

Village of Lansing
Planning Board Meeting
March 14, 2016

The meeting of the Village of Lansing Planning Board was called to order at 7:02PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, Deborah Dawson, and Lisa Schleelein; Code Enforcement Officer, Marty Moseley; Village Trustee Liaison John O'Neill; Village Attorney, David Dubow; and Citizen Observer, Audrey Kahin.

Absent: John Gillott

Public Comment Period

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

Consideration of Amending "Schedule A Conditions of Final Plat Approval for Lansing Trails II "

Tomei read the proposed amendment and conditions to the final plat approval for the Lansing Trails II project. There was a brief discussion about the escrow account to be set up to ensure installation of lighting along Nor Way. O'Neill explained that the certificate of compliance and the building permit would not be issued until all conditions are met.

SCHEDULE A

**CONDITIONS OF FINAL PLAT APPROVAL
FOR
LANSING TRAILS II SUBDIVISION**

1. *Approval by the Village Engineer of the Final Subdivision Plat and supporting design/specification documents, including, but not limited to, plans and specifications for drainage ways, storm water management/retention areas, erosion control, public utilities, street and intersection layouts (including the cul-de-sac design), traffic calming devices, sidewalks, street lighting, emergency access and snow removal.*
2. *Approval by the Village Attorney of conveyance and/or dedication documents in favor of the Village, including, but not limited to, documents providing for the conveyance and/or dedication, to the extent required in accordance with the approval of the Final Subdivision Plat, of streets, storm water management/retention areas (and easements or rights-of-way thereto), utilities, recreational areas, parklands, trail areas, open space and easements, together with any restrictive covenants or other conditions related thereto.*
3. *Approval by the Village Attorney of (i) any Offering Plan submitted to the State of New York for approval, (ii) any restrictive covenants applicable to the subdivided parcels, (iii) any documents and/or agreements applicable to any homeowners association or similar entity to be formed, and (iv) any provisions applicable to such association or entity as to its obligations to properly maintain all commonly owned areas (including, but not limited to utilities, open space, and storm water management facilities), and in the case of its default with respect to such obligations, the rights of the Village to perform such duties*

52 (and gain access for such purpose) and impose the costs thereof upon such association or
53 entity.

- 54
55 4. *Compliance with the Village Land Subdivision Regulations and New York Statutes as to*
56 *requirements for the dedication of parklands and recreational areas.*
57
58 5. *Compliance, to the extent applicable, with the general requirements and design*
59 *standards and other conditions of Article 300 and Article 400 of the Village Land*
60 *Subdivision Regulations.*
61
62 6. *Compliance with Section 306 of the Village Land Subdivision Regulations as to letter of*
63 *credit and related financial security requirements.*
64
65 7. *Availability for the proposed residential development of (i) sufficient sewer units/permits*
66 *and (ii) sufficient capacity and infrastructure by all other utility providers (e.g., Southern*
67 *Cayuga Lake Intermunicipal Water Commission, NYSEG), and the inclusion of the*
68 *following note to be set forth on the Final Subdivision Plat:*

69
70 ***A building permit for an approved lot on this Final Subdivision***
71 ***Plat shall be issued only if the necessary sewer unit/permit is***
72 ***available for the residential improvements proposed for such***
73 ***lot. The approval by the Planning Board of this Final***
74 ***Subdivision Plat shall not be deemed to constitute or be***
75 ***evidence of the current or future availability of any such***
76 ***required sewer units/permits.***
77

- 78 8. *Approval by the Village Engineer of infrastructure (e.g., streets, public utilities, etc.)*
79 *construction schedules and procedures, including, but not limited to, ingress and egress*
80 *of construction vehicles and equipment (which shall be limited to ingress and egress to*
81 *and from Warren Road over the existing Bomax Drive and the extension of Bomax Drive*
82 *to the west and connecting to the Lansing Trails II Subdivision – see Condition 20*
83 *below), signage, scheduling, and coordination of all required work with the construction*
84 *of storm water management/retention and erosion controls, including internal drainage*
85 *plans to minimize adverse impact of storm water run off from one lot onto another and*
86 *from developed lots and areas onto undeveloped lots and areas.*
87
88 9. *Approval by the Village Planning Board of a staging plan indicating the intended phased*
89 *order of subdivision development and construction, which plan shall minimize*
90 *construction traffic and activity in already developed areas of the subdivision.*
91
92 10. *Approvals from all other required governmental agencies, including, but not limited to,*
93 *the Tompkins County Health Department.*
94
95 11. *Approval by the Village Engineer and Village Attorney of drainage and conservation*
96 *easement documents for the rear yard areas of Lots P1-A to P1-F, P2-A to P2-F, P3-A to*
97 *P3-E, M-1, P7-A to P7-F, P9-A to P9-D, P16-A to P16-C and 10.*
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12. *Inclusion on the Final Subdivision Plat of the following note:*

The approval by the Village of Lansing Planning Board of this Final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of Lansing of any street, easement or other open space shown on this plat (see Section 313.01 of the Village of Lansing Land Subdivision Regulations).

