

**Village of Lansing  
Planning Board Meeting  
October 23, 2012**

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

Present at the meeting were Planning Board Members Richard Durst, Maria Stycos, Lisa Schleelein, and Phil Dankert; Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley; Village Attorney David Dubow; Village Engineer: Brent Cross; Trustee Liaison Lynn Leopold; Jeff Walters and Alvin Parker from the Lansing Fire Department; Arthur Loran from the Clarion Hotel; Lansing Trails II Engineer: Larry Fabbroni; Don Edwards; Manley and Dick Thaler ; John Caruso and Matthew Sinacola from Passero Associates.

**Public Comment Period**

Tomei opened the public comment period.

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

Tomei explained that the Planning Board agenda items that do not have representatives will be moved to the last slots in order to allow applicants, that have shown up for their agenda items, to get out slightly earlier. The agenda items that were moved are as follows:

1. Special Permit # 2676 (Cayuga Mall) proposed change to the JoAnn Fabric and Party City Store façade.
2. Special Permits #2485 & # 2594 (BJ's Wholesale and BJ's Gas Station) proposed to alter landscaping for buffering requirements

**Classification to Proposed Change to Existing Special Permits:** Special Permit # 2672 (Lansing Fire Department) proposed to add small addition on the rear of building.

Walters requested an amendment to the existing special permit to allow for a small addition on the south side of the building. The addition would be used for the sprinkler room and allow for larger trucks to be parked in the garage area. Walters indicated that the materials and the colors of the construction materials would be the same as what was originally proposed and approved.

Cross asked if there would be a problem with the rear yard setback.

Moseley indicated that the site plan indicated that there would be sufficient rear yard setback but Moseley noted that there would be a required updated plat with the new fire station on it showing the new setbacks.

32 Durst noted that this request sounded like a minor change to the special permit. Dankert agreed  
33 with Durst. Schleelein and Stycos agreed that it would be a minor amendment, but should have conditions  
34 attached.

35 Durst moved that this proposed amendment be classified as a minor amendment. Seconded by Dankert;  
36 Ayes: Tomei, Dankert, Schleelein, Stycos, and Durst.

37  
38 Tomei read the required special permit general conditions as follows:

39 *(1) It will not be detrimental to or endanger the public health, safety or general welfare.*

40 *(2) It will not be injurious to the use and enjoyment of other property in the vicinity or*  
41 *neighborhood.*

42 *(3) It will not impede the orderly development of the vicinity or neighborhood and is*  
43 *appropriate in appearance and in harmony with the existing or intended character of the*  
44 *vicinity or neighborhood.*

45 *(4) The street system and off-street parking facilities can handle the expected traffic in a*  
46 *safe and efficient manner.*

47 *(5) Natural surface water drainageways are not adversely affected.*

48 *(6) Water and sewerage or waste disposal facilities are adequate.*

49 *(7) The general environmental quality of the proposal, in terms of site planning,*  
50 *architectural design and landscaping, is compatible with the character of the*  
51 *neighborhood.*

52 *(8) Lot area, access, parking and loading facilities are sufficient for the proposed use.*

53 *(9) The requested use or facility conforms in all other respects to the applicable*  
54 *regulations of the district in which it is located.*

55 *(10) The applicant has shown that steps will be taken where necessary to meet all*  
56 *performance standards and all other applicable general regulations.*

57 Tomei asked for a motion that all general conditions have been met subject to any conditions that  
58 the Board may impose on the applicant as part of any approval granted. Moved by Stycos Seconded by  
59 Durst; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

60 After Board discussion, the additional approval condition of the Board is as follows:

- 61 1. The approval is subject to approval from the Village of Lansing Engineer and Code  
62 Enforcement Officer upon determination of the stormwater management and minimum  
63 setback requirements per Village Zoning.

64 Dankert moved to accept the proposed changes to existing special permit # 2672 as explained in  
65 the above paragraph and noted on documents titled "Lansing Fire District Amendment" dated as approved  
66 on 10-23-2012. Seconded by Stycos; Ayes: Tomei, Dankert, Schleelein, Stycos, and Durst.

67 Cross explained that the condition of the original special permit, which reads: *Approval of oil*  
68 *water separator by Bolton Point and the Village of Cayuga Heights*, has been discussed and possibly  
69 determined that an oil/water separator might not be needed and that only a sand trap may be needed.  
70 Cross noted that he felt this was still within the scope of what the intent was for the fire station. Cross  
71 noted that the New York State Plumbing Code requires a sand trap for a garage that does not perform  
72 mechanical work.

73  
74 Based upon Cross' explanation, Dubow inquired as to whether Cross approved of the sand trap.

