

1 Planning Board Meeting
2 Minutes of Tuesday
3 July 28, 2020
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6 The meeting of the Village of Lansing Planning Board via Zoom was called to order at 7:02 PM
7 by Chair, Lisa Schleelein.
8

9 **Present at the meeting:**

10 **Planning Board Members:** Mike Baker, Carolyn Greenwald, James McCauley, Monica Moll,
11 Lisa Schleelein

12 **Alternate Member:** Anthony Ingraffea

13 **Village Legal Counsel:** William Troy

14 **Village Engineer:** Brent Cross

15 **Village Trustee Liaison:** Patricia O'Rourke

16 **Village CEO:** Michael Scott
17

18 John Snyder and Kate Maguire representing Maguire Nissan; Dan Veaner from The Lansing Star;
19 Olga Petrova; Ronny Hardaway; Ronald and Ereign Seacord; Serenna McCloud representing Mary
20 Hudson; Mike Gavin and Ken Farrall representing The Shops at Ithaca Mall; Lynn Leopold, BZA
21 Chair.
22
23

24 **Approval of the Minutes July 13, 2020**

25 Baker moved to accept the minutes as amended. Seconded by Moll.

26 Ayes: Baker, Greenwald, Moll, and Schleelein.

27 Abstain: McCauley

28 **Public Comment Period:**

29 Schleelein opened the public comment period.

30 Pat O'Rourke was recognized as the Board of Trustee Liaison.

31 With no one else wishing to speak, Baker moved to close the public hearing. Seconded by
32 McCauley.
33

34 Ayes: Baker, Greenwald, McCauley, Moll and Schleelein.
35

36 Schleelein read the following agenda item:
37

38 **Review of Change to Special Permit #4242**

39 *Special Permit # 4242 was a proposal by the Maguire Family Limited Partnership to pursue a*
40 *project which included adding a Nissan dealership to 35 Cinema Drive (Tax Parcel #46.-1-6-5-*
41 *1). The special permit was approved by the Village of Lansing Planning Board on May 13, 2019*
42 *with conditions attached to the resolution. The applicants are requesting change(s) to the*
43 *condition(s), requiring the Planning Board to review the requested change(s) to determine if the*

44 *proposal is a minor or major change to Special Permit # 4242.*

45

46 Schleelein recognized John Snyder. Snyder showed photos of the existing growth between Nissan
47 and Gaslight Village along with an image of a potential grey fence with Boston ivy growing on it.
48 The ivy will also be used on the retaining wall separating Nissan from Maguire Chevrolet. Snyder
49 then showed the original line-of-sight diagram developed by George Turner compared to a new
50 image created from actual field measurements by Snyder Architects. It was explained that even
51 the basement tenant at Gaslight would not be able to see the parking lot lamps because of the shield
52 on the light source. The upper floor tenants would theoretically see over the fence but, Snyder
53 reminded the Planning Board of how dense the buffer area was in the very first photo. Snyder
54 reviewed the final site plan and some of the changes made, which he feels are minor. These are
55 changes in curbing and some driveway aprons. Snyder believes there will be enough room in front
56 of the buffer fence to have some plantings and a few trees. This will be to compensate for the
57 removal of an island located at the southeast corner of the building.

58

59 Scott asked Snyder if he ever spoke with John Kennedy from Gaslight Village. Scott explained to
60 the Planning Board that he contacted Kennedy and met him at the site to fill him in on the buffering
61 possibilities and encouraged Kennedy to contact Snyder to discuss options. Kate Maguire said she
62 reached out to Kennedy by email explaining the situation, but Kennedy did not respond. Maguire
63 asked Scott if Kennedy had concerns during their meeting. Scott said the meeting was more to
64 provide Kennedy information rather than Kennedy giving feedback. Schleelein asked about the
65 possibility of some of the 16 trees being planted at the southeast corner. Snyder said there is a
66 NYSEG easement in part of that section that would probably restrict tree plantings, but there is
67 some space between that and the Gaslight parking lot. Planting there would not shield any living
68 quarters. Schleelein asked Snyder if Nissan would be open to the idea of committing any unused
69 trees to a tree bank. Maguire respectfully commented that with other municipalities, tree banks are
70 in their local ordinances. The Village of Lansing does not have an ordinance for such a thing. Also,
71 planting in or near the ditch area would not give the trees much of a chance.