13. *The Final Subdivision Plat shall be deemed to have received final approval only upon compliance with Section 312.01 of the Village Land Subdivision Regulations.*

14. *Submission of the Final Subdivision Plat for review by the Lansing Fire Chief and implementation on the Final Subdivision Plat of all modifications required as a result of such review.*

15. *Approval of the Village Planning Board of a Landscape Plan (i) indicating the replacement of all trees greater than 8" in diameter at breast height to be removed and (ii) new trees and plants to be installed; or, in the alternative, approval by the Village Planning Board and Village Attorney of covenants and restrictions running with the land providing for protective measures where reasonably possible to preserve hedgerows and undeveloped land in its natural state.*

16. *Approval as required of Street Lighting Plan. In addition, by resolution (resolution #6239) of the Board of Trustees at its meeting on March 7, 2016, the Board has agreed to have seven thousand dollars (\$7,000) deposited into an escrow account (held by the Village) to ensure the installation of the street lighting along Nor Way (south) in accordance with the Lighting Commission's previous requirements and any supplemental revisions thereto. The subdivider/developer shall be allowed to obtain three (3) Certificates of Compliance issued for new houses/town houses prior to being required to install said designated street lighting along Nor Way (south). After three (3) Certificates of Compliance have been issued, no new and additional building permits shall be issued to the subdivider/developer or any other party until such a time that the street lighting has been installed by the subdivider/developer as required and in accordance with the approved Street Lighting Plan for Nor Way (south). Notwithstanding the above requirements, and in addition thereto, the subdivider/developer shall, under all circumstances, be obligated to install the street lighting in accordance with the approved Street Lighting Plan, along Nor Way (south), on or before March 14, 2021. In the event that the subdivider/developer fails to meet its foregoing obligations on or before the March 14, 2021 deadline indicated above, the Village shall thereupon be authorized to withdraw the escrow funds for the intended purpose of using such funds for the installation of the street lighting along Nor Way (south) in accordance with the Lighting Commission's previous approval as set forth in this Condition 16 of the Lansing Trails II Subdivision.*

- 144 17. *Establishment by the Village Zoning and C placed in Code Enforcement Officer of*
145 *permitted construction work schedules, including the days of the week and the hours of*
146 *the day during which construction work will be permitted.*
147
- 148 18. *Final construction of all roads and infrastructure in compliance with standards and*
149 *specifications provided for in the Village of Lansing Subdivision Regulations at the time*
150 *of such construction and reflect any changes approved by the Village Board for this*
151 *subdivision.*
- 152 19. *Filing of a notice with the NYSDEC of a sedimentation, erosion and pollution prevention*
153 *and control plan, including the name of a specific person designated to perform*
154 *inspections related thereto and provide weekly reports to the Village.*
- 155 20. *Written documentation, in form and substance satisfactory to the Village Engineer and*
156 *the Village Attorney, from the owner of the property adjoining to the east confirming (i)*
157 *the commitment and obligation of such party to extend Bomax Drive westerly to the east*
158 *boundary of the Lansing Trails II Subdivision (connecting to Bomax Drive and Bomax*
159 *Circle as set forth on the Lansing Trails II Final Subdivision Plat) providing access to*
160 *and from Warren Road, (ii) the consent of such party to the temporary use of the*
161 *currently laid out and not fully improved road bed for the Bomax Drive extension for*
162 *ingress and egress to and from the Lansing Trails II Subdivision for construction and*
163 *related equipment, machinery and traffic, (iii) the commitment and obligation of such*
164 *party to complete construction of the Bomax Drive extension to applicable Village of*
165 *Lansing specifications (including sidewalks as required) and (iv) the commitment and*
166 *obligation of such party to offer dedication of such completed road to the Village of*
167 *Lansing.*
- 168 21. *Alienation (with approval thereof as required by the New York State Legislature) of the*
169 *northerly portion of the park land (as set forth on the Lansing Trails II Final Subdivision*
170 *Plat) situated in the Lansing Trails I Subdivision to the east of the current end of Craft*
171 *Road so as to provide for the extension of such Craft Road to the east for purposes of*
172 *connecting to the street system in the Lansing Trails II Subdivision, which park land was*
173 *previously conveyed to the Village of Lansing in conjunction with the Lansing Trails I*
174 *Subdivision approval, and the filing of a revised Final Subdivision Plat for the Lansing*
175 *Trails I Subdivision reflecting the alienation of such parkland, the extension of Craft*
176 *Road and all other related modifications.*

177 **[NOTE: THIS CONDITION WILL BE DEEMED VOID AND OF NO**
178 **FURTHER EFFECT IN THE EVENT THAT THE INTENDED**
179 **ALIENATION OF PARKLAND IS NOT APPROVED BY THE STATE**
180 **OF NEW YORK AS REQUIRED, WHEREUPON (i) THE**
181 **EXTENSION OF CRAFT ROAD IN LANSING TRAILS I**
182 **EXTENDING THROUGH WHAT WAS INTENDED TO BE THE**
183 **ALIENATED PARKLAND WILL NO LONGER BE REQUIRED (ii)**