75 Cross indicated that he had not made a formal approval but was leaning heavily toward approving  
76 the sand trap.

77 **Public Hearing to Consider:**

78 Special Permit #2689, CU Suites LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use  
79 building, on the West Side of Cinema Drive in between Homewood Suites LLC and  
80 CFCU Community Credit Union, in the Commercial High Traffic District, Tax Parcel  
81 No. 46.1-6-4.2. Because the proposed construction is located in the Commercial High  
82 Traffic District, special permit approval is required pursuant to Section 145-43D(2)[c] of  
83 the Village of Lansing Code.  
84

85 Caruso explained that the Thalers originally wanted to build an office building on the vacant  
86 Cinema Drive parcel that they own, but with no shown interest for the past two years they abandoned that  
87 idea. Caruso indicated that their request was to allow for a mixed use building on this parcel. Caruso  
88 added that the mixed use would be multi-family residential and some commercial components. Caruso  
89 added that they would like to have graduate students occupy the residential aspect of the building, but  
90 cannot legally deny non-graduate students if they would like to rent an apartment in this particular  
91 building. Caruso noted that they would have a majority of one bedroom apartments with some two  
92 bedroom apartments over the commercial components. Caruso indicated that this parcel of property  
93 would be the last developable piece in that particular area. Caruso noted that since it would be developed  
94 it would not be the "community litter box" of the neighborhood. Caruso noted that they would like to  
95 have two separate commercial components on the ground level. Caruso added that they have created a  
96 courtyard effect for both the residential components of the building and the commercial components of  
97 the building. Caruso noted that the courtyard also adds some class to the entrances of the building. Caruso  
98 indicated that they have proposed to have covered parking for approximately 50% of the residential  
99 occupants, the parking to be located under the building. Caruso indicated that the under-building parking  
100 would allow for more parking but would not increase the stormwater management facility size because  
101 the ground-level parking lot would be smaller than what would typically be built for this particular use.  
102 Caruso added that the building would appear to be 4 stories in the rear of the building (towards the  
103 Triphammer Marketplace), but on the other 3 sides the building would appear to be 3 stories. Caruso  
104 noted that they have created overflow parking on the adjacent property (the Triphammer Marketplace) in  
105 order to accommodate for the Village's minimum parking requirements. Caruso indicated that, at this  
106 point in time, they are allowing for 4 parking spaces per commercial component. Caruso noted that

allowing for parking in the Triphammer Marketplace would permit added green space as shown on the proposed plans. Caruso added that they currently are proposing a “band” of green space all the way around the property, including the courtyard area and on the edge of the property. Caruso indicated that they would be adding hardscaping for outdoor seating and for some building entrances. Caruso indicated that they would be illuminating the site and would be constructing numerous sidewalks on the property, including a connecting sidewalk between the Cornell Federal Credit Union property and the Homewood Suites property in the Village road right of way. Caruso noted that the proposed sidewalk would also provide walking access to the Triphammer Marketplace and would connect to the trail that is across from the proposed sidewalk (towards the Bishops Small Mall and Chateau Claire Apartments). Caruso noted that they would like to illuminate the site and sidewalks with pole lights. Caruso indicated that they have tried to not “over light the site” and have tried to just incorporate what they believe is necessary to illuminate the site for safety purposes. Caruso indicated that the pole lights would be a 400 watt metal halide approximately 24 feet in height. Caruso noted that the building material will be masonry with a peaked roof system. Caruso added that there will be an elevator, which will serve the parking facility to the top floor, and some storage for the residents.

Tomei asked if there would be an ADA (Americans with Disabilities Act) ramp incorporated in the sidewalks

Caruso indicated that the entire site would comply with ADA except for the sidewalk that would connect to the overflow parking. Caruso indicated that they would own the utilities. Caruso indicated that the stormwater management facility would be located in the rear of the building and all calculations have been done and submitted to the Village Engineer. Caruso indicated that the dumpster would be located on concrete and would be surrounded by a 6 foot white vinyl fence with a swinging access gate for the front (will not be able to see the dumpster from the road). Caruso noted that the Fire Department would be able to access 3 sides of the building if needed, and the building will be sprinklered. Caruso discussed potential issues associated with SEQRA (State Environmental Quality Review Act). Caruso felt that drainage could be an issue, but with the parking lot that is located under the building it allows for a smaller stormwater facility because there is less pavement which would allow for less runoff that would need to be treated prior to leaving the site. Caruso indicated that they have provided an engineered plan for lighting. Caruso added that the architecture of the building fits in with the other adjacent properties, like the hotel on the west side of the proposed project and the back on the east side of the project. Caruso indicated that the building has a gable roof system, which is similar to the hotel, and would be built out of masonry, which is similar to the bank.

M. Thaler indicated that the building would be built out of textured block.

Caruso indicated that the height of the building (to the eave) is 29 feet, which is comparable to the hotels in the area. Caruso provided to the Board a general document to explain the impact of traffic. Caruso indicated that an 11,000 square foot office building would generate approximately 31 vehicles per hour (these numbers were provided from the trip generation manual). Caruso indicated that there are other uses that would be permitted on this parcel that would produce more traffic per hour. Caruso added that they would be producing approximately the same amount of cars per hour as an office building.

M. Thaler indicated that TCAT bus service would also be running in front of the proposed location, which could alleviate some vehicle trips.

Tomei asked if the commercial components have been identified.

150 M. Thaler indicated that at this point in time they do not have a definite commercial business for  
151 the proposed building, but hopefully a café or small office space.

152 Kanter asked if the parking in the front of the building has some number of spaces that are  
153 reserved for the commercial components.

154 Caruso indicated that they would reserve parking spaces for the commercial components of the  
155 proposed building.

156 Durst asked if they would be willing to provide for some tall trees on the west side of the  
157 property.

158 Caruso indicated that he would not want to prohibit emergency access from the rear of the  
159 property or building, and the west side of the proposed building would be facing the Triphammer  
160 Marketplace.

161 M. Thaler indicated that the power line easement limits what they can or can't do within the  
162 specific easement area, and there is a drainage system on the west side of the property that could be  
163 impacted, so tall plantings may be out of the question. M. Thaler indicated that if there is room after the  
164 building is built they would be willing to increase the plantings on the west side of the property.

