

Village of Lansing
Planning Board Meeting
Minutes of Monday
October 14, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:00 PM by Lisa Schleelein.

Present at the meeting: Planning Board Members; Mike Baker, Carolyn Greenwald, Monica Moll, and Lisa Schleelein; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy; Village Trustee Liaison, Ronny Hardaway, Marty Moseley, Mark Kirschbaum from NYSEG, Kyle Sherman from Tesla, Inc., Fran and Crystal Mullenix and 2 additional people.

ABSENT: Tony Ingraffea and James McCauley

Public Comment Period:

Schleelein opened the public comment period at 7:02pm

With no one wishing to speak, Baker motioned to close the public comment period.

Seconded by Moll.

AYES: Baker, Greenwald, Moll and Schleelein.

Continue Informal Discussion of the Commercial Low Traffic District Regulations

Marty Mosley from Municipal Relations Consulting LLC., is requesting that the Low Traffic Food and Beverage * use be incorporated into the Commercial Low Traffic (CLT) District Regulations. Prior to the 2015 zoning code amendment, the Village allowed the Low Traffic Food and Beverage use on properties located in the CLT District.

*Low traffic food and beverage: sit-down restaurants with or without a bar where food is consumed on premises, which may include carry-out or similar service such as, bakery or cafe; where there is no drive-through or separate entrance for carry-out service.

Schleelein read from the proposal. Moseley stated he previously brought this to the Planning Board by request of the Trustees. At the last meeting, the Planning Board decided to wait for Schleelein to return for her input. Moseley is requesting to add the Low Traffic Food and Beverage use to the Commercial Low Traffic (CLT) zone. Schleelein stated that in 2015 the reason it was taken out of the CLT was due to the establishment of the Commercial Medium Traffic (CMT). Schleelein believes this is not a good idea at this time. Schleelein feels that by making this change it would be chipping away at the Zoning Code and has spoken with Jim McCauley who feels the same way. Schleelein would like to put this topic on hold until McCauley can attend the next meeting,

Schleelein asked if anyone had comments. Greenwald said that if they were going to make either change, she prefers re-zoning the parcels rather than changing what is allowed in CLT.

43 Schleelein feels it is not a good idea to have a restaurant in a zone next to a residential area and
44 there would also be traffic impact issues.

45

46 Moll stated that if it is re-zoned from CLT to CMT, it still does not mean that a restaurant will go
47 in there. Troy said no, but it may happen in the future. It is best to consider worst case scenarios.
48 Schleelein wants to hold this topic open for future discussion. Baker stated they need to look at
49 the bigger picture like being allowed versus not being allowed and agrees they it may be
50 chipping away at the zoning codes.

51

52 Scott stated when Moseley first came in to request this change; he could see reason for and
53 against the proposal. Scott suggested the option of Low Traffic Food and Beverage as a use
54 through a Special Permit with Conditions. Greenwald said it could be with a variance. Troy
55 recommended the Planning Board not look at variances as a way of passing a permit. Greenwald
56 stated she is ok with Moseley's first proposal to rezone the parcels south of Graham Road and
57 east of Triphammer. Greenwald asked if CMT is zoned for residential housing/apartments.

58

59 Schleelein stated she wants to look at the bigger picture. Moseley stated there are ways to
60 accomplish what he would like to see done but feels rezoning would be beneficial to the area.

61

62 Schleelein asked for a recommendation. Baker wants to hold off for further discussion and
63 consider some other options. Schleelein asked for a motion to hold off on Mr. Moseley's request
64 in order to consider other options.

65

66 Greenwald moved to postpone the request until further discussion. Seconded by Baker.

67 AYES: Baker, Greenwald, Moll, and Schleelein

68

69 **Continued Public Hearing for Minor Subdivision.**

70 Mary Hudson, owner of 134 Burdick Hill Road (Tax Parcel #42.1-1-53.5), is proposing to build
71 a new house on this lot. Because this structure is within 200' of the drainage-way Conservation
72 Combining District, a Special Permit is required.

73 Schleelein read from the proposal and stated she has the resolution with the conditions discussed
74 at the last meeting. Schleelein asked if anyone had any comments. With no one wishing to speak,
75 Moll motioned to close the public hearing. Seconded by Baker.