184 THE AMENDMENT TO THE LANSING TRAILS I FINAL PLAT
185 HEREBY APPROVED SHALL NO LONGER BE REQUIRED, (iii)
186 THE PORTION OF THE CONNECTING STREET ON THE
187 LANSING TRAILS II FINAL PLAT EXTENDING WESTERLY
188 BEYOND THE EASTERLY BOUNDARY LINE OF LOT 1 TO THE
189 EASTERLY EXTENSION OF CRAFT ROAD IN LANSING TRAILS
190 I THROUGH WHAT WAS INTENDED TO BE THE ALIENATED
191 PARKLAND WILL NO LONGER BE REQUIRED, AND (iv) THE
192 LANSING TRAILS II FINAL PLAT HEREBY APPROVED WILL BE
193 AMENDED ACCORDINGLY TO ELIMINATE THE EXTENSION
194 OF THE LANSING TRAILS II STREET SYSTEM FOR PURPOSES
195 OF CONNECTING DIRECTLY TO CRAFT ROAD IN LANSING
196 TRAILS I.]

- 197
- 198 22. *Inclusion on the Lansing Trails II Final Subdivision Plat of the names of all newly*
199 *proposed streets and approval thereof by the Village Planning Board.*
- 200 23. *The Final Subdivision Plat shall be deemed to have received final approval only upon*
201 *compliance Section 312.01 of the Village Land Subdivision Regulations. In the event that*
202 *such final approval is received only for one or more of the four identified Phases on the*
203 *Final Subdivision Plat, but not all four Phases, the following note shall be set forth on the*
204 *Final Subdivision Plat:*

205 *Only Phase(s) 1&2 of this Final Subdivision Plat has/have*
206 *received final approval of the Village of Lansing Planning*
207 *Board. Accordingly, building permits may be issued only for*
208 *those lots included in such approved Phase(s) 1&2. In such*
209 *event, the signing of this Final Subdivision Plat by the*
210 *Chairperson of the Village Planning Board and the filing*
211 *thereof shall not be deemed to constitute or be evidence of the*
212 *final approval of those Phases not indicated above. (See*
213 *Construction Phasing Plan C-27 dated February 3, 2005,*
214 *revised April 20, 2005)*

215 *In addition to the inclusion of such note, all lots in the unapproved Phases shall be*
216 *prominently marked as “NOT APPROVED – SEE NOTE BELOW.” Upon the*
217 *subsequent final approval of any subsequent Phase(s) (i.e., compliance with Section*
218 *312.01 of the Village Land Subdivision Regulations), an amended Final Subdivision Plat*
219 *shall be prepared and submitted for the signature of the Chairperson of the Village*
220 *Planning Board, and thereafter filed as required, which amended Plat shall no longer*
221 *bear the foregoing “NOT APPROVED – SEE NOTE BELOW” markings on the*
222 *affected lots in the newly approved Phase(s).*

- 223 24. i. Building permits can be issued for phase 2 upon the preparation of the road subbase and
224 placement of the 12” granular road base of Nor Way from the intersection of Bomax Drive/Jon
225 Stone Circle to the end of Janivar Drive in accordance with Village specifications and to the
226 satisfaction of the Village Highway Superintendent and Village Engineer.
- 227 ii.. Upon the completion of item 1 above the requirement for the continued “temporary
228 emergency access road” connecting Jon Stone Circle and to Ayla Way, (in Lansing Trails 1) will
229 cease.
- 230 iii. The binder course for the road section in item 1 above at the suggestion of the Village officials
231 will be paved 2 ¼ inches thick for the full 26’8” highway and shoulder width rather than the
232 normal 20 foot highway width. The placement of the binder course shall be approved by the
233 Village Engineer and the Village Highway Superintendent, The warranty would then run at least
234 through one winter for either one year or whenever the Village decides to place the top 1”
235 asphalt course, whichever occurs first. The developer would not be responsible for the top paving
236 course.
- 237 iv. If the binder course has not been installed, as described in item iii, prior to the issuance of
238 any Certificates of Compliance or Occupancy for phase 2, a letter of credit, bond, certified check
239 on deposit or other form of security will be posted with the Village of Lansing in an amount
240 acceptable to the Village Board of Trustees for the completion of the binder course 26’8” wide as
241 described in item iii above.
- 242 v. The developer shall maintain the road granular base until the binder course is placed. If the
243 binder course is not placed before the winter of 2013-2014, the developer shall maintain this
244 highway section regularly through the winter to allow an emergency access satisfactory to the
245 Lansing Fire Chief, Village Highway Superintendent, and Village Engineer.
- 246 vi. The latest date the section of Nor Way from the intersection of Bomax Drive/Jon Stone Circle
247 to the end of Janivar will be paved with the 26’8” wide 2 ¼” thick binder course will be July
248 31,2014.
- 249 vii. The stormwater areas at the end of Janivar Drive and north of Ayla Way will be accepted
250 upon completion and acceptance by the Village Highway Superintendent, Village Engineer and
251 Village Attorney.
- 252 viii. The stormwater facility will be constructed north of Ayla Way without the need for the
253 posting of the normal security. Most of the work will involve earthmoving on site with erosion
254 protection inspected weekly so the risk and exposure to the Village is minimal. There are many
255 other checkpoints in the project that can provide the opportunity to see that this work is
256 completed.
- 257 25.All park areas, trail areas and drainage areas (together with infrastructure improvements
258 thereon, if any) identified in Phase 1 and Phase 2 on the Final Subdivision Plat, including, but
259 not limited to, Lots 17, 18 and 19 shall be offered for dedication and conveyance to the Village of
260 Lansing by fee interest (or by easement, if so indicated) prior to the issuance by the Village of

