

1 Village of Lansing
2 Planning Board Meeting
3 Minutes of Tuesday
4 June 25, 2019
5

6 The meeting of the Village of Lansing Planning Board was called to order at 7:02pm by Chair,
7 Lisa Schleelein.
8

9 Present at the meeting: Planning Board Members; Lisa Schleelein, Mike Baker, Monica Moll,
10 James McCauley, Tony Ingraffea; Code Enforcement Officer, Mike Scott; Village Attorney,
11 William Troy, Village Trustee Liaison, Ron Hardaway; Mayor Donald Hartill; Planning Board
12 Engineer, Brent Cross; Jim Bold and Eric Goetzmann, the Beers, Ken Beardslee, and
13 approximately 3 additional people.
14

15 Absent: Carolyn Greenwald
16

17 Schleelein appointed Alternate Tony Ingraffea to fill in for Carolyn Greenwald.
18

19 **Public Comment Period**

20 Schleelein opened the public comment period at 7:04pm.
21

22 With no one wishing to speak, Baker moved to close the public comment period. Seconded by
23 McCauley.

24 AYES: Schleelein, Baker, Moll McCauley and Ingraffea.
25

26 **Public Hearing for Special Permit #4258**

27 Eric Goetzmann, representing Arrowhead Ventures, is proposing a change to the Residential
28 Units of Area B in the Lansing Meadows PDA located on Oakcrest Road (Tax Parcel #47.1-1-
29 17.21). The Planning Board will review this proposal (Special Permit #4258) to determine
30 whether it is a major or minor change from the approved site plan.

31 Schleelein read from the public hearing statement of a Planning Board decision on whether this
32 is a minor or major change from the new the site plan. Bold said the revised site plan shows 18
33 units which will be constructed in two phases. Phase I will be 12 units and the remaining 6 units
34 will be built in Phase II. All units will be facing the road and mirror the same plan proposed
35 earlier. They plan to reserve the remaining space for possible additional units in the future. They
36 would apply for another special permit for that development that will remain undeveloped for
37 now.

38 Schleelein stated if there are any intentions for future construction, a new special permit to build
39 will only be zoned for residential. Her concerns are not knowing what the future holds for this
40 undeveloped space in order to determine if this is a minor or major change. Bold stated any
41 future construction would stand on its own merit and they cannot give up the right to move
42 forward on this proposed plan in deciding a minor or major change. Schleelein stated that the 18
43 units are a minor change but if the future plan is a possible 30 units then that is a major change.

44 Schleelein is concerned with constant changes to the plans. Schleelein stated that the original
45 plan was 12 units with four buildings of triplexes.

46 Goetzmann stated that the intention of the original plan of 12 units was to take commercial
47 traffic off Oakcrest Road. It is a smaller piece of property due to the wetland being taken off.
48 Schleelein pointed out that if you look at the percent of change it was determined as a minor
49 change. Schleelein said they are issuing a permit based on if it is a minor or major change. The
50 problem is the open space whether it is undetermined or undeveloped land. Schleelein stated that
51 the Planning Board could delay and segmentation cannot be happening all the time.

52 Bold said if the Planning Board does not support or agree to any future construction then they
53 have every right to determine it as a major project and exercise every right to manage that
54 process. If the issue is density, this property is the best piece of property for the Village. Bold
55 asked why the Planning Board cannot support this construction and why the Village is hesitant to
56 move forward.

57 McCauley stated that you are asking the Planning Board to take it for what it is now and future
58 construction could potentially not be granted. Bold stated he understands that and if that is the
59 decision at that time then they will have to accept it.

60 Goetzmann stated that the market is looking for these types of units and the first phase of the
61 project needs to move forward before the deadline expires and the market changes. Schleelein
62 asked what the expected timing of the phases would be. Bold said Phase I is to start now and be
63 completed by the end of July 2020 and Phase II would start immediately following and would
64 take approximately one year to complete because of timing to set up labor, etc.