76 AYES: Baker, Greenwald, Moll, and Schleelein

77

78 Schleelein read from the general conditions. Greenwald motioned to approve that the general
79 conditions have been met. Seconded by Baker.

80 AYES: Baker, Greenwald, Moll, and Schleelein

81

82 Schleelein read the resolution

83 **RESOLUTION FOR SPECIAL PERMIT NO. 4332**

84 Village of Lansing Planning Board, October 14, 2019

85

86 Motion made by: Michael Baker

87 Motion seconded by: Carolyn Greenwald

88

89 **WHEREAS**

90 A. This matter involves consideration of the following proposed action: Special Permit No.
91 4332, Mary Hudson, to construct a new house on her lot at 134 Burdick Hill Road, Tax Parcel
92 Number 42.1-1-53.5 because this structure is within 200' of the Drainageway Conservation
93 Combining District, Special Permit review is required pursuant to Section 145-48 of the
94 Village of Lansing Code, and

95 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State
96 Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),
97 and 6 NYCRR Section 617 5, hereby determines that the approval of the proposed special
98 permit is a Type II action for which a SEQR review is not necessary, and

99 C. On September 24, 2019 and on October 14, 2019, the Village of Lansing Planning Board held
100 a public hearing regarding this proposed action, and thereafter thoroughly reviewed and
101 analyzed (i) the materials and information presented by and on behalf of the applicant in
102 support of this proposed action, including information and materials related to the
103 environmental issues, if any, which the Board deemed necessary or appropriate for its
104 review, (ii) all other information and materials rightfully before the Board (including, if
105 applicable, comments and recommendations, if any, provided by the Tompkins County
106 Department of Planning in accordance with General Municipal Law Sections 239-1, —m and
107 nn, and (iii) all issues raised during the public hearing and/or otherwise raised in the course
108 of the Board's deliberations, and

109 D. On October 14, 2019, in accordance with Section 725-b of the Village Law of the State of
110 New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code,
111 the Village of Lansing Planning Board, in the course of its further deliberations, reviewed
112 and took into consideration (i) the general conditions required for all special permits (Village
113 of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special
114 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required
115 for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any
116 environmental issues deemed necessary and/or appropriate;

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

118 1. The Village of Lansing Planning Board hereby (i) determines that the environmental information
119 and materials submitted by the applicant and the details thereof are reasonably related to the
120 scope of the proposed project; (ii) waives the necessity for any additional environmental
121 information otherwise required; and (iii) finds that the proposed project will not have a
122 significant adverse impact on the environment; and

123 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements,
124 if any, set forth below) that the proposed action meets (1) all general conditions required for all

125 special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required
126 for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable
127 conditions required for uses within a Combining District (Village of Lansing Code Section 145-6
128 1); and

129 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 4332 is
130 GRANTED AND APPROVED, subject to the following conditions and requirements:

131 A. Required permits, approvals, consents and other authorizations from all applicable Federal,
132 State, County and local governmental and regulatory agencies shall be obtained, maintained
133 and complied with for all permitted improvements, operations and activities as authorized
134 by this special permit approval, and such improvements, operations and activities shall at all
135 times comply with all applicable Federal, State, County and local laws, codes, rules and
136 regulations.

137 B. Soil and Erosion control measures shall be implemented, coordinated, and approved by
138 either the Village of Lansing Code Enforcement Officer and/or the Village of Lansing
139 Engineer.

140 C. In the event that the septic tank is covered by an impervious surface (asphalt, concrete,
141 etc.), approval from the Tompkins County Health Department shall be provided to the
142 Village indicating that the septic tank is allowed to be covered and is structurally able to be
143 placed for the above use.

144 D. A Planting/stream buffering plan shall be submitted to and approved by the Planning Board
145 prior to the issuance of a Certificate of Compliance from the Code Enforcement Officer.

146 E. The installation of a second silt fence approximately six feet behind the proposed silt fence
147 shall be required due to the proximity to the mapped stream.

