

Village of Lansing  
Planning Board Meeting  
Minutes of Tuesday  
July 30, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:02 PM by Mike Baker.

Present at the meeting: Planning Board Members; Mike Baker, Carolyn Greenwald; Monica Moll; James McCauley; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy, Village Trustee Liaison, John O'Neill, Planning Board Engineer, Brent Cross, David Beer, Steven Beer, Beverly Beer and their Attorney Randy Marcus, Dan Veaner of Lansing Star, Ruben Twersky of Brixmor and approximately 4 additional people.

Absent: Lisa Schleelein

**Public Comment Period:**

Baker opened the public comment period at 7:03pm

With no one wishing to speak Greenwald moved to close the public comment period. Seconded by Moll.

AYES: Baker, Greenwald, Moll and McCauley

**Sketch Plan Presentation for Proposed Cluster Development**

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

Baker read from the proposal. Steven Beer stated that he had one correction on the proposal. The steam buffer in paragraph three was missing an "a". Steven Beer stated that he would like to give the Planning Board an opportunity to answer any questions. Steven Beer introduced their Attorney Randy Marcus. Marcus wanted to touch on one point of the Beer's proposal. Marcus stated that the Village has no authority on zoning as to whether the Beers use it as rental or owner occupancy. Although the Beers have given full detail, the Board has no control over the legality on this point.

Steven Beer asked the Board if everything is clear on the sketch or if they have questions. Steven Beer realizes that the Board needs to vote on whether this subdivision is a major or minor change but he thinks it is obviously a major change. Marcus said it is the Boards requirement to vote on the sketch presented in order to move to the preliminary plan.

43 Scott stated that he spoke with John Courtney, Supt of Public Works, regarding the five percent  
44 greenway area. Cross said there is still a question on which trails are designated for sidewalks  
45 versus trails. It looks like it is a blend of all of them and would be helpful if the sketch plan could  
46 be color coded to distinguish them.

47

48 Marcus agreed that they would do that on the preliminary plan. Cross thinks the sketch was laid  
49 out very well and wants the preliminary plan to move forward. David Beer asked Cross if there  
50 is a different treatment for less traffic areas. Cross said there is no difference. It is for allowing  
51 pedestrian safety and walkways that need to be laid out. Cross said the residential area and  
52 crossing sections need to have signs. If not, there is potential for legal ramifications. David Beer  
53 stated that he is pleased to hear that the Planning Board wants it to be pedestrian friendly. Steven  
54 Beer said they want to do their part but asked who would be liable for the signs. Cross said the  
55 builder is required to pay for the signs. Cross stated that he was giving them an engineer's  
56 perspective but would inform the Planning Board that there are law standards for the  
57 requirements by the State and the Village may be liable to some point.

58

59 Greenwald questioned the open spaces. Marcus said open space is categorized as wild, non-  
60 developable acreage. In their case it is 5.33 acres. Greenwald asked if that is twenty percent of  
61 the whole parcel. Scott said no, there is a calculation which is on the sketch handout at the  
62 bottom. Marcus said the second paragraph explain all of the calculations.

63

64 Troy asked who was responsible for the taxes. Marcus said the HOA would own the park land  
65 and it would not become Village property. Troy also asked about the resident parks on the  
66 sketch. Steven Beer said it will be owned by the HOA and they will use it for planting, athletics,  
67 etc.

68

69 Cross had concerns regarding the trails. There are three different areas which will not be part of  
70 the Village. David Beer said those areas are designated to the residents only.

71

72 Greenwald asked the Beers what the applicable lot sizes are and asked if it meets Code. Scott  
73 said no, MDR requires 20,000 for single family homes and 25,000 for duplexes. David Beer said  
74 they are proposing 16-18,000 for duplexes but the lot size is subject to Board approval.  
75 Greenwald said she felt like 19-20 of the units are under Code.

76

77 Baker asked if anyone had any further questions. Cross stated that he felt the Beers had  
78 addressed his questions and concerns.

79

80 Baker said by definition this is a major subdivision and asked for a motion. Moll motioned to  
81 declare this a major subdivision and was seconded by Greenwald.

82

83 AYES: Baker, Greenwald, Moll and McCauley.

84

85 Scott told the Beers he would send them all the information they needed for the next public  
86 hearing meeting. Scott asked the Beers to distinguish on the preliminary plan where the trails,  
87 walkways, signs are going to be and if they are public or private.