165 Schleelein asked if the shadow of the proposed building, during sunset, would encroach on the  
166 neighboring buildings.

167 Caruso indicated that he thought the shadow would not impact the neighboring buildings.

168 Leopold asked for additional information for the lighting for the site.

169 Loran indicated that he is the manager of the Clarion Hotel and representing Mr. Homik, the  
170 owner of the Clarion and Ramada Hotels in the Village. Loran noted that the easement agreement,  
171 between Homik and the Thalers, does not provide to increase the use of the easement. The easement area  
172 is off of Sheraton Drive in between the CFCU bank and the Clarion Hotel, which provides access to the  
173 Triphammer Marketplace. Loran indicated that at a previous meeting it was indicated that people would  
174 access the overflow parking, for the proposed mixed use building, by way of the easement access from  
175 the Clarion Hotel.

176 M. Thaler indicated that they have switched the design to accommodate for the access to the  
177 overflow parking to be provided by way of the Triphammer Marketplace parking lot and not over the  
178 easement area over the Clarion Hotel's property.

179 Leopold asked if someone might drive through the easement area out of ignorance.

180 M. Thaler indicated that the Clarion parking lot is in desperate need of repair and is not a viable  
181 access point.

182 Tomei asked if an individual could drive along the rear of the Triphammer Marketplace, from the  
183 proposed overflow parking for the mixed use building, and end up on Substation Alley which would  
184 ultimately have access on Sheraton Drive.

185 M. Thaler indicated that Tomei was correct.

186 Caruso indicated that they have other access points that would not impact the Clarion Hotel  
187 easement area.

188 Loran indicated that there is a sewage issue on Sheraton Drive.

189 Cross indicated that the sewage issue could stem from grease buildup in the system.

190 Loran asked if the new connection would tie into the same sewer system.

191 Cross indicated that the sewage from the proposed building would flow toward Route 13 and  
192 would probably not affect the hotel.

193 Loran asked if the curbs and dumpsters could be placed in the 25 foot setback area.

194 Moseley indicated that the 25 foot setback is referring to the primary building. Moseley added  
195 that drivelines could be located in the 25 foot side-yard setback.

196 Loran asked about the dumpster location.

197 Moseley indicated that if the Planning Board approves the location of the dumpster, it could be  
198 located in the same 25 foot side-yard setback.

199 Loran indicated that he was concerned about added traffic congestion at the intersection of  
200 Triphammer Road and Sheraton Drive. Loran added that currently it is somewhat difficult to merge onto  
201 Triphammer Road from Sheraton Drive, and the added traffic could cause problems.

202 Cross asked if it is possible that other past traffic studies, for other projects, could have covered  
203 Loran's concerns with respect to the traffic. Cross noted that sometimes traffic analyses take into account  
204 neighboring properties and provide for a certain number of trips for undeveloped properties within their  
205 studies.

206 With no one else wishing to speak Tomei asked for a motion to close the public comment period.  
207 Moved by Durst. Seconded by Stycos; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

208 Cross provided the Village Engineer's report, which is as follows:

209

210 **VILLAGE OF LANSING**  
211 **ENGINEER'S REPORT**  
212

213 *DATE: October 23, 2012*

214

215 *TO: Planning Board*

216

217 *FROM: Brent Cross, Village Engineer*

218

219 *RE: CU Suites, Cinema Drive*

220

I have reviewed the Site Plans as prepared by Passero Associates, dated September 2012, for a Special Permit approval. I have the following comments and observations:

1. There is one curb cut located on Cinema Drive at the southeast corner of the lot. It is the standard 24' wide for two-way traffic. Once in the main driveway, the traffic pattern is a one-way circulation through a parking garage located under the building. The driveway in/out of the garage is close to 10%. Although there is no Village rules to regulate the grade on a private drive, subdivision regulations (for roads to be dedicated to Village) usually limit grades to a maximum 6%-10%.
2. The proposed stormwater management for the site has already been designed and is provided in a fully developed Stormwater Pollution Prevention Plan (SWPPP). The engineering utilizes the NYSDEC new "green" design standards. The existing site has a general drainage pattern from west to east with no concentrated discharge. The proposed drainage plan has, as the main design element, an Infiltration Swale at the back (west) of the building, with a concentrated discharge at the west property line. This discharge will drain into the back service area of the Triphammer Mall. It is not clear to me how the existing storm sewer system will accommodate this flow, but the calculations need to prove that the peak post development run-off will not exceed the peak pre-development run-off. I have not made a complete review of these calculations for compliance with all Village and NYSDEC requirements. I recommend a condition for final SWPPP design review by Village Engineer before approval of building permit.
3. The proposed utilities are indicated on the plans. Both water and sewer services are planned to connect to the main Village systems in Cinema Drive. The connection to the water main is proposed to be an "open cut" in the road. Approval of such a cut in the Village ROW will require an approval from the Superintendent of Public Works. As a reminder to the developer, he will need to obtain 39 sewer units from the Village before connecting to the sewer main. It is my understanding that the Village currently has sewer units available to allocate to this project.

Based on the above observations, I recommend that this site plan be approved with condition of review of final stormwater details by Village Engineer prior to issuance of a building permit.

M. Thaler indicated that the drainage facility for the proposed facility would drain into an existing facility for State Route 13. M. Thaler indicated that the Village's drainage also ties into the same NY State Route 13 drainage facility as does the Homewood Suites and the Triphammer Marketplace.