72

73 Schleelein asked Snyder if the Lighting Commission had approved the Nissan Lighting Plan.
74 Snyder believed so then asked Scott to jump in. Scott said the lighting was approved but, the
75 Committee needs to approve the 50% reduction plan. Schleelein stated that she noticed some of
76 the pole lights were removed and added to the building. Snyder agreed and added that some of the
77 perimeter lights were removed for the fear of glare problems. Schleelein questioned if the light
78 shields on the pole lamps would prevent glare. Snyder confirmed. Ingraffea liked the fence with
79 the ivy, but had concerns about the very first photo Snyder displayed. The photo shows an angle
80 that is directly down the existing hedge causing it to look denser than it would if one were to look
81 directly through it. Why put ivy on just one side of the fence and not on both. Snyder said the ivy
82 will be planted on both sides of the fence.

83

84 Schleelein asked about the County GML-239 response. All of the Maguire dealerships have
85 buildings that are very sustainable whether it be lighting design or heating and cooling. This will
86 be in the letter that Snyder is currently working on for the County.

87

88 Schleelein asked if anyone had questions about the sign comparison that Snyder provided. Moll

89 asked if the new “Nissan” sign was going to be black instead of red. Snyder described the sign as
90 a day-light sign where during the day the letters are black but at night the light behind them appears
91 to turn the letters white. Schleelein’s biggest concern is the increase in size of that sign. Baker
92 agreed that the new “Nissan” sign version is quite a bit larger than originally approved and added
93 that there has been a lot of time and effort by both the Planning Board and BZA to finalize this
94 aspect of the special permit. Schleelein does not consider the sign size change itself as minor.
95 Snyder explained that the sign change was a result of the Nissan company changing branding in
96 mid-July. Had the building been built by now, Maguire would have been back in front of the
97 Planning Board asking for the same modification. Maguire added that Nissan actually made their
98 national announcement the day after the Planning Board approved the special permit. Baker asked
99 if the change in the “Maguire” and “service” signs is a Nissan requirement also. Snyder explained
100 the changes. Scott and Baker agreed that the real question was whether the “Maguire” and
101 “service” signs changed as a result of the increasing of the “Nissan” sign. Snyder said yes.
102 Schleelein asked if there was going to be more light transmitted as a result of the larger sign.
103 Snyder said there would be the same or less.

104

105 Schleelein asked Troy if the Nissan project needs to go back to the BZA for approval of this sign
106 modification. Troy believes that the BZA did not just agree to a maximum square footage, they
107 approved a few versions of that footage. The option that was selected by the Planning Board was
108 then signed by Phil Maguire. As a result, Troy recommends that the BZA be asked if they would
109 like to reconsider their decision. Troy then added, what if next year Nissan decides they want the
110 signs to be even bigger. Is every municipality required to adjust themselves to accommodate
111 Nissan? Maguire said absolutely not, Nissan would have to take local ordinances into
112 consideration. Troy continued by asking, this is an extreme example, but what if Nissan was
113 granted the 380.5 square feet of signage and decided to use it all in one big sign? My point is there
114 has got to be some limit to it. Snyder said Nissan has a certain size and placement consistent with
115 every one of their dealerships and that is what is being requested. Troy asked if Snyder had spoken
116 to Nissan about a possible problem with changing the signage at this point. Snyder had contacted
117 Nissan and this modified version of the signs was required. Moll prefers the new black, thinner
118 lettering versus the bright red and likes the fact that there is one less sign. Speaking for herself and
119 not the BZA as a whole, Leopold believes as long as the size has not changed but just the esthetics,
120 she feels the BZA does not need to weigh in. Schleelein pointed out that the Nissan sign is larger
121 but the total aggregate amount is less. Ingraffea agrees with Moll and feels as long as the total
122 square footage is under the amount approved by the BZA, it should be the Planning Boards
123 decision to approve the esthetics.

