

Village of Lansing
Planning Board Meeting
Minutes of
September 26, 2017

The meeting of the Village of Lansing Planning Board was called to order at 7:00PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Deborah Dawson, Carolyn Greenwald, and Lisa Schleelein; Alternate Member, Jim McCauley; Code Enforcement Officer, Adam Robbs; Village Attorney, David Dubow; Village Engineer, Brent Cross; Ken Farrall and Mike Gavin of CMC Engineering, Dan Veaner of the Lansing Star, and residents Gerry Monaghan and Lynn Leopold. Absent: Mike Baker

Tomei appointed Jim McCauley as an acting member for the meeting due to the absence of Planning Board member Mike Baker.

Public Comment Period

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

Tomei informed everyone that the **Continuation of Public Hearing to consider: Special Permit #4056 Park Grove Realty LLC Proposal** has been postponed until a future meeting.

Shops at Ithaca Mall

Informal proposal for possible Planned Development Area. This is a proposal to subdivide tax Parcel #47.1-1-22 and Parcel #46.1-1-24 into smaller tax parcels for possible redevelopment.

Per *Appendix A-2 Planned Development Area (PDA), Section 4. Preliminary Proposal*, of the Village Code, Farrall and Gavin of CMC Engineering made an informational presentation to the Board regarding their proposal to the Village to subdivide the Mall property as a PDA. CMC made a similar presentation to the Board of Trustees who referred CMC to the Planning Board to keep the Planning Board informed. The project review is still in the preliminary stage as there are many questions about the proposal in terms of ownership if subdivided, the kinds of businesses that might inhabit the mall, and maintenance issues.

Farrall opened the discussion with an overview of the impact of consumer habits on malls across the country; internet sales are taking business away from brick and mortar stores. He talked about the current trend in mall real estate for larger retail stores wanting to take ownership of their buildings. The ownership of larger stores' buildings provides stability for the entire mall and in turn encourages smaller stores to stay. Farrall explained that this proposal would create a way for stores to buy their own properties, thereby improving the future retail security for the whole mall.

Farrall went over their proposal for the subdivision and provided responses to A-2, Section # 4.

The Shops at Ithaca Proposed PDA Proposal

50 Section 4. Preliminary proposal.

51

52 A. Any developer proposing a PDA shall submit his or her written request to the Board of Trustees,
53 with a copy to the Planning Board at the same time, in the form of a preliminary proposal,
54 which must include:

55

56 1) *A sketch development plan showing existing and proposed land uses, the approximate*
57 *locations of proposed buildings and other improvements, existing and/or proposed buffers,*
58 *existing and proposed open spaces, existing topographic characteristics, the approximate*
59 *location of current and proposed streets and easements, any property proposed to be*
60 *dedicated to the Village, and the existing land uses immediately adjacent to the proposed*
61 *PDA.*

62 **Response: See the attached plans.**

63

64 2) *A written description and explanation of the character and purpose of the proposed PDA,*
65 *including the type and density of any residential and non-residential development*
66 *proposed; estimated building sizes and heights; estimated parking space requirements;*
67 *proposed vehicular ingress and egress locations; proposed water and sewage systems and*
68 *infrastructure; a general statement of proposed financing of the project; an indication of*
69 *the expected timetable and phasing for development; the manner in which phasing of*
70 *the development will be controlled so that simultaneous development of different project*
71 *elements will be in reasonable proportion to one another; and the proposed amount and type*
72 *of performance guaranty and/or financial security to be provided by the developer.*

73 **Response: The purpose of utilizing the PDA is to provide for the creative redevelopment of**
74 **the Mall by providing relief from the zoning ordinance requirements to the properties that**
75 **comprise the mall, while preserving the application of the zoning ordinance to the Mall as a**
76 **whole. This will also better manage the approval process and allow future business to**
77 **secure the approvals in a timely manner. The proposed PDA will allow the subdivision of**
78 **the existing stores without requiring an approval from the Zoning Board of Adjustment.**
79 **Only one additional lot is proposed for development which is a proposed 3 story extended**
80 **stay hotel. The Mall will be governed by a document recorded against the property(ies)**
81 **that comprise the Ithaca Mall PDA that provides for cross access easements for parking and**
82 **pedestrian and vehicular access, utility and storm water easements and common area**
83 **maintenance. As long as there is enough parking for the entire mall, individual stores do**
84 **not need to meet the parking requirements, because they are met as a whole. Water and**
85 **Sewer is existing on the property. No financing is required. No phasing is proposed. The**
86 **timeline is immediate.**

87

88 3) *Preliminary information regarding environmental issues likely to be addressed in the*
89 *environmental review of the PDA, which environmental review will be required for all PDA*
90 *proposals, together with a preliminarily prepared Part 1 of a Full Environmental Assessment*
91 *Form in accordance with the applicable provisions of the State Environmental Quality Review*
92 *Act under Article 8 of the Environmental Conservation Law and the implementing*
93 *regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations*
94 *(SEQRA).*