88

89 Steven Beer told everyone the utilities would be coming from the Millcroft Subdivision. Cross  
90 asked at what point they decided that. Cross encouraged them to address who is going to supply  
91 that because at Lansing Trails II there were water main reconfigurations and possible issues  
92 might arise.

93

94 **Continued Public Hearing for Special Permit #4299 Proposed by Brixmor/IA Cayuga**  
95 **Plaza, LLC.**

96 The applicant is requesting a Special Permit for a new fitness center and Dollar Tree tenant  
97 located at 2309 North Triphammer Road (Tax Parcel # 46.1-5-4.2). In conjunction with this  
98 request, the applicant is proposing new facades for the tenants as well as a facade renovation of  
99 the adjacent Big Lots.

100 Reuben Twersky from Brixmor stated that since the last meeting he has confirmed the number of  
101 parking spaces at 705. The lot was re-stripped and not reconfigured. Scott said he went out and  
102 measured and in most cases the parking spaces were 8'6" wide and varied between 16' and 20'  
103 deep with 26 feet between them. Scott was wondering if somewhere in the NYS laws it provides  
104 for smaller spots for smaller vehicles. Cross said yes, but if it is a new development the Board  
105 can give provisions on a certain number of smaller spaces and it is usually written earlier in the  
106 process.

107 Scott stated that as of now, they are required to have a total of 652 parking spaces based on the  
108 square footage of the Mall. Planet Fitness is going to add another required 30 which brings the  
109 total needed to 682. They currently have 705 spaces. Scott said the GML239 came back from  
110 the County with no negative impacts.

111 Scott informed everyone of the sign square footage:

112 1) The Dollar Tree is allowed 55 sq. ft. and they are proposing 42.8 so they are  
113 compliant.

114 2) Planet Fitness is allowed 150 sq. ft. and they are proposing 146.4.

115 3) Big Lots is allowed 150 sq. ft. and they are proposing 189.8. They are approximately  
116 40 sq. ft. over.

117 Brixmor would have to get a recommendation from the Planning Board to give to the Trustees  
118 for approval of the overage of 39.8 sq. ft. for the Big Lots sign. Greenwald asked Twersky if  
119 they spoke with Big Lots regarding the reduction of their sign. Twersky said yes, he can  
120 probably get them to bring it to Code. Moll likes the new sign. Twersky said it's a new  
121 prototype. Baker's preference is to see the sign meet code.

122 Troy stated that if there are conditions to be met, they can become part of the resolution. Baker  
123 would like the resolution to say signage needs to be in compliance. Baker thinks it needs to either  
124 meet Code or go to the Trustees for approval. Twersky asked if the Trustees would be more in  
125 favor with a Planning Board positive recommendation. Twersky said he will work with Big Lots  
126 to meet Code and be in compliance. If not, he will take it to the Trustees.

127 Scott stated that if Brixmor decides not to be compliant and go forward with trying to get  
128 Trustee's approval for more than 150 sq. ft. of signage after the Building permit has been issued,  
129 then the facade work has to stop.

130 Troy read the changes of the draft resolution and said the Planning Board has to pass a motion to  
131 adopt the resolution:

132 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR**  
133 **APPROVAL OF SPECIAL PERMIT NO. 4299 FOR BRIXMOR/**  
134 **CAYUGA PLAZA, LLC ADOPTED ON JULY 30, 2019**

135  
136 Motion made by: Carolyn Greenwald

137  
138 Motion seconded by: Monica Moll

139  
140 **WHEREAS:**

- 141
- 142 A. This matter involves consideration of the following proposed action: Special  
143 Permit No. 4299 for approval by Brixmor/IA Cayuga Plaza, LLC of a new project at  
144 Cayuga Mall located at 2309 North Triphammer Road (Tax Parcel 45.2-1-47.2).  
145 The project entails repositioning an existing 30,815 square foot TJ Maxx store into  
146 two tenancies. The first tenant will be Dollar Tree, which will occupy 10,000  
147 square feet, and the second tenant is Planet Fitness, which will occupy 18,900  
148 square feet. The remaining square footage of 1,915 will be for a landlord room. As  
149 part of the project, new facades will be installed for both Dollar Tree and Planet  
150 Fitness and new signage in accordance with their store standards. In conjunction  
151 with the repositioning, the Big Lots facade will be updated as part of the project to  
152 bring it up to their "store of the future" prototype.
- 153
- 154 B. The Village of Lansing Planning Board, in accordance with Article 8 of the  
155 New York State Environmental Conservation Law – the State Environmental  
156 Quality Review Act ("SEQR"), and 6 NYCRR Section 617.5 has determined that the

