing path installed earlier this year. This path is smaller than a residential driveway, and therefore should have no significant impacts on increased stormwater run-off or required erosion and sedimentation controls.

There is a stream running parallel to the path along the eastern property line which intersects with another stream that enters the property near the back from the east. At this time, the owner has not proposed any new construction to make provision for crossing the stream to get to the new building at the back of the property.

I assume that the owner will not be using heavy equipment to either build the path and "shed" type building, nor will he be using heavy equipment on a regular basis to cross the stream. Therefore, no structural improvement is required. It should be noted by the owner that in the event his activities result in a stream disturbance that causes soil erosion and/or sedimentation to flow to downstream properties, he is responsible for any impacts.

If the owner chooses to install a structural stream crossing in the future, it is his responsibility to determine the correct size of the hydraulic opening and assure that the installation does not result in a re-direction of the flow path onto adjacent properties.

Knoblauch assured the Board that no trees will come down. The soil fill will come from Cayuga Landscape. After the pad is in the whole area will be seeded. There are no formal stormwater requirements. The path is narrower than a residential driveway. There will be a formal stream crossing where the path crosses the stream. Cross would like this condition included in the special permit.

Tomei read the special permit general conditions, which read:

- (1) It will not be detrimental to or endanger the public health, safety or general welfare.*
- (2) It will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood.*
- (3) It will not impede the orderly development of the vicinity or neighborhood and is appropriate in appearance and in harmony with the existing or intended character of the vicinity or neighborhood.*
- (4) The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner.*
- (5) Natural surface water drainageways are not adversely affected.*
- (6) Water and sewerage or waste disposal facilities are adequate.*
- (7) The general environmental quality of the proposal, in terms of site planning, architectural design and landscaping, is compatible with the character of the neighborhood.*
- (8) Lot area, access, parking and loading facilities are sufficient for the proposed use.*
- (9) The requested use or facility conforms in all other respects to the applicable regulations of the district in which it is located.*
- (10) The applicant has shown that steps will be taken where necessary to meet all performance standards and all other applicable general regulations.*

Dubow stated that the Planning Board needs to discuss and determine if these 10 requirements have been met. The Board then goes to the approval or denial process.

Durst moved that all items in the general conditions for special permit have been satisfied. Seconded by Stycos

Ayes: Tomei, Dankert, Stycos, Durst, and Schleelein.

Further discussion was had as to the need for any possible additional conditions of approval.

Dubow stated that a formal SEQR review is not required for the Knoblauch special permit. The Board does an independent environmental review. The Board is satisfied with the information provided.

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL
PERMIT #2595 APPROVAL ADOPTED ON SEPTEMBER 27, 2011

Motion made by: Lisa Schleelein

Motion seconded by: Maria Stycos

WHEREAS:

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- A. This matter involves consideration of the following proposed action: Special Permit #2595, Wayne Knoblauch, to construct an approximate 240 square foot retreat cabin, and fill in depressions on vacant land located on Bush Lane, in the Medium Density Residential District, Tax Parcel Number 45.2-1-45.11. Because the proposed construction will occur within 200' of the centerline of a stream included in the Drainageway Conservation Combining District special permit review is required pursuant to Section 145-48 of the Village of Lansing Code; and
- B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), and 6 NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and
- D. On September 27, 2011, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- E. On September 27, 2011, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise

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required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and

2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2595 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 1. Compliance with September 26, 2011 Engineer's report, including approval by Village Engineer as to any future installation of a structural stream crossing.

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Lisa Schleelein, Phil Dankert, Richard Durst, and Maria Stycos

NAYS: None

Dankert moved that the Planning Board adjourn their meeting at 10:20PM. Seconded by Stycos.
Ayes: Tomei, Dankert, Stycos, Durst, and Schleelein.

Jodi Dake, Clerk/Treasurer
Marty Moseley, Code & Zoning Officer