Dubow asked if there was a drainage easement agreement that could be provided to the Village for confirmation that the proposed building would be able to drain into the existing facility.

Caruso indicated that they could provide that document.

Cross noted that any construction taking place in the Village right of way would be subject to approval from the Village DPW (Department of Public Works) Superintendent. Cross added that the dumpster location and enclosure would be satisfactory as well.

Dubow noted that the Homewood Suites has as an easement behind their building and asked if it was for drainage.

M Thaler indicated that Homewood Suites never used the parking easement that was previously granted for the vacant property where they are proposing to build the mixed use building.

Dubow asked if that easement would interfere with the drainage of the proposed development.

M. Thaler noted that the easement, which was granted for under the existing power lines where they are not allowed to build, would not interfere with the proposed drainage for the developed site.

Cross noted that due to the small size of the project, he could provide an informal traffic analysis if the Board would like. Cross added that the information, which was provided by Caruso, is an accurate depiction of the traffic for a use of this particular nature, and furthermore would not create any adverse negative impact on the current traffic system.

Tomei noted that if a drive-thru was installed in one of the commercial components, it would increase traffic and that would be a concern for the existing traffic pattern.

M. Thaler indicated that they had no intention to install a drive-thru, but rather to have a commercial component that would be a service to the community and the people in the building.

Tomei read what was filled in by the applicant on Part I of the SEQR Short Environmental Assessment Form (EAF).

Part II of the Short EAF was answered as follows by the Planning Board: A: no; B: no; C1: No, a generic traffic study was provided, which supported a minimum impact on traffic, and after review of the proposal the Village Engineer agreed with the results of the study as provided; C2: No; C3: No; C4: No, the building exceeds the surrounding height of other buildings in the area and the maximum height requirement as defined by the Village Zoning, but after analysis of the unique aspects of the project design it was determined that there would be no adverse impact on the neighboring properties; C5-C7: No; D: No; and E:No.

Tomei read the following SEQRA resolution with the attached conditions, if any, from the Board.

***VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF  
SPECIAL PERMIT NO. 2689 ADOPTED ON OCTOBER 23, 2012***

*Motion made by: Phil Dankert*

*Motion seconded by: Richard Durst*

***WHEREAS:***

- A. *This matter involves consideration of the following proposed action: Special Permit #2689, CU Suites LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2.*



301 *Because the proposed construction is located in the Commercial High Traffic*  
302 *District, special permit approval is required pursuant to Section 145-43D(2)[c] of the*  
303 *Village of Lansing Code; and*  
304

305 *B. On September 19, 2012, the application materials for the proposed action were*  
306 *presented by the applicant and its engineer for preliminary review by the Village of*  
307 *Lansing Planning Board, at which time preliminary comments were made and the*  
308 *Board determined that a public hearing thereon should be scheduled; and*  
309

310 *C. On September 19, 2012, the Village of Lansing Planning Board, based upon the*  
311 *application materials presented for the proposed action, determined that the*  
312 *applicant would need to seek an area (height and buffer strip) variance from the*  
313 *Village of Lansing Board of Zoning Appeals, and thereupon recommended that such*  
314 *variance application be submitted to the Village of Lansing Board of Zoning Appeals*  
315 *for action concurrently with the pending special permit review by the Village of*  
316 *Lansing Planning Board; and*  
317

318 *D. On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the*  
319 *proposed action is an Unlisted Action for which the Village of Lansing Planning*  
320 *Board and the Village of Lansing Board of Zoning Appeals are involved agencies in*  
321 *accordance with Article 8 of the New York State Environmental Conservation Law -*  
322 *the State Environmental Quality Review Act ("SEQR") and 6 NYCRR Section 617.6;*  
323 *(ii) expressed its intention to perform the lead agency function for the coordinated*  
324 *SEQR environmental review with the Village of Lansing Board of Zoning Appeals;*  
325 *and (iii) provided notice thereof [including Part I of the SEQR Short Environmental*  
326 *Assessment Form (the "Short EAF")) to the Village of Lansing Board of Zoning*  
327 *Appeals; whereupon thereafter the Village of Lansing Board of Zoning Appeals*  
328 *concurred with the Village of Lansing Planning Board's designation as the lead*  
329 *agency for SEQR review of the proposed action; and*  
330

331  
332 *E. On October 23, 2012 the Village of Lansing Planning Board, in performing the lead*  
333 *agency function for its coordinated environmental review in accordance with SEQR,*  
334 *(i) thoroughly reviewed the Short Environmental Assessment Form (the "Short*  
335 *EAF"), Part I, and any and all other documents prepared and submitted with respect*  
336 *to this proposed action and its environmental review, (ii) thoroughly analyzed the*  
337 *potential relevant areas of environmental concern to determine if the proposed action*  
338 *may have a significant adverse impact on the environment, including the criteria*  
339 *identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;*  
340

341 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***  
342  
343

344 *1. The Village of Lansing Planning Board, based upon (i) its thorough review of the*  
345 *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 an Environmental Impact Statement will not be required; and

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, Phil Dankert, Lisa Schleelein, Richard Durst, Maria Stycos

NAYS: None

The motion was declared to be carried.

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.*

Tomei asked for a motion that all general conditions have been met, except for item #9 which the building would not comply with unless the Board of Zoning Appeals grants and approves all variance requests for the applicable project, subject to any conditions that the Board may impose on the applicant as part of any approval granted. Moved by Durst, Seconded by Stycos.