261 *Lansing of certificates of occupancy for any dwelling in phase 2.; provided, however, that the*
262 *identification of such park areas, trail areas and drainage areas and any offer of conveyance and*
263 *dedication thereof shall not constitute acceptance thereof by the Village of Lansing (see Section*
264 *313.02 of the Village of Lansing Land Subdivision Regulations). Such offer of dedication and*
265 *conveyance shall be completed notwithstanding the fact that the initial signing of this Final*
266 *Subdivision Plat by the Chairperson of the Village Planning Board to confirm final approval*
267 *thereof (see section 312.01 of the Village of Lansing Land Subdivision Regulations) may be*
268 *limited to Phases 1&2 only.*

269 *26.Prominent identification on the Final Subdivision Plat of the demarcation line marking the*
270 *westerly boundary of the Airport Combining District (as such District is set forth on the Village*
271 *Zoning Map) and the inclusion on the Final Subdivision Plat of the following note as to (i) those*
272 *lots, and property which are situated within the Airport Combining District and (ii) the*
273 *restrictions and conditions applicable to such lots and property, including, but not limited to,*
274 *those set forth in Sections 202.13, 305.03 and 604 of the Village Zoning Law as currently*
275 *provided and as such restrictions and conditions may be amended from time to time:*

276
277 *Those lots, parcels or areas which are identified on this Final*
278 *Subdivision Plat as being situated, in part or in whole, within*
279 *the Village of Lansing Airport Combining District (as such*
280 *District is set forth on the Village of Lansing Zoning Map),*
281 *shall be subject to the Village of Lansing Zoning Law*
282 *restrictions and conditions applicable thereto, including, but*
283 *not limited to, those restrictions and conditions expressly set*
284 *forth in Sections 202.13, 305.03 and 604 of such Village*
285 *Zoning Law as currently provided and as such restrictions and*
286 *conditions may be amended from time to time. Building*
287 *permits for all such lots, parcels or areas shall be issued only in*
288 *accordance with such Village Zoning Law restrictions and*
289 *conditions, including the current requirement for a special*
290 *permit approved by the Village Planning Board. A condition of*
291 *such special permit is the Village Zoning Officer's obligation*
292 *to inform in writing any applicant therefor of the noise and*
293 *hazard conditions which are possible in the flight path of the*
294 *Ithaca Tompkins Regional Airport.*

295
296 **[NOTE: THIS CONDITION WILL BE DEEMED VOID AND**
297 **OF NO FURTHER EFFECT IN THE EVENT THAT THE**
298 **VILLAGE BOARD OF TRUSTEES ADOPTS PROPOSED**
299 **LOCAL LAW B (2005) PROVIDING FOR THE AMENDMENT**
300 **OF THE VILLAGE ZONING LAW AND ZONING MAP SO AS**
301 **TO ELIMINATE THE AIRPORT COMBINING DISTRICT**
302 **AND ALL REQUIREMENTS RELATED THERETO. IN SUCH**
303 **EVENT, THIS CONDITION WILL BE DELETED.]**
304

305 *27. Recording in the Tompkins County Clerk's Office of a copy of all conditions of final*
306 *subdivision plat approval, which copy shall be (i) recorded concurrently with the filing of the*

307 *Final Subdivision Plat, and (ii) indexed to the deed(s) to the subdivided property recorded in the*
308 *Tompkins County Clerks Office. In addition thereto, the following note shall be set forth on the*
309 *Final Subdivision Plat:*

310
311 ***See Conditions of Final Plat Approval recorded concurrently***
312 ***with the filing of this Final Subdivision Plat in the Tompkins***
313 ***County Clerk's Office.***

314
315 *Proof of the filing of the Final Subdivision Plat and the recording of a copy of the*
316 *conditions of final subdivision plat approval shall be delivered to the Village Zoning*
317 *Officer immediately following such filing and recording.*

318
319 I _____ Managing Member of The Heights of Lansing Development, LLC,

320 (Please Print Legibly)

321 expressly acknowledge and accept the revised conditions as agreed to with the Village of Lansing.