65 Moll asked if there was a threshold to the amount of traffic. Cross believed it would not exceed
66 capacity even if it was at the original 30 units. Cross stated that the roadway should be traffic in
67 from the west and out from the east.

68 Troy asked if it is broke out by two phases, what prevents them from going forward with a
69 possible Phase III on the undeveloped space two or three years out. Scott said a special permit
70 is good for three years. Bold said they would ask for a new special permit for any future build.
71 Troy said they want Arrowhead to lay out what any possible construction would look like.
72 Goetzmann said it is impossible to determine what the future may or may not hold. Goetzmann
73 said after Phase I and II are completed then they will take a look at it.

74 Schleelein asked about the stormwater. Cross said he was waiting to find out how many units to
75 determine approval. If the 18 units is the proposal then the stormwater can be designed for that
76 and any possible future units. Goetzmann said the NYSDEC code could change by then. Cross
77 said if there are plans to ever have units on the inside of the ring road, it would need to be
78 reorganized and send another MS-4 certificate to NYSDEC. The one element he has concerns
79 with is how to calculate for runoff from the wetlands offsite. Cross said NYSDEC has two
80 calculations for determining pre and post development.

81 Schleelein said she wants to know more about infrastructure, landscaping, roadway, sewer,
82 electric, etc., on the proposed 18 units. Bold said heat pumps will be installed and they will start
83 building on the west end of the property. Schleelein asked how much longer will it be before

84 approval from the Army Corp of Engineers. Bold said about 15 days and he does not see any
85 issues. We will keep the public comment period open until we get that approval.

86 Ingraffea said the selling point for this location is “walking distance” to the Village but he did
87 not see any walkway. Bold said the original agreement committed to the Board of Trustee was
88 that a walkway would be part of the special permit. Schleelein stated under Special Permit 4123,
89 one of the conditions was an escrow account set up in an amount to be determined by the
90 Trustees for the walkway to be installed along Oakcrest Road. Bold said the walkway is up to the
91 Village to approve. Schleelein stated that the global plan was for an extension of the walkway.

92 McCauley pointed out that the original plan was for four buildings and now the new plan shows
93 six buildings. What happens if Phase II does not get completed? Troy said we could ask for a
94 special bond to ensure that it does.

95 Schleelein asked Bold why they have to wait so long to start Phase II. Why can’t they finish
96 Phase I and then start Phase II immediately? Schleelein would like to see all of it finished by
97 December 2020. Bold said there are issues with labor, timing of weather, etc. McCauley asked
98 why the phases couldn’t overlap with each other and get them done. Bold said that is possible but
99 he cannot guarantee that. Schleelein stated that Phase I would be done by end of July 2020 and
100 Phase II be completed by the end of December 2020.

101 Schleelein asked Bold and Goetzmann about the original eighteen conditions and where they
102 stand with them and if any have been met. Cross said when the water and sewer are being
103 installed an easement will be necessary. Moll asked for a copy of the original eighteen
104 conditions. Schleelein went through the conditions.

105 Schleelein asked if anyone had more questions and asked the Planning Board what conditions
106 they would like to see. Baker would like to see units 1-12 done by the end of July 2020 and 13-
107 18 done by end of December 2020. All sewer, electric, etc. to be done as well in the same time
108 frame.

109 Cross said Arrowhead will retain responsibility and ownership of stormwater maintenance and
110 an agreement has to be crafted so the conditions are met before Scott issues a Certificate of
111 Compliance. Scott said they have to make sure that the final site plan and conditions are met
112 before any final Certificate of Compliance is issued. Schleelein told Bold she wants a copy of the
113 approval from the Army Corp of Engineers. Bold said he would provide it.

114 Baker stated that we should put something in regarding the Special Permit. Schleelein agreed
115 that they should restate that on the resolution. Troy suggested that we have it state “subject to all
116 the same requirements and conditions as the original permit”. Baker said the special permit
117 should say something about it being senior housing. Schleelein believes it is in the PDA.
118 Goetzmann said it is in the zoning.