Cross indicated that the traffic analysis indicates that the trip generation associated with this project takes into account traffic from both entering and exiting the new proposed site. Cross added that in the ITE standards in-between 4 and 6 PM for this type of use, 65% of the traffic would be entering the new proposed site and only 35% would be exiting the new proposed site, so that would equate to a smaller impact at that specific time.

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

Tomei read section 145-60F which reads:  
*Mixed use. Permitted upon a determination by the Planning Board that the development of the parcel for both commercial and residential uses shall be compatible with the character of the neighborhood or immediate area surrounding the proposed development. The Planning Board's determination shall be based upon review of the developer's submission of all information that the developer determines shall be useful to the Planning Board's evaluation of the proposed development, and that the Planning Board requests, which material shall include, at a minimum, architectural elevations of the proposed structure(s), a site plan for the proposed structure(s), architectural drawings defining the areas within the proposed development to be designated for commercial and for residential use and a written explanation of the character and purpose of the proposed development.*

This section provides for the additional mixed use condition for special permit approval.

Dankert Moved that section 145-60F has been satisfied by the applicant; Seconded by Schleelein; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

Tomei noted that the Chateau Claire apartments submitted a letter indicating that they objected to the proposed project as it would make other apartment complexes in the area less desirable.

Schleelein noted that there was no explanation on why the project would make their property less desirable.

The Board members discussed what conditions should be attached to any approval of the special permit, and Tomei read the following proposed special permit resolution:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT  
NO. 2689 ADOPTED ON OCTOBER 23, 2012**

*Motion made by: Lisa Schleelein*

*Motion seconded by: Richard Durst*

**WHEREAS:**

- A. *This matter involves consideration of the following proposed action: Special Permit #2689, CU Suites LLC., to construct a 3 Story, 42,957ft<sup>2</sup>, Mixed Use building, on the West Side of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit Union, in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. Because the proposed construction is located in the Commercial High Traffic District, special permit approval is required pursuant to Section 145-43D(2)[c] of the Village of Lansing Code; and*
- B. *On September 19, 2012, the application materials for the proposed action were presented by the applicant and its engineer for preliminary review by the Village of Lansing Planning Board, at which time preliminary comments were made and the Board determined that a public hearing thereon should be scheduled; and*
- C. *On September 19, 2012, the Village of Lansing Planning Board, based upon the application materials presented for the proposed action, determined that the applicant would need to seek an area (height and buffer strip) variance from the Village of Lansing Board of Zoning Appeals, and thereupon recommended that such variance application be submitted to the Village of Lansing Board of Zoning Appeals for action concurrently with the pending special permit review by the Village of Lansing Planning Board; and*
- D. *On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the proposed action is an Unlisted Action for which the Village of Lansing Planning Board and the Village of Lansing Board of Zoning Appeals are involved agencies in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR") and 6 NYCRR Section 617.6; (ii) expressed its intention to perform the lead agency function for the coordinated SEQR environmental review with the Village of Lansing Board of Zoning Appeals; and (iii) provided notice thereof [including Part I of the SEQR Short Environmental Assessment Form (the "Short EAF")] to the Village of Lansing Board of Zoning Appeals; whereupon thereafter the Village of Lansing Board of Zoning Appeals*

concurred with the Village of Lansing Planning Board's designation as the lead agency for SEQR review of the proposed action; and

- E. On October 23, 2012, the Village of Lansing Planning Board (i) thoroughly reviewed 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), (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, whereupon the special permit application was determined to be complete; and
- F. On October 23, 2012, 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 (including, if applicable, 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 (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- G. On October 23, 2012, 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), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61);

**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. 2689 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:*

A. *Approvals for the height of the structure, buffering of the project to adjacent residential district, and parking for the project are subject to the Village of Lansing Board of Zoning Appeals granting the required area variances as applied for by the applicant.*

B. *There shall be no type of drive-thru or similar amenity allowed as part of any mixed use/commercial components of the project.*

C. *A final lighting plan shall be submitted to and approved by Village of Lansing Lighting Commission prior to installation.*

D. *Landscaping plan shall be submitted to and approved by the Planning Board prior to installation.*

E. *Approval by the Village of Lansing Engineer and Village of Lansing Storm Water Officer of, but not limited to, site work, stormwater management and infrastructure plans, and implementation thereof. Drainage easements for potential impact from the stormwater management facilities on neighboring parcels shall be obtained, provided to the Village for approval by the Village Engineer, Stormwater Officer and Attorney, and thereafter recorded at the Tompkins County Clerk's Office.*

F. *Approval by the Superintendent of Public Works for the proposed curb-cut on Cinema Drive.*

*The vote on the foregoing motion was as follows:*

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

*NAYS: None*

*The motion was declared to be carried.*

Leopold asked why this project was thought to be needed.

M. Thaler asked Don Edwards to speak to that topic.

Edwards noted that he is in charge of renting multiple units throughout Tomkins County and there is a major need to have quality student housing in the County.

552 **Consider Proposed Changes to Lansing Trails II Plat:**

553 Fabbroni noted that Ivar Johnson anticipates finishing Phase 1 of Lansing Trails II by the end of  
554 the year and would possibly transition into Phase 2 next spring. Fabbroni presented the attached  
555 documents to the Planning Board, which were discussed at the meeting, and indicated that he had already  
556 met with the Board of Trustees who gave their approvals for the applicable proposed changes. Fabbroni  
557 indicated that he tried to address items that would need to be updated from the original 26 conditions as  
558 set when Lansing Trails II first obtained major subdivision approval.