148 The vote on the foregoing motion was as follows:

149

150 AYES: Lisa Schleelein, Michael Baker, Carolyn Greenwald and Monica Moll

151 ABSENT: James McCauley

152 NAYS: None

153 The motion was declared to be carried.

154 **Continued Public Hearing for Minor Subdivision**

155 Tesla Inc. is proposing to install a 10' x 30' battery energy storage system (BESS) located at
156 20 Bomax Drive (Tax Parcel #45.1-1-51.13). The BESS will be installed in the parking lot
157 enclosed by a 7' tall chain-link fence and interconnected to an existing transformer onsite.

158 Schleelein read from the proposal and stated that at the last meeting the Planning Board
159 asked for better buffering than a chain-link fence. Kirschbaum said they have come up with
160 a proposal for a cedar wall on all sides. Scott stated that Brent Cross attended a seminar for
161 Battery Energy Storage Systems with similar types of issues of completely enclosed
162 barriers. Scott stated there were issues with first responders not being able to see into the

163 enclosed area due to all four sides being enclosed. Kirschbaum asked the Planning Board
164 for their suggestions. Scott suggested three sides being enclosed and the parking lot side
165 having the chain-link fence. Schleelein agreed the solid fence side should be facing the East
166 Point Apartments and Bomax Drive with the rest chain link for the first responders needs.
167 Schleelein asked everyone if they were pleased with that proposal. Everyone agreed.

168 Schleelein stated they went through the EAF at the last meeting and had the SEQRA
169 resolution which was decided from the last meeting to be option 1.

170 **RESOLUTION FOR SPECIAL PERMIT NO. 4331 REGARDING SEQR**

171 Village of Lansing Planning Board, October 14, 2019

172 Motion made by: Monica Moll

173 Motion seconded by: Carolyn Greenwald

174 **WHEREAS:**

175 A. This matter involves consideration of the following proposed action: Special Permit No. 4331
176 for application by NYSEG/Tesla proposed installation of accessory battery energy storage system (BESS)
177 on 20 Bomax Drive, (Tax Parcel # 45.1-1-51.13). The BESS project will consist of the installation of a 10
178 foot by 30 foot battery energy storage system (BESS) will consist of three battery packs and will be
179 mounted on an 8 inch concrete slab and enclosed within a chain link fence; and

180 B. On October 14, 2019 the Village of Lansing Planning Board, in performing the lead agency
181 function for its independent and uncoordinated environmental review in accordance with Article 8 of the
182 New York State Environmental Conservation Law--the State Environmental Quality Review Act
183 ("SEQR"), (i) determined that the proposed action provided for herein is an Unlisted Action in accordance
184 with SEQR; (ii) thoroughly reviewed the Full Environmental Assessment Form (the "Short EAF"), Part I,
185 and any and all other documents prepared and submitted with respect to this proposed action and its
186 environmental review [including any Visual Environmental Assessment Form deemed required, and
187 comments and recommendations, if any, provided by the Tompkins County Department of Planning in
188 accordance with General Municipal Law Sections 239-1 and —m; (iii) completed its thorough analysis of
189 the potential relevant areas of environmental concern to determine if the proposed action may have a
190 significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section
191 617.7(c); and (iv) completed the Short EAF, Part II).

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

193 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF,
194 Part I, and any and all other documents prepared and submitted with respect to this proposed
195 action and its environmental review [including any Visual Environmental Assessment Form
196 deemed required, and comments and recommendations, if any, provided by the Tompkins
197 County Department of Planning in accordance with General Municipal Law Sections 239-1
198 and —m], (ii) its thorough review of the potential relevant areas of environmental concern to

199 determine if the proposed action may have a significant adverse impact on the environment,
200 including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the
201 Short EAF, Part II, including the findings noted thereon (which findings are incorporated
202 herein as if set forth at length), hereby makes a negative determination of environmental
203 significance ("NEGATIVE DECLARATION") in accordance with SEQR for the above
204 referenced proposed action, and determines that an Environmental Impact Statement will not
205 be required; and

206 2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and
207 directed to complete and sign as required the Short EAF, Part III, confirming the foregoing
208 NEGATIVE DECLARATION, which fully completed and signed Short EAF shall be
209 attached to and made a part of this Resolution.

