

**Village of Lansing
Planning Board Meeting
October 29, 2013**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Mario Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Lisa Schleelein, and Jon
4 Kanter; Alternate Member, Deborah Dawson; Code Enforcement Officer, Marty Moseley; Village;
5 Trustee Liaison, Lynn Leopold; Village Attorney, David Dubow; and Village Engineer, Brent Cross;
6 John Comisi, Village resident; Attorney Robert Burgdorf, Scott Von Rein and Craig Henley.

7 Absent: Phil Dankert

8 Tomei appointed Dawson as an acting member for the meeting due to the absence of Planning
9 Board member Phil Dankert.

10 **Public Comment Period**

11 Tomei opened the public comment period. With no one wishing to speak, Schleelein moved to close the
12 public comment period. Seconded by Stycos; Ayes by Tomei, Dawson, Kanter, Schleelein, and Stycos.

13 The public hearing to consider Special Permit #2809 was cancelled.

14 **Public Hearing to Consider Special Permit #2799**

15 Tomei opened the public hearing for the following:

16 Special Permit No. 2799, Capitol Telecom LLC., to construct a telecommunications tower and
17 approximately a 12'x30' primary structure for equipment at the site of the Cayuga Mall at 2309 North
18 Triphammer Road, in the Commercial High Traffic, Tax Parcel No. 46.1-5-4.2. Special Permit is
19 required pursuant to section 145-60(K) of the Village of Lansing Code.

20 Capital Telecom is seeking approval of a 100' telecommunications tower at 2309 Triphammer Road,
21 behind the Cayuga Mall. The tower requires a special permit because of height limitations in a
22 commercial area. The Capital Telecom spokesperson explained that the tower has a breakpoint at 50' and
23 would fold upon itself, limiting the fall zone to a 50' perimeter around the tower.

24 Planning Board member Phil Dankert previously removed himself from this matter to avoid any conflict
25 of interest since his daughter works for Verizon Wireless.

26 Brent Cross, Village Engineer, read his report.
27
28

29
30
31 **VILLAGE OF LANSING**
32 **ENGINEER'S REPORT**

33 DATE: October 29, 2013

34
35 TO: Planning Board

36
37 FROM: Brent Cross, Village Engineer

38
39 RE: Verizon Cell Tower, 2309 N. Triphammer Road
40

41 *I have reviewed the Site Plans prepared by Costich Engineering, dated 9/5/13, for the above*
42 *referenced project. I have the following observations and comments:*

- 43
- 44 1. *The new cell tower is proposed to be constructed on a "lawn area" in back of the Cayuga*
45 *Mall, which has access from the delivery/loading dock area.*
 - 46 2.
47 *The compound for the tower and associated equipment/buildings will be enclosed by a 8'*
48 *high wooden fence.*
 - 49 3. *Other than the roof area of the one new building (approximately 400 sf) and a 15' wide*
50 *gravel parking area, no there will be no significant change in impervious surfaces.*
51 *Therefore, no stormwater management practices will be needed other than erosion and*
52 *sedimentation control during the construction phases.*
 - 53 4. *The tower is proposed to be 100' tall monopole (large diameter tapered steel tube),*
54 *which is required to provide a 150' radius clear area for a "fall zone". Although the*
55 *proposed location is 152' from the property line to the north, the tower will be within 72'*
56 *of the Cayuga Mall building.*
 - 57 5. *As requested by the applicant, the Village Zoning Code allows for a waiver of this*
58 *requirement if it can be demonstrated that the design of the tower negates the need...,*
59 *which they are proposing to reduce to 50'. They have provided a letter from Sabre*
60 *Industries (tower manufacturer) that indicates the monopole will be designed such that*
61 *under wind/ice conditions in excess of 25% over the loads required by "code", the pole*
62 *will intentionally fail at a height of 50', allowing the top half of the pole to "fold over" onto*
63 *the bottom half.*
 - 64 6. *I am familiar with this engineering technique, and have reviewed similar documents in*
65 *the past. Since no site-specific engineering has yet been provided, they will need to*
66 *provide a full set of calculations from their structural engineer for verification of the "over-*
67 *stress" design feature.*

68
69
70
71
72
73 *Based on the above observations, I recommend that the this project be approved with*
74 *condition(s) for site specific structural engineering details to be provide for review by the*
75 *Village Engineer prior to commencement of work.*

76 Cross indicated that additional engineering documentation will need to be submitted for his approval prior
77 to the Code Enforcement Officer issuing the building permit. Scott Von Rein stated that the tower will be
78 designed correctly and he will provide the design calculation package to Cross.