559 Kanter asked how many houses were approved with the entire subdivision approval.

560 Fabbroni indicated that there were 85 town houses and 12 single family homes approved as part  
561 of the original subdivision approval.

562 Kanter asked how many units would be built in Phase 2.

563 Dubow noted that the condition of no more than 19 homes be constructed in Phase 1 was  
564 originally set because the Village Subdivision Law is specific about how many lots can be subdivided and  
565 only have one means of ingress and egress. Dubow noted that the subdivision was originally phased so  
566 that the developer would not be required to supply the Village with the entire financial security for the  
567 whole subdivision and would only be required to supply the Village with enough financial security to  
568 cover that particular phase of the project. Dubow noted that Fabbroni did gain approvals from the Village  
569 Trustees with respect to the financial requirements for Phase 2.

570 Fabbroni indicated that the stormwater facility that is located behind Ayla Way would be  
571 constructed as part of Phase 2.

572 Dubow noted that a revised map will need to be filed with the Tompkins County Clerk's Office.  
573 Dubow asked if there would be a way to superimpose the park land and open space areas on the final plat.  
574 Dubow asked for the language "for this subdivision" to be added to item 3.

575 The Board noted that the requested changes would not constitute a major change to the  
576 subdivision. Schleelein moved to classify these changes as a minor change to the Lansing Trails II  
577 subdivision. Seconded by Stycos; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

578 Dubow noted that the revised and additional conditions would need to be amended and filed as  
579 well.

580 Tomei noted that this approval would also allow for the start of Phase 2 subject to the agreed to  
581 conditions.

582 Cross noted that he would highly support the revised changes to Lansing Trails II subdivision  
583 project.

584 Dubow noted that traditionally the developer would work with the Village Engineer and the  
585 Engineer would make a recommendation to the Board of Trustees on the amount of security the developer  
586 would be required to place with the Village. Dubow added that since Fabbroni already had discussed that  
587 with the Trustees and gained approval, it is now up to the Planning Board to determine if they agree with  
588 the proposed subdivision changes. Dubow added that when the Trustees agreed to the financial

requirement for Phase 2 of the project they took into consideration that the developer has already installed the utilities and made other improvements.

Schleelein moved to approve Phase 2 subject to the agreed to conditions. Seconded by Durst; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

Fabbroni noted that he would work with Dubow with updating the plat and the conditions.

**Classification to Proposed Change to Existing Special Permit:** Special Permit # 2676 (Cayuga Mall) proposed change to the JoAnn Fabric and Party City Store façade

Tomei noted that the Cayuga Mall submitted a request for a change to the façade, which would include pillars on each side of the doorway of the proposed entrances.

Moseley noted that it was explained to him that the colors represented on the façade are not the exact colors but they would be similar.

Schleelein noted that she liked the new façade better than what was already approved.

Durst moved that this would be classified as a minor change to the existing special permit. Seconded by Stycos; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.

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.*



624                   *(9) The requested use or facility conforms in all other respects to the applicable*  
625                   *regulations of the district in which it is located.*

626                   *(10) The applicant has shown that steps will be taken where necessary to meet all*  
627                   *performance standards and all other applicable general regulations.*

628  
629                   Durst moved that the 10 general conditions have been met. Seconded by Dankert; Ayes by:  
630 Tomei, Dankert, Schleelein, Stycos, and Durst.

631                   Durst moved to accept the proposed changes, to existing special permit # 2676, to the facade.  
632 Seconded by Schleelein; Ayes by: Tomei, Dankert, Schleelein, Stycos, and Durst.  
633  
634  
635

636                   **Classification to Proposed Change to Existing Special Permits:** Special Permit #2485 & # 2594 (BJ's  
637 Whole Sale and BJ's Gas Station respectively) proposed to alter landscaping for buffering requirements.

638                   Tomei noted that a letter was submitted asking for a change to the existing special permits for the  
639 BJ's Wholesale Club and the Fueling Station. Tomei noted that Eric Goetzmann has requested that the  
640 Board consider the berm on the west side of the BJ's Wholesale building be considered adequate  
641 buffering due to unique circumstances prohibiting him from installing traditional trees.

642                   Moseley noted that Goetzmann is now proposing to not plant any trees on the west side of the  
643 property due to the NYSEG easement and the Village sewer easement. Moseley noted that the pictures  
644 that have been provided are of the berm that Goetzmann would propose as buffering from the BJ's  
645 Wholesale Club.

646                   Moseley added that Goetzmann also would like to move the newly established requirement for  
647 installing the buffer and trees onto the existing special permit for the fueling station, which would then,  
648 after an extension is requested and granted, extend the time for compliance to June of 2013.

649                   Kanter asked if the lighting on the BJ's project has been resolved.

650                   Moseley indicated that it had been.

651                   Cross noted that he would support not planting trees on the west buffer area due to complications  
652 with the Village sewer line, but maybe something else could be planted.

653                   Dubow noted that part of the reason that Goetzmann has requested these changes is because his  
654 Temporary Certificate of Compliance on Special Permit #2485 expires in January of 2013 and cannot be  
655 extended further.