119 Schleelein asked if the resolution should be changed with the following new conditions:

- 120 • roadway west to east
- 121 • deadline dates
- 122 • open space along Oakcrest graded and maintained, landscaping

123 Scott said no final Certificate of Compliance will be issued until that is done. Baker asked Bold
124 about A-1 and when will that begin in correlation to this project. Bold would like to request that
125 the Planning Board allow them to work on that once the 12 units are completed. Schleelein told
126 Goetzmann that they can start on that once the 12 units are done.

127 Cross said the original 18 conditions were for the original 30 units and now has concerns with a
128 few of them. Schleelein said her concerns are with the conditions being met and completion of
129 the project.

130 Schleelein stated there may be an issue of a performance bond. Troy and McCauley were for it.
131 Goetzmann said that would be almost impossible to do because of timing, not to mention that it
132 would be financially costly.

133 Troy said the Planning Board is very concerned with the IDA suing for the money back.
134 Goetzmann said as long as they meet the deadline agreement of completion by 2020 that is not
135 an issue. Troy asked Goetzmann what would stop them from doing that. Goetzmann said the
136 agreement states as long as the project is done by 2020 then they cannot.

137 Cross stated that the road is not to be dedicated and Schleelein said absolutely not. Cross asked
138 Arrowhead if they want to complete the first 12 units and have them occupied while they finish
139 Phase II. Bold said yes.

140 Moll is concerned because the current plans seem to be no different than the plans that were
141 submitted 3-4 plans ago and feels like it is a bait and switch. She feels a public hearing needs to
142 take place to ensure that everyone knows exactly what is being proposed. Schleelein agreed with
143 her.

144 Scott said from a building permit standpoint, you're going to have a separate building permits for
145 each building. The issuance of a Certificate of Compliance for each building is no problem until
146 you get to the last building in which you will have to have the site plan completed in order to get
147 the Certificate of Compliance for the last building. Scott said it would be easier to complete the
148 first four buildings and separate the other two off with a special permit. The reason being is if
149 you start the last two building your disrupting the site again and won't be completed with
150 original site work for him to be able to issue the final permit for the first phase.

151 Cross said if the proposed condition for all 16 units was having a Certificate of Compliance for
152 all of them, you would miss the July 2020 deadline. Scott said you can have a temporary. Bold
153 asked if they can stipulate a Certificate of Compliance could be issued as long as the utility work
154 and site plan associated with the units to be built are done. Troy said why can't a temporary
155 Certificate of Compliance be issued? Scott said that is up to the conditions and agreement with
156 the IDA. Schleelein asked if it can be part of the conditions. Scott said no final Certificate of
157 Compliance will be issued until all the units and site work is completed. Bold asked for how long
158 is a Temporary Certificate of Compliance good for. Scott stated that a Certificate of Compliance
159 is good for six months.

160 Schleelein asked if anyone had any more questions and if everyone is comfortable with the
161 conditions. Schleelein said a motion was previously made as a major change by Greenwald and it
162 could be withdrawn but Greenwald is not present to do so. Schleelein said we will have to table

163 the decision of the major change to be withdrawn until the next meeting on July 8th. Schleelein
164 asked Troy for the resolution for the next meeting to be able to vote on it.

165 Schleelein asked for a motion to close the public hearing. Moll moved the motion to close the
166 public hearing and seconded by Ingraffea.

167 Ayes: Schleelein, Moll, Baker, McCauley and Ingraffea.

168 Schleelein asked for a motion to determine this as a minor change. Baker moved the motion to
169 determine it a minor change and seconded by Ingraffea.

