

**Village of Lansing
Planning Board Meeting
November 29, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:33P.M. by Chairman
2 Mario Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Lisa Schleelein, Richard Durst, and
4 Phil Dankert; Alternate Member Jon Kanter; Trustee Lynn Leopold; Code Enforcement Officer Marty
5 Moseley; Village Attorney David Dubow; Community Party Observer Larry Bieri; and Arrowhead
6 Ventures representative Eric Goetzmann.

7 **Public Comment Period**

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

11 **Lansing Meadows Planned Development Area (PDA)**

12 Tomei indicated that the Planning Board would be determining if all of the original 18 PDA
13 authorization conditions had been met, and also to discuss the parking and building setbacks for the
14 project. Tomei indicated that the open items for the original 18 conditions are #s 8, 14, and 15. Tomei
15 added that the draft maintenance agreements provided by Arrowhead Ventures for both the wetland and
16 buffers that were incorporated in the packets have been modified by Dubow.

17 Dubow indicated that there would need to be discussion between the Village and Arrowhead
18 Ventures in order to come to an agreement on the final wetland and buffer maintenance agreements.
19 Dubow indicated that he would be providing Goetzmann with copies of the modified maintenance
20 agreements with proposed revisions.

21 Tomei asked if the Village Engineer would be consulted prior to the maintenance agreements
22 being closed out.

23 Dubow indicated that he had incorporated some language that deals with that subject in the
24 modified maintenance agreements. Dubow added that when the revised copies have been decided upon,
25 the Village Engineer should be consulted for his input.

26 Tomei asked if, for some reason, the Village were to have to intercede and take action due to the
27 developer's failure to comply with the requirements of the agreements, whether the Village would be
28 reimbursed for their work.

29 Dubow indicated that he had also modified that language as well, and also modified language
30 pertaining to the easement issues that are related to access rights in favor of the Village. Dubow asked if
31 there should be a shorter inspection period than what is stated in the maintenance agreements, which is
32 once every five years.

33 Moseley indicated that he would look into Dubow's question.

34 Upon further discussion the Planning Board determined that they would allow Dubow to have
35 discussions with Arrowhead Ventures and determine what is best, legally, for the Village with respect to
36 the maintenance agreements and the language.

37 Dubow indicated that the maintenance agreements would cover both #'s 8 and 14 of the original
38 18 conditions.

39 Tomei suggested that the periodic inspections that would be performed should be on the same
40 schedule for both the wetland and the stormwater facilities.

41 Tomei indicated that for the senior housing to comply with HOPA, the facility would need to
42 have at least 80% occupancy of individuals who are 55 and older. Tomei asked who could set the
43 standards to have a higher percentage of 55 and older occupancy for the facility.

44 Kanter indicated that he believed that the Village would set the standards for the percentage of 55
45 and older occupancy. Kanter added that both the Board of Trustees and the Planning Board should discuss
46 and come to an agreement about what percentage of 55 and older individuals would occupy the senior
47 housing.

48 Goetzmann indicated that his opinion was that the senior housing would never be at 100 %
49 occupancy of the 55 and older individuals.

50 Dubow noted that the original PDA authorization condition reads as follows: *Document*
51 *describing the exact criteria that residents of the senior housing units must meet, and an agreement and*
52 *other supporting documentation ensuring that the senior housing units will be reserved for that use only.*
53 Dubow asked if Goetzmann would have any reservations about making the senior housing facility 100%
54 occupancy for at least one person 55 or older per unit.

55 Goetzmann was concerned that if he had a caretaker for the housing, that individual would not be
56 able to occupy the complex if he or she was not over 55 years of age. Goetzmann added that his intentions
57 are to have all units occupied by at least one person 55 years of age or older.

58 Tomei noted that there is some leniency in the case of some of the units being unoccupied, or if
59 they are temporarily occupied by a person that does not fit the criteria that is being discussed. Tomei
60 added that a caretaker for the complex would not be counted into the overall count of the occupied units.

61 Dubow noted that the Planning Board will have another chance to discuss the topic because
62 Goetzmann still needs to obtain special permit approval from the Planning Board for the senior housing
63 portion of the project. Dubow added that the purpose of tonight's meeting is to determine if the original
64 18 conditions have been met.