656                   Moseley agreed.

657                   After further discussion the Board rejected the request from Goetzmann and noted that other  
658 buffering could be implemented like ornamental grasses, fencing, or bushes which would be less of an

659 impact if maintenance needed to be performed on the Village sewer. The Board noted that they could hold  
660 a special meeting to discuss this topic due to the dwindling planting season.

661

662 **Approval of Minutes**

663 None

664

665 **Reports**

666 *Durst reported on the October 15<sup>th</sup> Trustees meeting, and for a report of the meeting please see*  
667 *the Trustee minutes for that meeting.*

668

669 **Other Business**

670 .

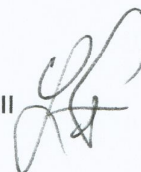
671 **Adjournment**

672 Durst moved to adjourn at 10:55 PM. Seconded by Schleelein; Ayes: Tomei, Dankert, Schleelein, Stycos,  
673 and Durst.

674

Approved on 10-23-12

To: Mario Tomei, Chairman Planning Board  
From: Lawrence P. Fabbri, P.E., L.S., Project Engineer Lansing Trails II  
Date: October 19, 2012  
Re: Revised Subdivision Plat Lansing Trails II



As a result of several meetings with the Village Board and staff the refinements and changes required by the Village Planning Board in anticipation of phase 2 of the above project are listed below. They are a result of feedback from both the Village Board and Planning Board as well as action taken by the Village Board.

1. The net addition of park and open space from the original approved plat as proposed is summarized in the attachment. Currently, lots 4 and 5 are increased in area to include the landscaped mound to the rear of both properties and park and open space areas are shifted around to be more contiguous.
2. In order to provide more of a staggered look and privacy spaces for each attached unit the building envelope for attached units P11-A through P11-F and for attached units P13-A through P13-D would add 10 feet to the rear. Since the greenway to the rear of these units is 30 feet wide bordering on open drainage features for the property to the east, it would have little or no impact on the approved project or neighboring property. A drawing is attached showing the proposed 20 foot rear setback rather than the existing 30 foot. This still would leave 50 feet to the adjacent property.
3. Mr. Jonson's proposals to the Village Board and Planning Board will involve altering your May 9, 2005 approval as follows:
  - a..Condition 18 "Final construction of all roads and infrastructure in compliance with standards and specifications provided for in the Village of Lansing Subdivision Regulations at the time of such construction." should have added "and reflect any policy changes approved by the Village Board." *for this subdivision.*
  - b. Condition 23 shall be altered to reflect the approval of both phases 1 and 2 by the Village Planning Board action. All notes on the subdivision plat shall be changed to reflect the approval of both phases 1 and 2 by your current revision.
  - c. Condition 24 shall be replaced with the following conditions as approved by the Village Board at their October 2012 meeting:
    - i. Building permits will be issued for phase 2 upon the preparation of the road subbase and placement of the 12" granular road base of Nor Way from the intersection of Bomax Drive/Jon Stone Circle to the end of Janivar Drive in accordance with Village specifications and to the satisfaction of the Village Highway Superintendent and Village Engineer.
    - ii.. Upon the completion of item 1 above the requirement for the continued "emergency road" between Jon Stone Circle and the end of Ayla Way will cease.

iii. The binder course for the road section in item 1 above at the suggestion of the Village officials will be paved 2 inches thick for the full 30 foot highway and shoulder width rather than the normal 20 foot highway width. The warranty would then run at least through one winter for either one year or whenever the Village decides to place the top 1" asphalt course, whichever occurs first. The developer would not be responsible for the top paving course.

iv. Prior to the issuance of any certificates of compliance or occupancy for phase 2, a letter of credit, bond, certified check on deposit or other form of security will be posted with the Village of Lansing in an amount acceptable to the Village for the completion of the binder course 30 feet wide as described in item 3 above.

v. The developer will maintain the road granular base until the binder course is placed. If the binder course is not placed before the winter of 2013-2014, the developer will maintain this highway section regularly through the winter to allow an emergency access satisfactory to the Village Fire Chief, Village Highway Superintendent, and Village Engineer.

vi. The latest date the section of Nor Way from the intersection of Bomax Drive/Jon Stone Circle to the end of Janivar will be paved with the 30 foot wide 2" thick binder course will be July 31, 2014.

vii. The stormwater areas at the end of Janivar Drive and north of Ayla Way will be accepted upon completion and acceptance by the Village Highway Superintendent and Village Engineer.

viii. The stormwater facility will be constructed north of Ayla Way without the need for the posting of the normal security. Most of the work will involve earthmoving on site with erosion protection inspected weekly so the risk and exposure to the Village is minimal. There are many other checkpoints in the project that can provide the opportunity to see that this work is completed.

.d. Condition 25 shall be altered to require dedication and conveyance of park areas, trail areas (or easement for same), and drainage areas by the time of issuance of certificates of occupancy for any dwelling in phase 2.

4. Stormwater management features on parcel 20 will be expedited and made a part of phase 2 to protect the properties on the north end and east side of Liefs Way.

5. We request the Planning Board take whatever additional action is necessary to grant the entire project approval to proceed with the Final Subdivision as it relates to adding phase 2.

We thank you for your feedback and look forward to your positive action to incorporate these items in your approval in improving and make it possible to economically move the project forward.