124

125 Schleelein told the Planning Board members that they need to take all that was discussed tonight
126 and decide if that is a minor or major change to the original special permit. Scott recommended
127 that the curbing and sanitation changes, which are really part of the building process, not be part
128 of the criteria when deciding minor or major.

129

130 Baker moved that the proposed changes are minor. Seconded by Moll

131

132 Ayes: Baker, Greenwald, McCauley, Moll and Schleelein.

133 Nays: None

134

135 Moll moved to accept the sign package dated 7/21/20 and the total of 377.3 square feet. Seconded
136 by Baker

137

138 Ayes: Baker, Greenwald, McCauley, Moll and Schleelein.

139 Nays: None

140

141 Scott said the only thing left for Snyder would be to complete all of the conditions listed in Special
142 Permit #4242. Schleelein added that the trees need to be decided at some point.

143

144 Schleelein read the following agenda item:

145

146 **Informal Discussion of a Subdivision**

147 *Ronald and Ereign Seacord would like to discuss a proposed subdivision of their property located*
148 *at 1437/1439 East Shore Drive (Tax Parcel # 43.1-1-17.22).*

149

150 Moll asked a question about when on Zoom and not everyone is shown on the screen how to be
151 recognized when you have a question. Baker said that the best practice would be to politely
152 interrupt because it would then be recorded for the official record.

153

154 Ron Seacord introduced himself and his wife. They have been at 1437 East Shore Drive for years
155 and his family has grown and expanded. Seacord's brother passed away last year and his sister-in-
156 law would like to move on to the property. Seacord was interested in applying for a variance to
157 build a third home on the property, but was advised by Scott that a use variance is difficult to get
158 unless the applicant can show hardship. Seacord has enough land to subdivide the southern section
159 of the existing lot and build.

160

161 Schleelein asked how far away the existing driveway is from the intersection of East Shore Drive
162 and Cayuga Heights Road. Scott showed a photo of that intersection. Schleelein then asked where
163 the new entrance would be for the subdivided lot. Seacord believes it would be just on the Cayuga
164 Height Road side of the existing driveway, but would also consider sharing the existing driveway
165 until the lot was sold someday. Schleelein expressed her concern about that dangerous intersection
166 and the possibility of a modified road configuration. Seacord understood and added that he just
167 signed the easement that would allow the new sewer line to be run along the front of the property,
168 so construction is more than likely for that area. Cross advised Seacord to contact NYSDOT
169 because they would be the one to issue a driveway permit on a State road. Schleelein suggested a
170 shared driveway as the best solution. Cross said NYSDOT looks at criteria like number of vehicles
171 using a common driveway and line-of-sight. Cross does not sense that a third residence would
172 have much of an impact. Once again, it is not so much a Village issue as it is a State issue.
173 Greenwald asked when someone subdivides, do they have to have access to a road. Scott said not
174 to subdivide but, it is required to build. Scott continued by agreeing with Cross' evaluation and
175 suggested an easement for a certain distance up the shared driveway and then branch off to the
176 new plat. This was just a suggestion. Cross agreed. Although there are not any exact numbers,
177 Scott informed the Planning Board that the new plat does look to meet all of the criteria for a

178 building lot as per Village Code. The next step for the Seacords would be a public hearing for a
179 preliminary plat.

180

181 Schleelein asked if there were any other questions. McCauley had concerns about the trees
182 blocking the line-of-sight next to the driveway. Seacord believes those trees will be removed when
183 the sewer line goes through and asked Scott what date he needed the survey by to be on a future
184 Planning Board agenda. Scott said if Seacord could send a survey by August 14th, he could be on
185 the August 25th agenda.