65 Schleelein asked for the exact criteria that the residents of the senior housing would receive.

66 Goetzmann indicated that the lease could be 5-20 pages in length, but the language that will be
67 included in every lease is “that the housing will be intended and operated for persons 55 years of age or
68 older”. Goetzmann noted that the second item that will be in every lease will be “at least 80 percent of the
69 units occupied will be occupied by at least one person of 55 years of age or older”. Goetzmann noted that
70 the 80 percent might change to a higher percentage if the Village felt compelled to require that.
71 Goetzmann did not see the advantage in having the Planning Board members look through every line in
72 the lease that he would be providing to the potential residents.

73 Kanter suggested that 100 percent of the units be required to have at least one person 55 years of
74 age or older occupy them. Kanter noted that there could be some exceptions to the 100 percent
75 occupancy.

76 Goetzmann asked if he would be allowed to have a caretaker occupy one of the units.

77 Tomei noted that he thought that the caretaker would not be incorporated in the total unit count,
78 which would then result in the housing complex still being at 100 percent occupancy of persons 55 years
79 or older. Tomei added that the other 11 units would need to be occupied by a person 55 years or older.

80 Kanter suggested that the Village specify what requirements or conditions they would like to see
81 for the senior housing complex.

82 Durst noted that there would need to be multiple exceptions to the 100 percent requirement, like
83 the caretaker, a spouse dying, etc.

84 Kanter noted that those conditions, which Durst explained, were clearly identified in the Housing
85 for Older Persons Act (HOPA), and he was referring to the general occupancy of the units.

86 Dubow indicated that the threshold question is what percentage of the senior housing complex
87 should be occupied by at least one person 55 years of age or older.

88 Stycos asked if children should be allowed to be in the housing facility. That also would help
89 determine the percentage of occupied units.

90 Goetzmann asked for some wiggle room for his leases and asked the Board to require 90 percent
91 of the units to be occupied by at least one person 55 years of age or older, instead of 100 percent.

92 Dubow suggested that Goetzmann might want to create a waiver to allow certain circumstances;
93 for example, if a person required care and a family member lived in a neighboring unit in order to take
94 care of that person prior to being admitted to a nursing home. Dubow noted that such an approach would
95 set the overall standard, but would then also create an opportunity to temporarily waive the 80 or 90
96 percent requirement, if the appropriate determination has been made.

97 Kanter suggested that the Village might consider mimicking one of the regulations of the
98 document that was handed out in the Planning Board packet. Kanter added that the Village has an
99 obligation to oversee the development of the senior housing and how the housing should be maintained in
100 accordance with the HOPA.

101 Goetzmann noted that he did not see the need for his company to check in on the tenants of the
102 senior housing complex. He believes that it will be self regulated for the most part.

103 Schleelein asked if the Village had an obligation to monitor the facility, and make sure that the
104 senior housing was operating as the Village intended.

105 Dubow explained that when criteria are established by the Village, the Village has some
106 obligation to make sure that the criterion that was originally established is being met. Dubow added that
107 this situation is very similar to the maintenance agreements between the Village and the property owner.

108 Goetzmann asked if the documents that were submitted to the Board at this meeting would satisfy
109 the remaining open items on the list of the original 18 conditions. Goetzmann added that he would be
110 back in front of the Planning board for the special permit for the senior housing component.

111 Stycos suggested that 90 percent of the housing units be required to have at least one person 55
112 years of age or older occupy them. This would allow for a caretaker of the complex to stay in one of the
113 units.

114 Kanter agreed with Stycos that 90 percent would be an acceptable number and would allow for a
115 degree of flexibility to have a caretaker.

116 The Planning Board determined that 90 percent of the senior housing units will be required to
117 have at least one person 55 years of age or older occupy them. One of the deciding factors was that there
118 are only 12 senior housing units in the complex and 90 percent would allow for one unit to be more
119 flexible.

120 Goetzmann reinforced his intent of having 100 percent of the units occupied by at least one
121 person 55 or older.

122 Dubow noted that Goetzmann will need to resubmit the document he previously
123 submitted to now indicate that 90 percent of the senior housing units will be occupied by at least one
124 person 55 years of age or older. Goetzmann changed the original document at the meeting and, for the
125 record, resubmitted the revised document to the Board.