Total of Changes in Open Space and Park Lands Since May 9, 2005 Planning Board Approval

**Park Lands**

Added when portion of Village Parkway Removed in 2010	+21650.25SF
Substituted for when lots 5&6 modified in 2010	- 1023.55SF
Currently proposed to be added to Lot 4	- 7808.30SF
Currently proposed to be added to Lot 5	- 5439.57SF
Switched with Open Space for more contiguous parkland	+ 8126.00SF
Switched with Open Space for more contiguous open space	-10661.60SF

**Net of PARK CHANGES BEFORE ANY DEDICATION +4843.23SF**

**Open Space**

Added when portion of Village Parkway Removed in 2010	+1266.19SF
Added when portion of Village Parkway Removed in 2010	+8126.00SF
Currently proposed to be added to lot 4	-4231.66SF
Currently proposed to be added to lot 5	-1118.98SF
Added to Lot P7-A in 2010	- 772.60SF
Switched with Parkland for more contiguous parkland	-8126.00SF
Switched with Parkland for more contiguous open space	+10661.60SF

**Net of OPEN SPACE BEFORE ANY DEDICATION +5804.55SF**

*approved by Trustees.*

September 28, 2012  
Hon. Donald Hartill, Mayor  
Village of Lansing  
2405 N. Triphammer Road  
Ithaca, New York 14850

Re: Progress Items Lansing Trails II

Dear Mayor Hartill:

As I complete the build out of the nineteen units in phase 1 of Lansing Trails II, I hope for the Village Board's continued engagement and flexibility in facilitating progress for phase 2 as has been the Village tradition for the past 25 years of my over 50 years in the building business.

Phase 1 unfortunately coincided with the downturn in the local economy and substantial corresponding cutbacks by major employers, such as, Cornell University and Morse Chain-Borg Warner. As the area rebounded the local housing market shifted to demand a more economical townhouse alternative. I hope to finally provide a new more compact model with light and privacy enhancements in phase 2 starting in the Spring of 2013.

In order to proceed in a cooperative and organized way that reflects the difficulties of maintaining positive cash flow I would like to reach the following policy understandings with the Village Board.

1. Building permits will be issued for phase 2 upon the preparation of the road subbase and placement of the 12" granular road base of Nor Way from the intersection of Bomax Drive/Jon Stone Circle to the end of Janivar Drive in accordance with Village specifications and to the satisfaction of the Village Highway Superintendent and Village Engineer.
2. Upon the completion of item 1 above the requirement for the continued "emergency road" between Jon Stone Circle and the end of Ayla Way will cease.
3. The binder course for the road section in item 1 above at the suggestion of the Village officials will be paved 2 inches thick for the full 30 foot highway and shoulder width rather than the normal 20 foot highway width. The warranty would then run at least through one winter for either one year or whenever the Village decides to place the top 1" asphalt course, whichever occurs first. The developer would not be responsible for the top paving course.
4. Prior to the issuance of any certificates of compliance or occupancy for phase 2, a letter of credit, bond, certified check on deposit or other form of security will be posted with the Village of Lansing in an amount acceptable to the Village for the completion of the binder course 30 feet wide as described in item 3 above.
5. The developer will maintain the road granular base until the binder course is placed. If the binder course is not placed before the winter of 2013-2014, the developer will maintain this highway section regularly through the winter to allow an emergency access satisfactory to the Village Fire Chief, Village Highway Superintendent, and Village Engineer.
6. The latest date the section of Nor Way from the intersection of Bomax Drive/Jon Stone Circle to the end of Janivar will be paved with the 30 foot wide 2" thick binder course will be July 31, 2014.
7. The stormwater areas at the end of Janivar Drive and north of Ayla Way will be accepted upon completion and acceptance by the Village Highway Superintendent and Village Engineer.
8. The stormwater facility will be constructed north of Ayla Way without the need for the posting of the normal security. Most of the work will involve earthmoving on site with erosion protection inspected weekly so the risk and exposure to the Village is minimal. There are many other checkpoints in the project that can provide the opportunity to see that this work is completed.

9. When the proper documents are prepared for the Village Board, the highway deed for phase 1 highways, Bomax Drive, Jon Stone Circle, and a portion of Nor Way north of the Bomax Drive/ Jon Stone Circle intersection should be accepted. Likewise, the water, sewer, and conservation easements prepared for Village signature should be recorded.

10. When the Village boards have completed reallocation of park land and open space, deeds for the parkland should be prepared to the satisfaction of the Village Board. As approved and completed, walkways on private open spaces will also require easements to the Village from the developer to be executed.

As you consider making exceptions to your normal procedures or typical project security please consider the following facts where I have cooperated above and beyond Village regulations without fail to make our 25 year partnership a success:

A. I paved and built the extension of Craft Road to my property line where this would normally be the obligation of the intital developer, Al Haefer, of Craft Drive and Ascot Place.

B. I paved the section of Village Parkway from the end of Janivar Drive to the former Edelman property line as required by the Village only to have the Edelman's abandon construction of the extension to Coventry Walk.

C. I shared in the extension of Bomax Drive with Deanco from beyond the Transact property to my property line again normally the obligation of the owner to the east.

D. I cooperated with the needs of Transact to build and complete the sewer mains in phase 2 to my east property line well in advance of my need.

E. I improved my initial plan for Lansing Trails II by looping the two former dead end watermain at the end of Janivar Drive and Ayla Way and so completing the rough grading of the section of Nor Way at issue above and the underlying watermain and services well in advance of my need.

I hope for your continued cooperation and early action on these items as I try to approach phase 2 of Lansing Trails II in a more comprehensive way with the Village.

Sincerely,

Ivar Jonson  
Developer

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