170 Abstained: Moll

171 AYES: Schleelein, Baker, McCauley and Ingraffea

172 **Informal Presentation for Proposed Cluster Development**

173 Beer Properties LLC, in collaboration with Hunt Engineers, Architects and Surveyors, proposes
174 to develop a residential cluster subdivision in the Village of Lansing under the provisions of
175 Village Code, Chapter 125-17, with the approval of the Lansing Village Planning Board. The
176 proposed site currently is owned by the Millcroft Trust (Tax parcel # 45.2-1-47.2) and it consists
177 of 41.2 acres, all of which is zoned Medium Density Residential (MDR).

178 Schleelein read from the proposal. Steve Beer has considered the feedback from the last Planning
179 Board meeting. Steve Beer has spoken with Cross and Hunt Engineers and is presenting a new
180 site plan tonight for the Planning Board to review. Steve Beer has reviewed the history of the site
181 plan going back to 2019 and the plan has a few changes to the roadway. The lot sizes are smaller
182 but meet all of the regulations. Beer mentioned the six percent open space in the right hand
183 corner of the plan, space for the property which was required and a twenty percent open space
184 devoted “forever wild”. This was the main reason why the duplex lots were now smaller.

185

186 Schleelein asked how many square feet the lots are now. Beer stated roughly 16,000sq/ft instead
187 of the original 22,000sq/ft. Beer said the 16k is the minimum lot size and the HOA will own a
188 portion of the land. The members could be renters or owners of the lots.

189

190 Ingraffea asked if the twenty percent of the lots set aside for sale could possibly be adjacent to
191 the Millcroft lots. Beer said the lots are designed to sell based on Hunt Engineers plans.

192

193 Scott asked what the square feet of each unit would be. Beers stated that each unit would be
194 approximately 1,700 sq/ft. with the garage.

195

196 Schleelein asked Beer if he had spoken with Cross regarding the stormwater drainage. Beer
197 stated that they spoke about the roadway. Beer asked about access to Lot 37& 38. Cross said
198 access may be possible if made with an intersection in the Village.

199 McCauley questioned if the units are for rental why is the property being handled by a Home
200 Owners Association (HOA)? Beers said it is shared between us and the HOA. Cross stated that
201 standard practice is the HOA owns the stormwater management.

202

203 Beers said the 6% greenway is dedicated to the public. Mr. Troy stated that if it is open to the
204 public there is a liability issue. Sidewalks were mentioned. Beer thought this had to be similar to
205 the Lansing Trail I. Schleelein was not sure if ADA is required. Beers said he was looking for
206 feedback from the Planning Board. Scott said he would look into it, get back to the Beers and
207 bring it to the next meeting. Schleelein wanted to be sure that everything meets code.

208

209 Troy asked what the open space acres on the upper right of the site plan were. Beer said it was
210 surplus land that the HOA would own and the other 20% space is dedicated to the “forever wild”
211 acreage.

212

213 Schleelein asked about the roadway. Cross said Lansing Trails Phase II or III was built with an
214 emergency exit and access from ends. Beer said his understanding was that there would be an
215 access. Cross said the plan is consistent with what was previously discussed. Baker asked about
216 the buffer between the four sections. Beer said that was what Hunt Engineers designed and they
217 were pleased with it.

218

219 Beer asked for feedback from the Planning Board. Schleelein said as long as they meet code then
220 they can move forward. Schleelein stated the Planning Board’s job is to make sure Code is met.

221

222 McCauley asked if renters have to be part of the HOA. Cross said he did not know but believes
223 the lots would be owned by the HOA. Beer said that they essentially control the HOA.

224

225 Schleelein asked Beer if they had any more questions for the Planning Board and Beer asked if
226 the Planning Board was pleased with the proposed site plan and if they had concerns or
227 questions.

228

229 Schleelein asked about the one-unit empty building. Cross said he believes the HOA would own
230 it. Moll said she was pleased with the proposed site plan and Schleelein agreed.