157 approval of the proposed Special Permit is a Type II action, which nevertheless  
158 conducted an environmental review, and issued a negative declaration; and  
159 C. On July 8, 2019, the Village of Lansing Planning Board held a public hearing  
160 regarding this proposed action, and thereafter thoroughly reviewed and analyzed  
161 (i) the materials and information presented by and on behalf of the  
162 applicant(s) in support of this proposed action, including information and  
163 materials related to the environmental issues, if any, which the Board deemed  
164 necessary or appropriate for its review, (ii) all other information and materials  
165 rightfully before the Board (including, if applicable, comments and  
166 recommendations, if any, provided by the Tompkins County Department of  
167 Planning in accordance with General Municipal Law Sections  
168 239-1-m and nn), and (iii) all issues raised during the public hearing and/or  
169 otherwise raised in the course of the Board's deliberations; and  
170

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

172  
173 Based upon all of its foregoing review and action, it is hereby determined by  
174 the Village of Lansing Planning Board that approval of the proposed Brixmor/IA  
175 Cayuga Plaza, new project to include Planet Fitness Center and Dollar Tree as  
176 tenants with new facades for the tenants as well as a facade renovation of the  
177 adjacent Big Lot Store is **GRANTED AND APPROVED**, subject to the  
178 following conditions and requirements as determined and/or needed:

- 179  
180 1. Because the proposed signage exceeds the maximum area permissible for signage  
181 on the property, applicant must obtain the approval of the Village of  
182 Lansing Board of Trustees for this proposed signage unless applicant brings the  
183 proposed signage into compliance with the appropriate signage requirement.  
184

185 The vote on the foregoing motion was as follows:

186  
187 AYES: Michael Baker, Carolyn Greenwald, Monica Moll and Jim McCauley  
188

189 NAYS: None  
190

191 The motion was declared to be carried.  
192

193 **Discussion of Requested Changes to Lansing Trails II Subdivision Conditions**

194 This is a request from Lawrence Fabbroni, P.E.L.S., Heights of Lansing Project Engineer,  
195 to change the conditions of the Final Plat approval for Lansing Trails II Subdivision as last  
196 amended by the Village of Lansing on September 11, 2017.

197 Baker read from the proposal. Troy stated that Larry Fabbroni reached out to him regarding  
198 changes to the final site plan that went to the Trustees. Some of these changes are now  
199 being brought to the Planning Board. Troy stated that the Trustees basically want the  
200 Planning Board to review the change in conditions of #15 and #16 of the draft resolution.  
201 They have buyers and need this approval so they can move forward.

202 Baker asked about lighting. Cross said it is the developer's job to fulfill that obligation. The  
203 Trustees could step in to ensure the safety of the residents.

204 McCauley asked about the sidewalk removal piece. Troy said they are making a change in  
205 the location of the proposed sidewalks.

206 Scott believes there will be push back from Fabbroni at the Trustee level over the lighting.

207 Troy read from the draft resolution.

208 Troy said if all of the changes and conditions are acceptable, then we can move forward  
209 with Board approval. Scott said he believes there is a \$7,000 bond being held for the  
210 lighting. Cross asked if any of the proposed changes are in the easement. Troy said no, they  
211 just want to change the sidewalk. Troy added the changes to the draft for which the Board  
212 of Trustees were asking for. McCauley asked if Troy can bring a clean copy of the draft  
213 resolution to the next meeting for approval.

214 Baker stated that the Planning Board will wait until the next meeting to approve the  
215 resolution.

216 **Trustee Report:**

217 For information on the Trustee's meeting refer to the Trustee's minutes.

218

219 **Other Business to report:**

220 Scott wanted to update everyone regarding the status of an Airbnb. He has been in contact with  
221 the owner of 154 Burdick Hill Road and informed her that an Airbnb is classified as a Home  
222 Occupation by Village Code therefore, requiring a Special Permit. Greenwald asked what the  
223 definition of a home occupation was and was directed to Zoning Section 145. Scott said he sent a  
224 letter and would forward it to the Planning Board members. Troy suggested that it may be  
225 feasible for the Planning Board to put in place drop dead dates on Special Permits.

226

227 Neither Scott nor Cross has heard anything from Eric Goetzmann. Scott has gotten the special  
228 conditions list more clearly defined.

229

230 **Adjournment:**

231 Baker moved to adjourn at 8:39PM. Seconded by Greenwald.

232 AYES: Baker, Greenwald, Moll and McCauley.

233

234 Minutes taken by: Tina Freelove, Pt Clerk