322
323 Signature: _____ Date: _____

324
325 Dawson moved to adopt the amendment with corrected language. Seconded by Schleelein; Ayes by
326 Tomei, Dawson, and Schleelein. Nays: none. Abstention by Baker.

327
328 **Discussion on Zoning Topics:**

329 Special Care Facility Densities and Parking Requirements. Front Yard Setbacks for Commercial
330 High Traffic and Commercial Low Traffic Districts.

331 Tomei presented several proposals developed by Moseley for changes to Chapter 145 – Zoning.

332
333 1. Add definition of Affordable housing to 145-3 Terms defined. After some discussion of the proposed
334 language, the Board asked to have Moseley develop new language for future action.

335
336 2. Remove “Assisted living facility” 145-82 A(3) and incorporate it into A(38) “Special Care Facility”
337 and delete “Senior housing” from A(38). The new language proposed:

338
339 (145-82) *Special care facility would be amended and now read as: Special care facility:*
340 *Convalescent, progressive care, assisted living, or nursing home, adolescent or outpatient*
341 *housing. A supportive housing facility designed for those who need or require extra help in*
342 *their day-to-day lives. Typically, these facilities combine housing, personal care services,*
343 *and medical care in an atmosphere of safety and privacy. Based on a monthly fee, basic*
344 *services typically include meals, laundry, housekeeping, recreation and transportation.*

345
346 Amendments would be made as necessary to the 145-81Chart of uses and various Zoning
347 Districts where “Assisted living facility” is currently identified as a separate use.

348

349 Dawson would like to see more senior housing communities and felt there should be an option to have
350 senior housing specifically included as a use. There was discussion as to whether senior housing should
351 be a separate use category as senior housing has a different impact on traffic, infrastructure and schools
352 than a project with mixed ages. Some felt the PDA provisions might cover this issue. Dawson suggested
353 that senior community development with specific incentives for affordable housing would be a good way
354 to ease into making affordable housing a reality in the Village. It was agreed that Moseley would put
355 together specific language for senior housing for a future meeting.

356
357 3. Amend 145-60 Additional conditions for certain Special Permit uses, O. Assisted living facility and
358 P. Special care facility. Replace current language with the following:

359
360 *145-60(O)- Special care facility. Permitted upon determination by the Planning Board that the design,*
361 *scale, exterior appearance, projected traffic volume and pattern, lights and noise level are compatible*
362 *with the character of the neighborhood or immediate area surrounding the proposed development.*
363 *Special care facility shall be located all on one building and is permitted only in sewerred areas.*
364 *Additional facilities, such as community centers, fitness centers, etc., shall be permitted as long as they*
365 *are compatible with the character of the neighborhood and approved by the Planning Board. Recreation*
366 *land and open spaces shall be provided in accordance with the below provisions. Public or Private Roads*
367 *shall be designed and constructed in accordance with the provisions below. Application review fees and*
368 *inspection fees shall be assed and paid in accordance with the provisions below. Residential density and*
369 *parking standards for Special care facilities shall be designed in accordance with the below provisions. A*
370 *variable buffer strip shall be incorporated with the project, in accordance with section 145-24, in the*
371 *event that the Planning Board determines that it is necessary.*

372 (1) Low Density Residential district:

- 373 • 20,000 square foot per dwelling unit with a 20% increase in density in the event that a
374 minimum of 15% of the entire project is considered to be affordable housing
375 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

376 (2) Medium Density Residential district:

- 377 • 13,000 square foot per dwelling unit with a 20% increase in density in the event that a
378 minimum of 15% of the entire project is considered to be affordable housing.
379 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

380 (3) High Density Residential district:

- 381 • 6,000 square foot per dwelling unit with a 20% increase in density in the event that a
382 minimum of 15% of the entire project is considered to be affordable housing.
383 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

384 *Recreational land, open space, private or public roads, and application review/inspection fees shall be*
385 *provided in accordance with the following:*

386 *Recreational Areas:*

- 387 (1) *In the event that a park, playground, trail, path, route or other recreational area is shown on the*
388 *Village Greenway Plan, and all or any portion of such recreational area is located within a property*
389 *proposed to be subdivided for recreational purposes, the project must show either (a) such*
390 *recreational areas or (b) an area or areas that do not currently appear on the Village Greenway*
391 *Plan but, if substituted for the areas within the property shown on the Village's Greenway Plan,*

392 would be comparable in total area and would be likely to accomplish the goals and purposes of the
393 Village's Greenway Plan. The Planning Board may require that the developers' Greenway Area be
394 reserved for recreational purposes (at least to the extent of the Minimum Recreational Area, as
395 defined in Section 3 below), provided that the Planning Board has made a finding in the course of its
396 review of the proposed project that a proper case exists for requiring such area for recreational
397 purposes. which investigation shall include, but may not be limited to, an on-site visit by a member of
398 either the Planning Board or Greenway Committee.