79 A lengthy discussion ensued. During the discussion, the short term impacts during construction were
80 discussed as well as the color of the tower, possible noise pollution, safety issues, fencing around the
81 tower, and additional landscaping suggestions. Tomei stated that the Board would like the view from the
82 northern residential side of the fence to be blocked by evergreen trees. Since landscaping to the north of
83 the tower is hindered by utility lines--power lines overhead, and water and gas lines underground—
84 Capital Telecom will determine the exact location of the plantings with approval by the Code
85 Enforcement Officer.

86
87 Moseley indicated that proof of mailings from the applicant is required by the Village Code. Burgdorf
88 indicated he will provide the proof of mailing on October 30, 2013.

89 Tomei indicated that the Village has received the required review of the proposal from the Tompkins
90 County Planning Department, as required by General Municipal Law 239 -l, -m, and -n. The Department
91 has reviewed the proposal as submitted and has determined that it has no negative inter-community or
92 county-wide impacts.

93 It was confirmed that a \$50,000 bond is to be provided to the Village to be held for removal purposes.

94
95 The Planning Board worked through the Full Environmental Assessment Form. After more discussion
96 about landscape buffering, the Board filled in the appropriate areas prior to determining that the proposed
97 action will not result in any significant adverse environmental impacts.

98
99 Dawson moved the following SEQR resolution, Seconded by Kanter:

100
101 VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR
102 REVIEW OF SPECIAL PERMIT NO. 2799 ADOPTED ON OCTOBER 29, 2013
103

104 *Motion made by:* _____ Deborah Dawson _____

105 *Motion seconded by:* _____ Jon Kanter _____

106 **WHEREAS:**

107 A. *This matter involves consideration of the following proposed action: Special Permit #2799,*
108 *Capitol Telecom LLC., to construct a telecommunications tower and approximately a*
109 *12'x30' primary structure for equipment at the site of the Cayuga Mall at 2309 North*
110 *Triphammer Road, in the Commercial High Traffic , Tax Parcel No. 46.1-5-4.2. Special*
111 *Permit is required pursuant to section 145-60(K) of the Village of Lansing Code; and*
112

113 B. *On October 29, 2013 the Village of Lansing Planning Board, in performing the lead agency*
114 *function for its independent and uncoordinated environmental review in accordance with*
115 *Article 8 of the New York State Environmental Conservation Law - the State Environmental*
116 *Quality Review Act ("SEQR"), (i) determined that the proposed action provided for herein is*

117 *an Unlisted Action in accordance with SEQOR; (ii) thoroughly reviewed the Full*
118 *Environmental Assessment Form (the “Full EAF”), Part 1, and any and all other documents*
119 *prepared and submitted with respect to this proposed action and its environmental review*
120 *[including any Visual Environmental Assessment Form deemed required, and comments and*
121 *recommendations, if any, provided by the Tompkins County Department of Planning in*
122 *accordance with General Municipal Law Sections 239-l and –m]; (iii) completed its thorough*
123 *analysis of the potential relevant areas of environmental concern to determine if the proposed*
124 *action may have a significant adverse impact on the environment, including the criteria*
125 *identified in 6 NYCRR Section 617.7(c); and (iv) completed the Full EAF, Part 2 (and, if*
126 *applicable, Part 3); and*
127

128 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

- 129 1. *The Village of Lansing Planning Board, based upon (i) its thorough review of the Full EAF,*
130 *Part 1, and any and all other documents prepared and submitted with respect to this*
131 *proposed action and its environmental review [including any Visual Environmental*
132 *Assessment Form deemed required, and comments and recommendations, if any, provided by*
133 *the Tompkins County Department of Planning in accordance with General Municipal Law*
134 *Sections 239-l and –m]; (ii) its thorough review of the potential relevant areas of*
135 *environmental concern to determine if the proposed action may have a significant adverse*
136 *impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c);*
137 *and (iii) its completion of the Full EAF, Part 2, including the findings noted thereon (which*
138 *findings are incorporated herein as if set forth at length), hereby makes a negative*
139 *determination of environmental significance (“NEGATIVE DECLARATION”) in*
140 *accordance with SEQOR for the above referenced proposed action, and determines that an*
141 *Environmental Impact Statement will not be required; and*
- 142 2. *The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and*
143 *directed to complete and sign as required the Full EAF and Determination of Significance*
144 *confirming the foregoing NEGATIVE DECLARATION, which fully completed and signed*
145 *Full EAF shall be attached to and made a part of this Resolution.*

146
147 The vote on the foregoing motion was as follows:
148 AYES: Mario Tomei, Deborah Dawson, Jon Kanter, Lisa Schleelein, and Maria Stycos
149 Nays: none
150 The motion was declared to be carried

151
152 STATE OF NEW YORK)
153 COUNTY OF TOMPKINS) SS:
154 VILLAGE OF LANSING)

155
156 There being no further input from the public, Dawson moved to close the public hearing. Seconded by
157 Schleelein. Ayes by Tomei, Dawson, Kanter, Schleelein, and Stycos. Nays: none.
158

159 Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special
160 permit application against the required general conditions.