186

187 Schleelein read the following from the agenda:

188

189 **Subdivision #2020-4403 Preliminary Plat Public Hearing**

190 *Mary Hudson, represented by Serenna McCloud of Coughlin & Gerhart, LLP, is seeking approval*
191 *from the Planning Board for a subdivision of a parcel located at 134 Burdick Hill Road. The 5.53*
192 *acre lot, which contains land located within the Town of Lansing (Tax Parcel # 42-1-53.6) and the*
193 *Village of Lansing (Tax Parcel 42.1-1-53.6), would be subdivided into 2 parcels. Parcel A would*
194 *contain 2 acres and Parcel B would be the remaining 3.53 acres.*

195

196 Scott gave background information about that lot and the approved special permit for the additional
197 house built on it. The proposed subdivision that would separate the two buildings contains land
198 within both the Town and Village of Lansing. Approval from both municipalities is required Scott
199 asked McCloud if the subdivision process had been started with the Town of Lansing yet. McCloud
200 said she will be submitting on Friday. Scott added that both lots meet the criteria for a building lot
201 as per Village Code. Schleelein asked if the Village needed to wait for a Town decision. Scott said
202 the Village could approve the subdivision with a condition that it gets approved by the Town. Troy
203 added that the Village could have a joint meeting with the Town also. Greenwald and Schleelein
204 liked the joint meeting idea. Scott was concerned that the Town's criteria for subdivisions may be
205 different than that of the Village causing more of a headache than necessary. McCloud got an
206 indication from C.J. Randall that the subdivision approval should not be an issue. Schleelein asked
207 Scott what he thought about the joint meeting. Scott said if the Planning Board finds no problems
208 with the preliminary plat presented tonight, then there should not be an issue with finishing the
209 subdivision up next meeting and our obligation is over. Schleelein agreed.

210

211 Cross asked if there was any intention of building on the front portion of lot B. McCloud was
212 unaware of any. Schleelein added that if someone wanted to build another house on parcel B, they
213 would have to apply for a special permit anyway. Scott agreed.

214

215 Schleelein asked if anyone had any more questions. Being none, McCloud would be expected back
216 on August 10th with a final plat. The public hearing will be held over until then.

217

218 Schleelein read the following from the agenda:

219

220 **Subdivision #2020-4402 Preliminary Plat Public Hearing**

221 *The Shops at Ithaca Mall, represented by Michael J. Gavin of Gavin Law, is seeking approval*

222 *from the Planning Board for a subdivision of Tax Parcel 42.1-1-22. The applicant is proposing to*
223 *subdivide tenant spaces in order to offer them for sale to existing and perspective tenants/affiliated*
224 *investors/owners.*

225

226 Scott said Ken Farrall has been very good about sending any requested information. Schleelein
227 introduced Mike Gavin. Gavin said he was here today to give a little background on what has been
228 happening to the local mall and others like it. There was a lighting situation at the Shops at Ithaca
229 Mall that has since been resolved. The prospective extended-stay hotel user has gotten all the
230 permits necessary to proceed from their franchise and are ready to move forward. Gavin has also
231 been working with the Village to dedicate a portion of the ring road that serves BJ's and the
232 YMCA. That dedicated portion is indicated on the subdivision plat. Gavin indicated that talks have
233 picked up with the tenants, especially with the anchor stores, about purchasing property. Gavin
234 explained that monies once allocated for retail budgets for city locations have been reallocated to
235 suburban locations because of the recent protests. The Shops at Ithaca Mall is considered
236 suburban. The result is that several tenants now have money available for 3rd quarter and 4th quarter
237 closings. This is why there is a sense of urgency to subdivide at this point.

238 Schleelein pointed out that the subdivision application listed the owner as PIM NEWCO when it
239 should be PMI NEWCO. Gavin agreed that it was a typo. Schleelein added that there have been
240 issues in the past about the infrastructure and specifically the stormwater causing flooding. Are
241 there plans to rectify these problems?