399 (2) *Recreational Areas Not Shown on the Village Greenway Plan.*

400 *In the event that (I) a proposed development does not include any park, playground, trail, path, route*
401 *or other recreational area shown on the Village Greenway Plan, or (II) the development Greenway*
402 *Area is less than the Minimum Recreational Area (as defined in Section 3 below), or (III) the*
403 *Planning Board determines in the course of its review of the proposed project, that the Greenway*
404 *Area is either (a) not suitable for recreational land within the Village and/or (b) not suitably located*
405 *for recreational purposes within the Village, then the Planning Board may require the proposed*
406 *development plan to show proposed alternative recreational areas. These alternative or additional*
407 *recreational areas shall be referred to as the "Alternative Recreational Area." The Planning Board*
408 *may require that such an Alternative Recreational Area be shown as a recreational area on the*
409 *development plan provided that the Planning Board has made a finding in the course of its review of*
410 *the proposed development that (a) such an Alternative Recreational Area is suitable for recreational*
411 *land within the Village and that (b) present and anticipated future needs for park and recreational*
412 *facilities within the Village, based on projected population growth to which the project shall*
413 *contribute, indicate that such an Alternative Recreational Area is suitably located for recreational*
414 *purposes within the Village.*

415 (3) *Calculation of Amount of Property to be Identified as Recreational Areas.*

416 (a) *Proposed development plans are required to show a recreational area having a total*
417 *acreage of not less than one (1) acre for every thirty (30) dwelling units, or six (6%) percent*
418 *of the total acreage of the entire property to be developed, whichever result is greater.*

419 (4) *Fees in Lieu of Recreational Area(s).*

420 (a) *Only in the event that the Planning Board, in its sole judgment, determines after due inquiry*
421 *in accordance with the terms of this Section, that the proposed development plan does not*
422 *include (a) any area(s) suitable for recreational purposes or (b) enough area to equal the*
423 *Minimum Recreational Area suitable for recreational purposes, whether on account of the*
424 *topography, location or size of potential recreational area, or the proximity of such area to*
425 *existing or planned sections of the Village Greenway, or otherwise, then the Planning*
426 *Board is authorized to require that the applicant/developer pay a fee in accordance with*
427 *the below provisions of Section (4)(1). In such event, the applicant/developer must, at its*
428 *expense, (a) file in Miscellaneous Records in the Tompkins County Clerk's Offices a written*
429 *notice of the requirement for the payment of such fee and the amount to be paid, which*
430 *notice is indexed to the deed to the proposed development; (b) deliver to the Village the*
431 *filing receipt therefor; (c) add to the final development plan a note confirming the*
432 *requirement for payment of said fee and the amount to be paid, and (d) once the fee has been*
433 *paid, record in the Tompkins County Clerk's Office a notice signed by the Village Mayor or*
434 *Treasurer confirming receipt of such payment.*

435 (1) *The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100*
436 *Dollars (\$750.00) multiplied by the total number of dwelling units permitted to be developed*
437 *within the project as proposed by the developer, minus the number of existing dwellings. The*
438 *applicant/developer shall deliver payment in full of this fee prior to the issuance of the*
439 *building permit for the construction of the proposed development. The Code Enforcement*
440 *Officer shall not issue a building permit for construction of any dwelling units within the*
441 *development until such fee has been paid as stated above.*

442 (2) *The Village shall deposit all fees received in accordance with the terms of this Section into a*
443 *trust fund to be used by the Village exclusively for park, playground or other recreational*
444 *purposes anywhere within the Village, including the acquisition of property for recreational*
445 *purposes, the improvement and maintenance of property for recreational purposes, the*
446 *improvement of existing recreational areas in the Village and the development of the Village*
447 *Greenway.*

448 (5) *Reservation of Recreational Area by Dedication or Other Means.*

449 (a) *In the event that the applicant/developer shall convey to the Village fee title to the*
450 *recreational area depicted on the proposed development plan, title shall be conveyed in*
451 *unencumbered, marketable condition. Prior to conveyance, the applicant/developer shall*
452 *deliver such title and other documentation, including an updated title abstract, certified*
453 *survey map, draft deed and tax searches, as may be required by the Village attorney. Such*
454 *requirements shall not exceed those imposed in connection with the dedication of a road to*
455 *the Village.*

456 (b) *The applicant/developer may, in lieu of conveyance of fee title and with the Planning*
457 *Board's consent, convey to the Village an easement, right-of-way, or other interest approved*
458 *by the Planning Board, to the required recreational area, in form and substance satisfactory*
459 *to the Village attorney. In such event, the applicant/developer's conveyance of an easement,*
460 *right-of-way or other interest shall, among other things, be unencumbered or delivered*
461 *together with the consent of any mortgagee or other party having a prior interest in such*
462 *property, shall be permanent and shall enable the development, use, maintenance and repair*
463 *of the recreational area substantially in the same manner as if fee title to the recreational*
464 *area had been conveyed to the Village.*