161
162 The Board determined that the general conditions have been met. Schleelein moved that all general
163 conditions, in accordance with section 145-59E, have been met. Seconded by Stycos; Ayes by Tomei,
164 Dawson, Kanter, Schleelein, and Stycos. Nays; none.

165
166 Tomei read the Resolution for Special Permit #2799.

167
168 Kanter moved the following special permit resolution, seconded by Schleelein:

169
170 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL*
171 *PERMIT NO. 2799 ADOPTED ON OCTOBER 29, 2013*

172
173
174 *Motion made by:* _____ *Jon Kanter*

175
176 *Motion seconded by:* _____ *Lisa Schleelein*

177
178 **WHEREAS:**

179
180 A. *This matter involves consideration of the following proposed action: Special Permit*
181 *#2799, Capitol Telecom LLC., to construct a telecommunications tower and*
182 *approximately a 12'x30' primary structure for equipment at the site of the Cayuga Mall*
183 *at 2309 North Triphammer Road, in the Commercial High Traffic , Tax Parcel No. 46.1-*
184 *5-4.2. Special Permit is required pursuant to section 145-60(K) of the Village of Lansing*
185 *Code; and*

186
187 B. *On October 14, 2013, the application materials for the proposed action were presented*
188 *by the applicant and its consultants for preliminary review by the Village of Lansing*
189 *Planning Board, at which time such materials were preliminarily evaluated, questions*
190 *were posed and responses offered, and public comments were permitted, after which the*
191 *Board determined that a public hearing thereon should be scheduled; and*

192
193 C. *On October 29, 2013, the Village of Lansing Planning Board opened a public hearing for*
194 *the initial purpose of (i) eliciting public comment on environmental issues regarding this*
195 *proposed action, and (ii) reviewing and evaluating the materials and information*
196 *presented by and on behalf of the applicant in support of this proposed action; and*

197
198 D. *On October 29, 2013, the Village of Lansing Planning Board, in performing the lead*
199 *agency function for its independent and uncoordinated environmental review in*
200 *accordance with Article 8 of the New York State Environmental Conservation Law - the*
201 *State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Full*
202 *Environmental Assessment Form (the "Full EAF"), Part 1, any and all other documents*
203 *prepared and submitted with respect to the proposed action and its environmental review*
204 *[including any Visual Environmental Assessment Form deemed required, comments and*
205 *recommendations, if any, provided by the Tompkins County Department of Planning in*

206 *accordance with General Municipal Law Sections 239-l and -m]; (ii) reviewed*
207 *environmental related comments from the public; (iii) completed its thorough analysis of*
208 *the potential relevant areas of environmental concern to determine if the proposed action*
209 *may have a significant adverse impact on the environment, including the criteria*
210 *identified in 6 NYCRR Section 617.7(c); (iv) completed the Full EAF, Part 2 (and, if*
211 *applicable, Part 3); and (v) made a negative determination of environmental significance*
212 *("Negative Declaration") in accordance with SEQOR for the proposed action and*
213 *determined that an Environmental Impact Statement would not be required; whereupon,*
214 *having completed the SEQOR review and having made its SEQOR determination, it was*
215 *established that the special permit application was complete; and*
216

217 *E. On October 29, 2013, the Village of Lansing Planning Board thereafter continued the*
218 *public hearing on the proposed action and further reviewed and analyzed (i) the*
219 *materials and information presented by and on behalf of the applicant in support of the*
220 *proposed action, including information and materials related to the environmental issues,*
221 *if any, which the Board deemed necessary or appropriate for its review, (ii) all other*
222 *information and materials rightfully before the Board (including, if applicable, comments*
223 *and recommendations, if any, provided by the Tompkins County Department of Planning*
224 *in accordance with General Municipal Law Sections 239-l and -m), (iii) all issues raised*
225 *during the public hearing and/or otherwise raised in the course of the Board's*
226 *deliberations, and (iv) possible modifications and/or conditions that might be imposed in*
227 *conjunction with any special permit approval to be granted, whereupon, the public*
228 *hearing was closed; and*
229