126 In light of the foregoing discussion and its results, Dankert moved that the remaining three
127 conditions (#s 8, 14, and 15) have now been satisfied on the list of the original 18 conditions. Kanter
128 suggested that the Planning Board has the right to review the HOPA verification documents and other
129 requirements during the special permit for the senior housing component of the Lansing Meadows PDA.
130 Dubow added that the second condition would be that the stormwater and wetland/buffer maintenance
131 agreements are subject to review and approval by the Village of Lansing legal counsel. Seconded by
132 Stycos, Ayes: Tomei, Dankert, Stycos, Durst and Schleelein.
133

134 Tomei explained that Goetzmann was also presenting the building and parking setbacks for the
135 Lansing Meadows PDA.

136 Goetzmann presented a map that showed the meets and bounds of the parking and building
137 setbacks for both the commercial and residential component of the Lansing Meadows PDA.

138 Leopold asked if the parcel that has the existing structure on it, next to the current fire station,
139 would be incorporated into the larger parcel.

140 Goetzmann noted that 3 units are proposed to be on the parcel that has the current structure on it.
141 Goetzmann added that once the subdivision approval for the entire property was completed, he would
142 consolidate that piece of property into the residential component of the PDA.

143 Moseley noted that the process of consolidation and subdivision would all happen at one point in
144 time, since the Tompkins County Assessment Department only records in its records consolidations of
145 land once a year. All consolidation applications need to be filed by March 1st each year.

146 Dubow indicated that the previous Village Code Enforcement Official, Ben Curtis, constructed
147 the original dimensional regulations for the Lansing Meadows PDA, and they were largely based upon a
148 conceptual build-out for the residential component, which plans have now further evolved into a different
149 layout. Dubow added that when Goetzmann filed an application for a special permit for the senior
150 housing component of the project, the buildings would not conform? to the original PDA setback
151 requirements. The placement of the residential housing was driven largely by the development and
152 placement of the wetland reconstruction and the stormwater facilities. Dubow added that based upon the
153 now proposed layout, the resulting setbacks for the residential component would not be in conformance
154 with the original district regulations. Given the varying setbacks now being proposed, Dubow noted that a
155 map would be the easiest way to show, as part of the district regulations, where the building and parking
156 setbacks would be. Dubow added that the Lansing Meadows PDA district regulations would need to be
157 amended by the Trustees after a recommendation is sent by the Planning Board in reference to the matter.

158 Goetzmann noted that the red dotted line on the proposed setback map identifies the various
159 building setback lines, and the blue dotted line similarly identifies the parking setback lines.

160 Dubow indicated that the front yard, for the commercial component, is technically the portion of
161 the property that fronts along Hickory Hollow Lane. Dubow added that the Board of Trustees has already
162 seen the parking and building setback document, which the Trustees have indicated is a minor change to
163 the Lansing Meadows PDA authorization. Dubow noted that the Trustees then sent the items to the
164 Planning Board for further discussion and investigation. Dubow indicated that the Planning Board will
165 need to make a recommendation back to the Trustees. Dubow added that if the Planning Board
166 recommends that this change should occur, there will be a need for a larger and more legible setback map
167 to be provided to the Village and included as part of the proposed Zoning Law amendment.

168 Tomei asked for a motion to recommend the parking/building setback document and changes to
169 the district regulations of the Lansing Meadows PDA to the Board of Trustees. Moved by Dankert.
170 Seconded by Stycos, Ayes: Tomei, Dankert, Stycos, Durst and Schleelein.

171

172 **Subdivision Classification for 40 Graham Road West.**

173 Goetzmann explained that he would like to subdivide the larger parcel into two separate properties. One
174 parcel would house the BJ's Wholesale building and a majority of the delineated Army Corps of Engineers wetland,
175 and the other parcel would house the residential senior housing facility. Goetzmann added that the parcel that houses
176 the existing structure next to the fire station will be consolidated into the subdivided residential parcel along
177 Oakcrest Road.

178 Dubow recommended that it would be helpful for the subdivision process to include a comparison
179 between the new subdivided/consolidated lots and the original delineated PDA Areas A, B, and C.

180 Goetzmann indicated that he would be able to provide the map that Dubow requested.

181 Schleelein asked if a main portion of the wetland/bird habitat area would be incorporated into the
182 commercial parcel.

183 Goetzmann confirmed that that would be the case.

184 Kanter suggested that in conjunction with the subdivision of the property, there probably should
185 be a condition that specifies that Area "A" of the PDA should be responsible for maintaining the entire
186 wetland/bird habitat (Area C).