465 (c) *Prior to the applicant/developer's conveyance to the Village of either fee title or an*
466 *easement, right-of-way or other interest in or to the recreational area, the*
467 *applicant/developer shall, at its expense, remove from the area to be conveyed all man-made*
468 *structures or items, including, but not limited to, all construction debris, as well as any*
469 *fallen trees, unless directed otherwise by the Planning Board. This requirement shall not*
470 *obligate the applicant/developer to clear any living trees or other growth from the*
471 *recreational area, or to grade, cut or fill the recreational area.*

472 (d) *Whether the applicant/developer conveys to the Village fee title to the recreational area, or*
473 *an easement, right-of-way or other interest in such area, such conveyance shall be*
474 *completed, to the satisfaction of the Village's attorney, prior to the issuance of the first*
475 *building permit for the construction of any dwelling unit within the subdivision.*

476 *Open Space:*

477 A. *Open Space. For the purposes of the provisions, open space (“Open Space”) shall be defined as*
478 *follows: Open Space is intended to provide light and air, and is designated for either*
479 *environmental, scenic or passive recreational purposes. Open Space shall include land within the*
480 *Conservation Combining District (if available) and land that is undevelopable. Open Space shall*
481 *not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel,*
482 *nor shall it include any land otherwise set aside for parks or other areas intended for active*
483 *recreational purposes as permitted, and/or other areas intended for active recreational purposes*
484 *as permitted and/or required under the laws of the State of New York. In no event shall any area*
485 *of a developable lot or any existing or future road right-of-way be deemed Open Space. No less*
486 *than 15% of the “developable area” of the subdivision plat shall be designated as Open Space.*
487 *For the purposes of these provisions, “developable area” shall be the gross area of the proposed*
488 *project less (i) streets and/or other surfaces designated on the proposed development plan for*
489 *vehicular travel and (ii) any land designated on the development plan as being set aside for parks*
490 *or other areas intended for active recreational purposes as permitted and/or required under the*
491 *laws of the State of New York. The Open Space so created must be clearly labeled and noted on*
492 *the development plan so as to confirm (i) the use and rights in the Open Space of the property*
493 *owners in the development, (ii) the entity to which the Open Space is to be dedicated, and (iii) the*
494 *conditions of such dedication, all of which shall be approved by the Planning Board. The details*
495 *as to the use and ownership of the Open Space are to be further set out in a declaration or other*
496 *written instrument, approved by the Planning Board and recorded by the developer in the Office of*
497 *the County Clerk. Such Open Space, or a portion thereof (not less than the minimum 15% provided*
498 *for above) designated by the Planning Board, shall be preserved in perpetuity, and the Planning*
499 *Board, as a condition of its approval, may require an Open Space easement or other written*
500 *instrument running in favor of the Planning Board. Any such easement or other written instrument*
501 *running in favor of the Village shall also be subject to the approval of the Village Board of*
502 *Trustees.+*

503 B. *Prior to the issue of any building permit(s) for construction of any dwelling units within the*
504 *development, the developer shall provide its organizational documents and shall otherwise satisfy*
505 *the Planning Board as to all other matters associated with the ownership and upkeep of the Open*
506 *Space and the governance of such entity. In addition, thereto, such entity and its governance shall*
507 *at all times be in compliance with all laws and regulations of the State of New York, including, but*
508 *not limited to, all rules and regulations of the New York State Attorney General’s Office.*

510 *Private or Public Roads:*

511 A. *Private or public roads shall be designed and constructed in accordance with section 125-21,*
512 *125-22, and 125-23 of the Village of Lansing Subdivision Law.*

513 *Fees:*

514 A. *Any applicable fees for building permits shall be subject to and in accordance with section 145-*
515 *57 of the Village of Lansing Zoning Law. Any security deposits or review fees shall be subject to*
516 *and in accordance with the following:*