210 The vote on the foregoing motion was as follows:

211 AYES: Lisa Schleelein, Michael Baker, Carolyn Greenwald and Monica Moll

212 ABSENT: James McCauley

213 NAYS: None

214 The motion was declared to be carried.

215 Schleelein read from the resolution for special permit#4331.

216 **RESOLUTION FOR SPECIAL PERMIT NO. 4331**

217 Village of Lansing Planning Board, October 14, 2019

218 Motion made by: Michael Baker

219 Motion seconded by: Monica Moll

220

221 **WHEREAS:**

222 A. Special Permit No. 4331 for the application by NYSEG/Tesla for proposed installation of
223 accessory battery energy storage system (BESS) on Brentwood Tax Parcel # 45.1-1-51.13.
224 The BESS project will be mounted on a concrete slab and enclosed within a chain link
225 fence; and

226 B. The Village of Lansing Planning Board, in accordance with Article 8 of the New York State
227 Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"),
228 and 6 NYCRR Section 617.5, has determined that the approval of the proposed special permit
229 is an Unlisted action, as previously determined by a prior resolution thereon by the Planning
230 Board, and the Planning Board having issued a Negative Declaration re SEQR; and

- 231 C. On October 14, 2019, the Village of Lansing Planning Board held a public hearing regarding
232 this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and
233 information presented by and on behalf of the applicant(s) in support of this proposed action,
234 including information and materials related to the environmental issues, if any, which the
235 Board deemed necessary or appropriate for its review, (ii) all other information and materials
236 rightfully before the Board (including, if applicable, comments and recommendations, if any,
237 provided by the Tompkins County Department of Planning in accordance with General
238 Municipal Law Sections 239-1—m and nn), and (iii) all issues raised during the public
239 hearing and/or otherwise raised in the course of the Board's deliberations; and
- 240 D. On October 14, 2019, in accordance with Section 725-b of the Village Law of the State of
241 New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing
242 Code, the Village of Lansing Planning Board, in the course of its further deliberations,
243 reviewed and took into consideration (i) the general conditions required for all special permits
244 (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain
245 special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions
246 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
247 (iv) any environmental issues deemed necessary and/or appropriate.

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

- 249 1. The Village of Lansing Planning Board hereby (i) determines that the environmental
250 information and materials submitted by the applicant and the details thereof are reasonably
251 related to the scope of the proposed project; (ii) waives the necessity for any additional
252 environmental information otherwise required; and (iii) finds that the proposed project will
253 not have a significant adverse impact on the environment; and
- 254 2. The Village of Lansing Planning Board hereby finds (subject to the conditions and
255 requirements, if any, set forth below) that the proposed action meets (i) all general conditions
256 required for all special permits (Village of Lansing Code Section 145-59E), (ii) any
257 applicable conditions required for certain special permit uses (Village of Lansing Code
258 Section 145-60), and (iii) any applicable conditions required for uses within a Combining
259 District (Village of Lansing Code Section 145-61); and
- 260 3. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
261 4331 is GRANTED AND APPROVED, subject to the following conditions and requirements
262 as determined and/or needed:
- 263 a. Soil and Erosion control measures shall be implemented and coordinated as required, and
264 approved by either the Village of Lansing Code Enforcement Officer and/or the Village
265 of Lansing Engineer.
- 266 b. Landscaping plan shall be submitted to and approved by the Planning Board prior to
267 installation.

- 268 c. Prior to a building permit being issued, approval by the Village of Lansing Engineer and
269 Village of Lansing Storm Water Officer of, but not limited to, site work, storm water
270 management and infrastructure plans, and implementation thereof. Drainage easements
271 for potential impact from the stormwater management facilities on neighboring parcels
272 shall be obtained, provided to the Village for approval by the Village Engineer,
273 Stormwater Officer and Attorney, and thereafter recorded at the Tompkins County
274 Clerk's Office, if necessary.
- 275 d. Required permits, approvals, consents and other authorizations from all applicable
276 Federal, State, County and local governmental and regulatory agencies shall be obtained,
277 maintained and complied with for all permitted improvements, operations and activities
278 as authorized by this special permit approval, and such improvements, operations and
279 activities shall at all times comply with all applicable Federal, State, County and local
280 laws, codes, rules and regulations.
- 281 e. Prior to a building permit being issued, a maintenance agreement shall be submitted to
282 and approved by the Village Attorney, Village Engineer, and Village Stormwater
283 Management Officer pertaining to the stormwater facilities, if necessary.
- 284 f. A clean set of final plans shall be submitted to and approved by the Planning Board and
285 Code Enforcement Officer.
- 286 g. Written notice of the intention to build and place the accessory building described herein
287 will be provided to the Lansing, New York Fire Department and the Cayuga Heights,
288 New York Fire Department with proof of such service of said notice being provided to
289 the Village of Lansing Code Enforcement Officer. Training will be offered by
290 NYSEG/Tesla to the Lansing Fire Department and the Village of Cayuga Heights Fire
291 Department first responders, if requested by such fire departments.
- 292 h. A Safety Training Document will be sent to the Lansing Fire Department, Village of
293 Cayuga Heights Fire Department, police agencies and a copy to the Village of Lansing
294 Code Officer.
- 295 i. NYSEG/Tesla will report to the Village of Lansing in one year to inform how the project
296 is progressing.
- 297 j. Upon permanent decommission, NYSEG/Tesla will remove the installation and the site
298 will be returned to its original condition within six months.