230 *F. On October 29, 2013, in accordance with Section 7-725-b of the Village Law of the State*
231 *of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing*
232 *Code, the Village of Lansing Planning Board, in the course of its further deliberations,*
233 *reviewed and took into consideration (i) the general conditions required for all special*
234 *permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions*
235 *required for certain special permit uses (Village of Lansing Code Section 145-60,*
236 *including subsection K thereof specifically relating to special permit requirements and*
237 *regulations for telecommunications facilities), and (iii) any applicable conditions*
238 *required for uses within a Combining District (Village of Lansing Code Section 145-61);*
239

240 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

241 *1. The Village of Lansing Planning Board hereby finds (subject to the conditions and*
242 *requirements, if any, set forth below) that the proposed action meets (i) all general conditions*
243 *required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*
244 *applicable conditions required for certain special permit uses (Village of Lansing Code*
245 *Section 145-60, including specifically subsection K thereof relating to special permit*
246 *requirements and regulations for telecommunications facilities), and (iii) any applicable*
247 *conditions required for uses within a Combining District (Village of Lansing Code Section*
248 *145-61); and*

- 249 2. *It is hereby determined by the Village of Lansing Planning Board that Special Permit No.*
250 *2799 is **GRANTED AND APPROVED**, subject to the following conditions and*
251 *requirements:*
- 252 *a. Compliance with all requirements applicable after issuance of the special permit*
253 *approved by this resolution as provided for in Section 145-60(K) of the Village of*
254 *Lansing Code, including, but not limited to, all applicable financial security,*
255 *property security, inspection, maintenance, repair and removal obligations*
256 *associated with the telecommunication facilities approved by this resolution.*
 - 257 *b. Submit additional engineering documentation to the Village of Lansing Engineer for*
258 *approval prior to the issuance of the building permit*
 - 259 *c. Provide a final landscaping plan to be approved by the Village Code Enforcement*
260 *Officer, which shall include four additional trees, in association to what was*
261 *provided on plan CA110, as close to the northern property line as possible without*
262 *impacting existing underground and overhead utilities. The four additional trees*
263 *shall be comprised of two deciduous and two evergreens.*
 - 264 *d. Proof of Mailings to all contiguous properties shall be provided to the Village of*
265 *Lansing Code Enforcement Officer.*
 - 266 *e. Soil and Erosion Control measures shall be implemented and maintained during all*
267 *phases of construction activities*

268
269 *The vote on the foregoing motions was as follows:*

270 *Ayes: Mario Tomei, Deborah Dawson, Jon Kanter, Lisa Schleelein, and Maria Stycos. Nays none*

271 *The motion was declared to be carried.*

272

273 **Proposal from Dairy One**

274 This was an informal presentation by Dairy One. This company is a farmer-owned cooperative for
275 farmers in New York, New England, and the Mid-Atlantic states. They will be adding a second business
276 that assists in laboratory testing for the cooperative. Currently, there are 20 employees, and the new
277 business would create 7-10 new jobs. They will add 29 parking spaces for the new building.

278 The DEC evaluation has been completed for the Army Corps' jurisdictional area. The primary issue is
279 poor drainage because of the wetlands. The building plans are in 100% avoidance of the wetlands so no
280 permit will be necessary. However, they will need to remove a large tree in the center of the property, so
281 that the wetlands will not be compromised.

282 Further discussion addressed drainage concerns, lighting, landscaping, traffic light, and parking spaces.

283

284 **Rescue Mission**

285 This was an informal presentation to the Planning Board concerning a 12' X 32' donation center behind
286 the Ramada Inn. The donation center is planned to be attended seven days a week from 9am-8pm. The
287 center will not accept furniture donations, only household and clothing items. Traffic should not be an
288 issue.

289 Moseley explained that the donation center doesn't fit the typical zoning categories. He further explained
290 that from a zoning perspective, this donation center is considered to be a permanent structure, and
291 therefore it is a situation that is unique for the Board. The Rescue Mission will be seeking a special
292 permit that will include site plan, layout, and permit application.

293 The Board was pleased with the proposal and encouraged the Rescue Mission representative to return
294 with their completed permit.

295
296 **Approval of Minutes**

297 None

298
299 **Trustee Report**

300 Tomei reported on the Board of Trustees meeting of October 21, 2013. For a report of the meeting please
301 see the Trustee minutes.

302
303 **Other Business as Time Permits**

304 None

305
306 **Adjourn**

307 Stycos moved to adjourn at 10:00 PM. Seconded by Dawson. Ayes by Tomei, Dawson, Kanter,
308 Schleelein, and Stycos.