95 **Response: This will be provided**

- 96
97 B. *A written description of proposed permitted uses within the PDA (and any related requirements*
98 *therefor), proposed lot sizes, proposed lot setbacks, proposed lot coverage restrictions and other*
99 *proposed dimensional and zoning district type regulations.*

100 **Response: In addition to what is currently proposed in the CHT District, additional uses that will**
101 **be permitted is as follows:**

- 102 1) **All Medical Uses.**
103 2) **Farm and Home Retail.**
104 3) **All Hardware Sales and Service.**
105 4) **Day Care.**
106 5) **Tires and Auto Parts Retail Sales and Services.**
107 6. **Any other use being a similar use as permitted in the CHT Zoning District.**

108 **Maintain all existing setbacks from the Ithaca Mall PDA to the adjacent properties; and Comply**
109 **with those portions of the area and bulk requirements of the applicable zoning district at the**
110 **time of the development of any new building(s) within the Ithaca Mall PDA as related to**
111 **adjacent property owners outside of the Ithaca Mall PDA only (i.e. if the closest adjacent**
112 **property is located in the Ithaca Mall's side yard, then the proposed building must meet the**
113 **side yard regulation to the adjacent property, but not the front, rear or interior side yards).**

- 114
115 5) *A written statement and explanation as to the differences between the proposed PDA and what*
116 *would otherwise be permitted to be developed in the proposed PDA under the current provisions*
117 *of this Chapter 145, and why the proposed PDA would be of benefit to the Village as a whole.*

118 **Response: The purpose of utilizing the PDA is to provide for the creative redevelopment of the**
119 **Mall by providing relief from the zoning ordinance requirements to the properties that comprise**
120 **the mall, while preserving the application of the zoning ordinance to the Mall as a whole. This**
121 **will also better manage the approval process and allow future business to secure the approvals**
122 **in a timely manner. It also allows certain setbacks (for example the setbacks between buildings)**
123 **to be removed from the bulk requirements and not require approval from the Zoning Board of**
124 **Adjustments.**

125
126 *Upon receipt of a preliminary proposal for a proposed PDA, the Board of Trustees shall review such*
127 *proposal (jointly and/or in consultation with the Planning Board if the Board of Trustees deems it*
128 *appropriate and/or necessary) to determine if it wishes to proceed further with the consideration of*
129 *the proposed PDA. If the Board of Trustees determines that further consideration is appropriate, the*
130 *proposed PDA shall be referred by the Board of Trustees to the Planning Board for more in depth review*
131 *and consideration and for the purpose of the Planning Board providing the Board of Trustees with its*
132 *input and possible recommendations. Such in depth review and consideration shall include the*
133 *Planning Board's authority to require submission of supplemental information and materials by the*
134 *developer to complete the preliminary proposal.*

135 **Response: Reviews and meetings are currently underway.**

136
137
138 He gave some examples of possible uses that might differ from the present mall although most were
139 simply different types of retail shops rather than different uses.

140
141 One parcel, west of the rear of the Ramada Inn, is proposed for an extended-stay hotel.
142
143 The major reasons for considering a PDA zoning is to allow subdividing the current mall parcel into
144 smaller parcels to be sold to larger retailers. This subdivision can be accomplished only if zero lot lines
145 are allowed, thus the need for a PDA. Additionally the PDA would provide for cross access easements
146 and shared parking amongst all the mall stores regardless of ownership. Zero lot lines would not pertain to
147 abutting parcels where the current setbacks would be maintained, it would only pertain to the mall parcel.
148
149 Greenwald asked what would happen if stores did not want to buy and whether CMC has had success
150 with this approach before.
151
152 Farrall indicated that this approach is in process at other locations; when an opportunity to purchase is
153 presented the larger retailers generally exercise the option and that interest has been expressed or he and
154 Gavin would not be here.
155
156 Gavin brought up that distressed malls is the focus of NamDar (the proposed developer/buyer for the
157 Shops at Ithaca Mall). The capital from subdividing and selling some of the mall property gives NamDar
158 capital for revitalizing the rest of the mall. Larger tenants also bring in more jobs and revitalization
159 happens faster.
160
161 Tomei asked about CMC's role in the process. Gavin indicated CMC is not involved with the actual
162 leasing but simply setting up the opportunity guided by the owners and the leasing agents.
163
164 Cross asked how such a subdivision would work on an already developed property; a concern being the
165 Stormwater system and Stormwater management.
166
167 Gavin stated the mall manager would still oversee maintenance and that all stores would be required to
168 sign and be governed by the Declaration of Easements, Covenants, Conditions, and Restrictions (ECCR)
169 agreement
170
171 Greenwald brought up the occurrence of a severe flooding problem that occurred over the summer for the
172 mall and the properties behind the mall. She asked whether CMC was aware of the flooding and what
173 could be done to prevent it from happening again. Farrall said he was not aware of the problem.
174
175 Cross said he is concerned about having many property owners. He asked how the Village would get
176 approvals for work, and wanted to know who would be responsible and liable for maintenance problems
177 such as the flooding mentioned by Greenwald.
178
179 Gavin stated that whoever owns the property from which the Stormwater issue arose would be
180 responsible.
181
182 Cross stated that all new subdivisions enter into a Stormwater agreement with the Village.
183
184 Schleelein asked who will own the parts of the mall not purchased.
185

186 Farrall said that the common area is still owned and maintained by the management of the mall. Those
187 who purchase their buildings/parcels own the building and parking, however, the ECCR allows easement
188 and rights for cross access.