242 Cross believes there are two separate concerns. The first being the past documented issues about
243 the flooding and the dispute over who is responsible and the second being the management of the
244 various stormwater facilities around the existing property that will be chopped up with the
245 subdivision and given to various shop owners. Schleelein believed that there was supposed to have
246 been an engineering study on the stormwater at one time. Gavin confirmed that there was and it
247 had been sent. Cross will review that again but would like to have all the stormwater documents
248 together. Previously, there were documents for each different facility but not for the property as a
249 whole.

250 Gavin said the tenants would make a payment to their bank for the mortgage and also make a
251 payment to the Common Area Maintenance (CAM). Under the Declaration of Easements,
252 Covenants, Conditions and Restrictions (ECCR), common areas are defined as parking, access,
253 stormwater and those types of areas. Gavin said stormwater today is our responsibility and
254 stormwater tomorrow is our responsibility. Schleelein asked what would happen if one of the
255 tenants did not pay into the CAM. Gavin said the ECCR contract works for both entities and we
256 would sue them. Troy is concerned about what would happen if the company handling the CAM
257 was to go under. What would happen to all of the maintenance then? Gavin said the tenants would
258 do the work and then lien the center portion of the mall. Schleelein asked if the dedicated center
259 section was Parcel H. Gavin confirmed and added that both the mall and Target own it now.

260 Schleelein then asked about all of the excess parking areas and if the parking lots were being
261 subdivided with each parcel, and if so, how did Gavin determine the number for each parcel? Gavin
262 explained that the parking is all part of the common area and the tenants understand that people
263 may park on one end of the mall and go to a shop on the other end. The calculation for number of
264 spaces were based on the Village ordinance and logical layout. The mall, as a whole, is over-parked
265 by 300 spaces. Because of this excess, Schleelein was hoping some of the blacktop area could be
266 converted to green area and possibly help with the stormwater issues. Scott went through the
267 parking lot calculations for each parcel and pointed out the excess and deficiencies for each. Some
268 parcels would require a special permit because of the Village parking regulation. Gavin said the
269 tenants want to own the parking lot but, it would not change the price of the parcel if they did not.

270 Moll could not see how a subdivision would benefit the Village other than receiving a road, Parcel
271 H, which needs substantial repair work. Gavin replied that the Village wants a viable mall and in
272 this market as an employer and a Village tax payer, tenants can get a mortgage at a lesser rate with
273 less of a payment than a 10-year rental term. Moll asked Gavin what would stop the owners from
274 selling all of the parcels and then pack up and leave this area looking like the Finger Lakes Mall?
275 What, if any, are the plans to revitalize the center of the Shops at Ithaca? Gavin responded that
276 these owners are the largest buyers in the country. The business model is based on the revitalization
277 of the interior. Ownership of the anchor stores prevents tenants from coming and going more often
278 thus stabilizing the mall itself. Gavin continued by using the Hamilton Mall in Hamilton, NJ as an
279 example and described the process. Schleelein asked what the average length of time was that this
280 ownership would hold on to a mall before selling. Gavin was not aware of the ownership ever
281 selling completely, just joint partnerships. Gavin described one of these joint ventures in Florida.