- 517 (1) *The Planning Board shall hold no public hearing nor take any action on, or in connection*
518 *with, the consideration, review, analysis, inspection, endorsement or approval of any*
519 *application made pursuant to these regulations unless and until all applicable application*
520 *review fees and inspection fees have been paid in full to the Village with receipt therefor*
521 *provided to the Planning Board. Notwithstanding the foregoing, if at any point during the*
522 *review or inspection process either the amount paid or the amount deposited in escrow, as the*
523 *case may be, is determined by the Village to be inadequate, the applicant shall pay, or deposit*
524 *in escrow, as the case may be, the amount necessary to eliminate the inadequacy. In the event*
525 *that the applicant fails to so pay or replenish the escrow account, further action by the*
526 *Planning Board shall be suspended until the applicant has either paid the necessary amount*
527 *or deposited the necessary amount in the escrow account.*
- 528 (2) *A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be*
529 *established and maintained by the applicant with the Village of Lansing for any application*
530 *review fees and inspection review fees or expenses incurred by the Village as a result of or in*
531 *connection with the review, consideration, administration, analysis and granting or denial of*
532 *the proposed development; such review fees and expenses shall include, but shall not be*
533 *limited to, any compensation payable by the Village for time devoted to the application/plan*
534 *review and inspections by the Village Code Enforcement Officer, the Village Attorney, the*
535 *Village Engineer, or any other employee of or consultant retained by the Village throughout*
536 *the planning and development process.*
- 537 (3) *The escrow account shall be established, and any necessary escrow agreement prepared, in a*
538 *manner satisfactory to the Village Clerk, to the Village Attorney, and to the Village Engineer.*
539 *Notwithstanding the foregoing, the applicant may, at any time, elect to make payment in full to*
540 *the Village of all sums required to be placed in escrow in lieu of establishing the escrow*
541 *account. In any case that fees are not required to be placed in escrow, such fees shall be paid*
542 *by the applicant to the Village in full in accordance with all terms of these regulations.*
- 543 (4) *If an escrow account is established hereunder, it shall be a segregated account, and no funds*
544 *other than those required to be deposited in such account shall be commingled with the funds*
545 *in such account.*
- 546 (5) *Notwithstanding any provision herein that might be construed to the contrary, all application*
547 *review fees and inspection fees paid to the Village in accordance with this section shall be*
548 *nonrefundable unless miscalculated. The Village shall return, to the applicant, any part of an*
549 *application review fee and inspection fee that was overpaid to the Village.*
- 550 (6) *The fees payable in accordance with this section shall compensate the Village for costs*
551 *incurred for the application review and inspections performed by the Village as required by*
552 *and in accordance with applicable laws and regulations. Such costs shall include only those*
553 *incurred in the Village's performance of such administration, review and inspection as is*
554 *necessary or customarily undertaken by the Village, acting through its officers, boards,*
555 *commissions, contractors, consultants or employees, taking into account the nature, scope,*
556 *costliness, size and impacts of the project.*

557
558 4. The final proposal discussed addressed changes to front yard setbacks in the Commercial High Traffic
559 (CHT) and the Commercial Low Traffic (CLT) districts.
560

561 The proposal suggested a reduced front yard setback of 25 feet, in both the CHT and CLT Districts except
562 for Commercial Low Traffic district properties that have road frontage along North Triphammer Road.

563 The current Zoning provisions in the CLT District require that the building adhere to a front yard setback
564 of 75 feet from the road right of way, where the parcel does not front on North Triphammer Road. The
565 current provisions in the CHT District require that the building adhere to a front yard setback of 75 feet
566 from the road right of way. Allowing a building to be built closer to the road would provide a greater
567 degree of flexibility for site design and possibly allow for parking lots to be placed in the side or rear
568 areas of the site, which would be more aesthetically pleasing from a planning perspective.

569 The Board agreed that this proposal is a desirable change and asked Moseley to develop specific
570 language.

571 It was also agreed that until all of the language for the various proposals is finalized, and the senior
572 housing use issue is resolved, no changes will be sent to the Board of Trustees until there is a complete
573 package of proposed changes for their consideration.

574

575 **Cayuga View Senior Living (aka C.U. Suites) – Covenant Restrictions**

576 Mario asked the Board to revisit the topic of the need for revising the proposed covenant restrictions for
577 the Cayuga View Senior Living project. The terms of Condition #3 had previously been identified by the
578 Board as requiring revision.

579

580 Moseley proposed the following language to replace condition #3:

581 *Covenant restrictions for Cayuga View Senior Living – 16 Cinema Drive. 3.14.16*

582 *#3 This Declaration shall run with the land and shall be binding for a period of 10 (ten) years.*

583 *Provided, however, the Village and Developer agree that the establishment of the Development for*
584 *senior citizen living is in recognition of a need for a variety of housing specifically and exclusively for*
585 *senior citizens. This declaration may be amended, at the request of the applicant, in accordance with*
586 *section 145-59(F) of the Village of Lansing Zoning Law titled “Amendments to Previously Approved*
587 *Special Permits”. In the event that an amendment is requested, in accordance with 145-59(F) of the*
588 *Village of Lansing Zoning Law, to reduce the timeframe of the senior citizen living, said amendment*
589 *shall be determined to be a major amendment and shall follow all applicable rules and regulations*
590 *pertaining to a major amendment to a previously approved special permit as set forth in section 145-*
591 *59(F) of the Village of Lansing Zoning Law.*

592

593 The Board agreed the proposed language for condition #3 was acceptable and indicated this was the only
594 necessary change to the covenant restrictions. Moseley will provide the revised language to the
595 developer.

596

597 **Approval of Minutes:**

598 None

599

600 **Trustee Report:**

601 Schleelein reported on the Trustee meeting of March 7, 2016. For a complete report of the meeting please
602 see the Trustee minutes.

603

604 **Other Business**

605 The March 29, 2016 Planning Board meeting is cancelled as Moseley will be out of town. The April 26,
606 2016 Planning Board meeting is moved to Wednesday, April 27, to accommodate Village elections.

607

608 **Adjournment**

609 Baker moved to adjourn at 8:10 PM. Seconded by Dawson; Ayes by Tomei, Baker, Dawson, Gillott, and
610 Schleelein.