189
190 Dawson raised questions about maintenance and liability if something is affected outside the subdivision.

191
192 Greenwald would like to have a survey provided prior to making a decision.

193
194 After more discussion about the goal of subdividing the property, Gavin indicated CMC is taking its
195 direction from the owners.

196
197 Monaghan again brought up the flooding issue stating that the possibility of future flooding needs to be
198 addressed.

199
200 Gavin went back to the concept of the ECCR—the mall will maintain and the ECCR will dictate who will
201 pay for the service.

202
203 Monaghan asked about future stores that might build a stand-alone building on the mall property.
204 Gavin stated that all stores will be governed by the ECCR even if they are not physically attached to the
205 rest of the mall.

206
207 Some additional discussion about possible physical structure changes, why this particular mall was
208 targeted by NamDar, some additional ideas about drawing people to the mall.

209
210 Greenwald asked about the PDA process and who makes the decision about what is reviewed or surveyed
211 prior to a final decision.

212
213 Then the discussion went back to the concern about Stormwater and flooding.

214
215 Cross wanted to know the design of the Stormwater system; an updated survey is required to see whether
216 changes need to be made.

217
218 Gavin said he presumed designs were previously submitted to and approved by the Village every time
219 something was constructed or modified. Dawson asked where the plans are kept.

220
221 Cross said that individual plans should be on file but that this is the time to require an update. Each time
222 there is an expansion, there is a modification, however, that doesn't mean each time a modification was
223 made that the total property was improved; incremental changes do not always affect the total system.

224
225 Dubow stated that upon each expansion a review of the change is made.

226
227 Tomei suggested that the two largest and most recent developments of Target and Regal Cinemas be
228 checked.

229
230 Gavin stated that the ECCR complies with the rules and standards for the Village Stormwater agreements.

231

232 Dubow stated that these questions need to be addressed by the Board of Trustees and need to be evaluated
233 by the Trustees. The purpose of a PDA is to provide the opportunity and ability to do unique things
234 otherwise restricted by local laws.

235
236 Tomei reminded everyone that one feature of the PDA is that it should be of benefit to the Village. It is
237 the Board of Trustees who must ultimately decide whether this proposed PDA is of benefit to the Village,
238 however, the Trustees look to the Planning Board for a recommendation prior to making the final
239 decision.

240
241 Dubow indicated that Appendix A-2 outlines how PDAs are developed.

242
243 Schleelein asked how multiple ownership works in the case where the proposed revitalization is not
244 successful.

245
246 Gavin's reply was that the owners are trying to make money and so don't plan for failure. Farrell stated
247 that the proposal is trying to do something positive to change the declining mall; that to do nothing will
248 not be in the interest of the mall or the Village.

249
250 Cross asked that CMC submit past Stormwater plans. He would like to have a comprehensive picture of
251 the Stormwater system for the entire mall.

252
253 Gavin replied that CMC and/NamDar don't have time or money for additional studies on distressed
254 properties and this should not be required.

255
256 It was discussed that the ECCR is a vital document for all to have in order to understand how it relates to
257 some of the major concerns expressed. Robbs indicated he did not have a copy. Gavin said he would
258 email the ECCR to Dubow and Robbs. The Board members asked that Robbs send them a copy as well.

259
260 Many questions remained especially regarding the ownership/management agreement, and Stormwater
261 design and issues. Additionally, it was noted that an environmental review must still be done.

262
263 Tomei said that the next step is a joint meeting with the Board of Trustees to discuss some of the
264 outstanding questions and to come to a decision about whether to accept the PDA proposal.

265
266 **Approval of Minutes**

267 Dawson moved to accept the minutes of January 9, 2017 as amended. Seconded by Schleelein; Ayes by
268 Tomei, Dawson, Greenwald, and Schleelein. Nays: None. Abstention by McCauley.

269
270 Schleelein moved to accept the minutes of January 31, 2017 as amended. Seconded by Dawson; Ayes by
271 Tomei, Dawson, Greenwald, and Schleelein. Nays: None. Abstention by-McCauley.

272
273 Dawson moved to accept the minutes of March 28, 2017 as amended. Seconded by Schleelein; Ayes by
274 Tomei, Dawson, Greenwald, and Schleelein. Nays: None. Abstentions by Greenwald and McCauley.

275
276 **Trustee Report:**

277 Dawson reported on the Trustee meeting of September 18. For a complete report of the meeting please
278 see the Trustee minutes.

279

280 **Other Business**

281

282 **Adjournment**

283 Dawson moved to adjourn at 9:30 PM. Seconded by Greenwald. Ayes by Tomei, Dawson, Greenwald,
284 McCauley, and Schleelein.

285

286 Submitted by Lisa Schleelein, Vice Chairman

287 Village of Lansing Planning Board

288