231

232 Beer asked what they need to do next. Scott told the Beers to contact him to discuss what they
233 need to do next.

234

235 **Review of Expired Special Permit #3059.**

236 Special Permit #3059, originally obtained on February 8, 2016 by KiaCo Ventures, was to

237 construct a 1,653sq/ft. addition on to an existing 1,170sq/ft. home at 106 Burdick Hill Road (Tax
238 Parcel # 42.1-1-52.22). Because the proposed construction was to occur within 200' of the
239 center line of a stream, included in the Drainage Way Conservation Combining District, Special
240 Permit process was required pursuant to Section 145-48 of the Village of Lansing Code. Kenneth
241 Beardslee has recently purchased the property and is proposing to complete the project. A
242 Special Permit must be reviewed by the Planning Board if still open after three (3) years.

243 Schleelein read from the proposal. Scott stated there were still issues with the two silt fences and
244 there has been a stop work order for the project. Scott proposes to the Planning Board to extend
245 another three years on the special permit with the same conditions. Mr. Beardslee said he will
246 take care of all the issues with the project. Schleelein stated she is pleased to see Mr. Beardslee
247 taking over the property and getting the conditions taken care of. Scott has spoken with the Town
248 of Lansing and they have no issues. Troy read from the resolution:

249

250 VILLAGE OF LANISNG PLANNING BOARD RESOUTION ADOPTED
251 ON JUNE 25, 2019 FOR EXTENSION OF SPECIAL PERMIT NO. 3056

252

253 Motion made by: Michael Baker

254 Motion seconded by: Anthony Ingraffea

255 WHEREAS:

256 This matter involves consideration of the following proposed action:

- 257 A. Special Permit No. 3059 was originally issued on February 8, 2016 by the Village
258 of Lansing Planning Board to KiaCo Ventures, who sought to construct a 1653
259 square foot addition onto their existing 1170 square foot property at I 06 Burdick
260 Hill Road, located in the Low Density Residential District, Tax Parcel Number
261 42.1-1-52.22; and
- 262 B. Because the proposed construction would occur within 200' of the centerline of a
263 stream included in the Drainage Way Conservation Combining District, Special
264 Permit review was required pursuant to Section 145-48 of the Village of Lansing
265 Code, and
- 266 C. Appropriate SEQRA review was conducted at the time Special Permit No. 3059
267 was originally issued such that no further SEQRA review is necessary; and
- 268 D. The construction pursuant to Special Permit No. 3059 was not completed
269 within the 3- year period following its issuance, and
- 270 E. Kenneth Beardslee, the current applicant, having recently purchased the
271 property, is seeking to complete the construction project as set forth in Special
272 Permit No. 3059, and the Planning Board of the Village of Lansing having
273 reviewed the earlier proceedings before this Board and the terms and
274 conditions of Special Permit No. 3059, and the intention of Kenneth
275 Beardslee being to proceed with construction as proposed and authorized
276 pursuant to Special Permit No. 3059; and
- 277 F. There being no new proposed construction which would occasion further
278 SEQRA review,

279

280 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

281. Kenneth Beardslee as the owner of property located at 106 Burdick Hill Road, Tax Parcel
282 Number 42.1-1-52.22, is hereby GRANTED the right to proceed with construction under
283 Special Permit No. 3059, in complete compliance with the requirements of Special Permit
284 No. 3059.

285.

286. The vote on the foregoing motion was as follows:

287

288 AYES: Lisa Schleelein, Michael Baker, Monica Moll, Jim McCauley and Anthony Ingraffea

289 NAYS: None

290 The motion was declared to be carried.

291 **Approval of Board Minutes**

292 None

293

294 **Trustee Report:**

295 McCauley stated the last Trustee meeting was canceled.

296

297 **Adjournment:**

298 Ingraffea moved to adjourn at 9:42PM. Seconded by McCauley.

299 Ayes by: Schleelein, Baker, McCauley, Moll and Ingraffea.

300

301 Minutes taken by: Tina Freelove, PT Clerk