282 Schleelein said that this area is within the Commercial High Traffic area. Have you thought about
283 a mixed use? Gavin replied yes. There are 3 models for this type of center. First would be a retail
284 area that would work with a group like Amazon where someone would come to see a product and
285 then order online. Next, there is a residential model with 55 or older combined with shops and
286 activities that cater to that demographic. Lastly, there is a scholastic model, where a school is
287 taking one anchor position and something like a YMCA takes the other end leaving the middle as
288 a food court with other activities and shops. Greenwald asked if one of those models has been
289 chosen for the Shops at Ithaca Mall. Gavin responded that the demographics in this area are
290 excellent for either the retail or the residential models. The scholastic model would not seem to fit.
291 Ronny Hardaway asked if there is a document that would be given to potential owners that would
292 list out the future plans or monies to be committed to the rest of the mall for revitalization. Gavin
293 said no and referred to the ECCR. Greenwald wondered why the ownership would not just
294 revitalizes the middle of the mall first. This would attract tenants or possible owners to the anchor
295 buildings. The way it is being proposed now makes Greenwald skeptical. Gavin replied that the
296 loss of tenants is based on the market shift and the reluctance of tenants to sign long term leases,
297 but they will purchase. Solidifying the anchor stores is the top priority. Schleelein asked Gavin if

298 he had confidence that the current tenants are on board with this plan of ownership. Gavin replied
299 yes.

300 Schleelein then asked about the prospective hotel. Gavin said it is an extended-stay concept and
301 the Village of Lansing Mayor has been in contact with the operator. Moll asked everyone if they
302 know of a local model like the one that has been presented. Moll would be more comfortable if
303 there was an actual revitalization plan. Moll is not looking for specific numbers or names of
304 potential new tenants, but would like to know what the total vision is. Gavin said that if there was
305 a theoretical area similar to Lansing, one would look at the basics. An extended-stay hotel would
306 draw professionals with generally an above average income. The area already has fitness centers
307 but could use more sit-down eating. In theory, retail stores with higher end products. That was all
308 in theory.

309 In Cross' opinion, the stormwater tunnel under the mall building has failed and a few years ago
310 there was a flooding issue during a storm. How does the Village take into account the fact that the
311 mall owners put responsibility on the Village for the flooding. Cross did not expect Gavin to
312 answer at this time, but how does the Village know that this issue won't happen again. Gavin
313 responded by saying that it was his understanding that the issue was the water jumping the bank
314 in the Village owned right-of-way and not the stormwater piping under the mall. Cross said there
315 was a lot more to it than that and is concerned it will happen again if something is not resolved.
316 Troy feels this proposed subdivision request should be held over to the next Planning Board
317 meeting, giving Troy, Cross, and Scott a chance to discuss the stormwater situation.

318 Leopold commented about reducing the impermeable pavement surface so as to help slow the
319 stormwater and allow it to infiltrate the ground and not just run off quickly to the lake. There are
320 so many ways to do this like rain gardens, retention basins, planted swales and rooftop gardens.
321 Leopold would like to see some creative thinking. Schleelein agreed and believes this would also
322 make the mall more appealing. Gavin responded by saying it would be impossible to determine
323 what tenants would want in their parking lots. At this point, all the owners of the mall can do is
324 offer the amount of space necessary for each tenant. As parcels are being sold, each new owner
325 could design what benefits them the most, like an outside green sitting area which would have to
326 come back to the Village for approval. Fortunately, the hotel is at the highest point of the property
327 and would be able to install factors that would help the stormwater situation.

328 Schleelein asked the Planning Board to think hard about this proposal and to come back next
329 meeting with any questions. Until then, Schleelein is looking forward to whatever information the
330 meeting between Troy, Cross and Scott uncovers. The public hearing will be held over until the
331 August 10th Planning Board meeting.

332

333 **Amendment of Nissan Special Permit #4242**

334 Moll moved to accept the corrected resolution. Seconded by Baker

335 Ayes: Baker, Greenwald, McCauley, Moll and Schleelein.

336 Nays: None

337 Motion carried

338 **Other Business to report**

339 At this point, the Nissan landscaping plan cannot be approved until finalization of the trees

340 A short discussion about the tree bank occurred.

341 **Trustee Report**

342 No Meeting

343

344 **Adjournment:**

345 Schleelein asked for a motion to adjourn at 9:49 PM. Moved by Baker. Seconded by McCauley

346 Ayes: Baker, Greenwald, McCauley, Moll, and Schleelein.

347

348 Minutes taken by: Michael Scott, CEO