187 Dubow noted that, at this point in time, the maintenance agreements cover all of the area
188 regardless of the subdivision. Dubow added that the maintenance agreements might need to be altered in a
189 way to accommodate the potential subdivision. Dubow added that typically a SEQRA (State
190 Environmental Quality Review Act) review is not required for a minor subdivision, and that there has
191 previously been a long form EAF SEQRA review with respect to this project.

192 Tomei asked for a motion for this subdivision to be classified as a minor subdivision. Moved by
193 Durst. Seconded by Stycos, Ayes: Tomei, Dankert, Stycos, Durst and Schleelein.

194 **Commercial Low Traffic (CLT) Continued Discussion:** *Possibly allowing Take-out at restaurants.*

195 Tomei stated that he brought this item back to a Planning Board discussion because there is another
196 restaurant that has not and does not comply with the interpretation that was originally given by the Planning Board
197 on April 12, 2010. Tomei added that the Imperial Kitchen Buffet currently has take-out, advertises take-out on their
198 menu and on their website, and has a separate take out menu and takeout counter/area. Tomei pointed out that even
199 though the restaurant is not in compliance, it does not seem to be affecting the flow of traffic or have any parking
200 issues. Tomei indicated that the Village either needs to make the Imperial Buffet conform to the zoning
201 requirements or allow other restaurants to have the same interpretation benefits as the Imperial Buffet.

202 Dubow suggested that the Planning Board not alter the language in section 145-82 (38), but instead follow
203 the previous interpretation for what the Planning Board would allow for the CLT take-out.

204 Tomei suggested some language to allow limited advertising.

205 Moseley indicated that if the Planning Board decides not to change their interpretation, he will
206 then be forced to contact the restaurants that are not in compliance with the zoning requirements and
207 require them to conform to the current interpretation.

208 Dubow deferred to Moseley because he is the Code Enforcement Officer and makes the
209 determination whether something is or is not in compliance. Dubow suggested some language that could
210 be included in the amended interpretation.

211 Schleelein asked if the Board would need to amend section 148-82(38) if they were to simply
212 alter their interpretation.

213 Dubow indicated that they would not.

214 Durst noted that if wording such as “limited advertising” were to be inserted in their
215 interpretation, it would be somewhat difficult to enforce.

216 Tomei read section 145-82 (38) as follows:

217 *Low traffic food and beverage. Sit-down restaurant with or without bar where food is*
218 *consumed on premises and where there is no drive-in/drive-through or similar service where*
219 *there is no carry-out service except such limited carry-out as may be clearly incidental to the*
220 *primary business of on premises dining.*

221
222 Tomei reminded the Board that this would affect all of the restaurants in the entire CLT district.

223
224 Dubow noted that section 145-82(38) seemed to indicate that the original intent was to facilitate a
225 sit-down restaurant and a certain amount of take-out food.

226 Upon further discussion the Planning Board determined that they would withdraw their previous
227 interpretation and allow Moseley to make his own interpretation and determination.

228 Moseley indicated that that he would allow the other restaurants to have all of the items that the Imperial
229 Buffet restaurant has, but that would be the extent of the take-out. That would include a separate take-out menu, and
230 advertising on the restaurant’s menu and their web site.

231 Kanter pointed out that section 145-82 provides a description of what is allowed within the defined terms,
232 but it also is not limited to only those definitions. This section serves as more of a guidance tool.

233 Moseley agreed with Kanter, but indicated that since the Planning Board had previously provided their
234 interpretation he felt is necessary and appropriate for the Planning Board to clarify their current position.

235

236 **Approval of Minutes**

237 *None*

238

239 **Reports**

240 *Trustees- Please refer to the minutes of the Trustees November 21st meeting for a full report.*

241

242 **Other Business**

243 The Planning Board decided to reschedule the Continuing Education Credits agenda item for the
244 January 9th meeting, and the meeting will start at 7:00 PM instead of the traditional 7:30 PM.

245 Schleelein asked if Moseley could discuss the parking requirements with the CIAO! Restaurant
246 because they were parking on the berm along Oakcrest Road.

247 Moseley indicated that he would have a discussion with CIAO! about the issue.

248

249 Tomei asked Schleelein if she would review the official minutes of the Planning Board prior to
250 the Planning Board approving them.

251

252 Schleelein agreed to review the minutes.

253

254 **Adjournment**

255 Durst moved to adjourn at 9:45PM. Seconded by Dankert; Ayes: Tomei, Dankert, Stycos, Durst
256 and Schleelein.