299 The vote on the foregoing motion was as follows:

300 AYES: Lisa Schleelein, Michael Baker, Carolyn Greenwald and Monica Moll

301 ABSENT: James McCauley

302 NAYS: None

303 Schleelein asked Kirschbaum when the expected date of installation for the BESS would be.
304 Kirschbaum said their goal is by the end of the year.

305 Schleelein discussed with Kirschbaum the potential of future training for local first
306 responders. Kirschbaum agreed that they would provide any additional training to first
307 responders, organizations or the Village as requested.

308 Schleelein asked Kirschbaum about the status of Dairy One. Kirschbaum stated the system
309 had a few problems in the first year which was expected. The system is now saving money
310 on the energy cost and once Tesla has enough BESS installed for adequate power, they will
311 supply it to NYSEG to provide the energy from batteries on an as needed basis. Kirschbaum
312 stated he would provide the Planning Board with an updated report from the next quarterly
313 report. Scott stated he would keep it on file.

314 **Approval of the Minutes**

315 May 13, 2019 – Tabled until next meeting

316 July 8, 2019 – approved as amended

317 AYES: Baker, Greenwald, Moll, and Schleelein

318 September 9, 2019 – tabled until next meeting

319 **Trustee Report:**

320 Moll said hunters are allowed to use a crossbow in the Village of Lansing if one is a member of
321 the deer management program. The Climate Smart Community held a meeting at the Village.
322 The Village is on track with all roads. For a full report please see the minutes from the meeting.

323 **Other Business to report:**

324 Schleelein said Cross asked for a clean final set of plans on Arrowhead Adventures Special
325 Permit#4123. Scott said he has a clean set of plans. Schleelein asked if they were approved.

326

327 Troy asked if a checklist on times and deadlines should be met before resolutions are completed.
328 Scott said he has a checklist for special permits. Troy asked if it should be put into the resolution.
329 Schleelein asked how we make sure these conditions from the resolutions have been met. Scott
330 said he keeps all of the conditions and information of the permit on file.

331

332 Schleelein asked Scott on the status of Lansing Meadows. Scott stated they have four building
333 permits and have turned in their backflow prevention designs to Bolton Point and the Health
334 Department for approval. The final sewer layout is being reviewed by John Courtney and Brent
335 Cross. Building #2 has the shingles on it but they cannot start framing any of the other three
336 buildings until they receive backflow approval and a Plumbing Permit.

337

338 Greenwald asked what was on the agenda for the next meeting. Scott said he wanted to have
339 further discussion and input regarding the Airbnb situation. Scott would like to get more
340 information from everyone. Greenwald said she would send Scott some of her ideas. One of her
341 ideas is not requiring people to register for 14-day or less use. Scott said he wants everyone to
342 register so he can do the inspection and make sure all codes are being met.

343

344 Hardaway stated the Tompkins County Council will be providing rental information on Airbnb's
345 which will show what counties have Airbnb rentals.

346

347 **Adjournment:**

348 Schleelein moved to adjourn at 8:39PM. Approved by Greenwald and Seconded by Baker

349 AYES: Schleelein, Baker, Greenwald and Moll.

350

351 Minutes taken by: Tina Freelove, Pt Clerk