

Village of Lansing  
Board of Trustees & Planning Board  
Joint Meeting  
September 27, 2011

The joint meeting of the Village of Lansing Planning Board and the Village of Lansing Board of Trustees was called to order at 7:35 P.M. by Planning Board Chairman Mario Tomei and Mayor Donald Hartill. Present at the meeting were Planning Board Chairman Mario Tomei; Planning Board Members, Maria Stycos, Phil Dankert, Richard Durst, Lisa Schleelein and Alternate Member John Kanter; Mayor Don Hartill; Trustees John O’Neill, Patricia O’Rourke and Julie Baker; Also present were Village Attorney David Dubow; Code Enforcement Officer Marty Moseley; Clerk/Treasurer Jodi Dake, Engineer Brent Cross.

**Public Comment Period**

Mario Tomei opened the public comment period but there were no public comments. Durst moved to close the public comment period. Seconded by Schleelein; Ayes: Tomei, Dankert, Stycos, Durst, Schleelein, and Dankert.

**Proposed Local Law G (2011) Public Hearing**

Mayor Hartill stated that the purpose and intent of Proposed Local Law G (2011) is to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled” Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code

Mayor Donald Hartill entertained a motion to open the public hearing on Proposed Local Law G (2011).

Motion-To Open the Public Hearing on Proposed Local Law G (2011) Amendment to Village of Lansing Code-Zoning Law- Lansing Meadows PDA.

Trustee Baker moved to open the public hearing. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee John O’Neill-Aye  
Trustee Patricia O’Rourke-Aye

Dubow stated that the Board has already seen this proposed law. It adds to the specific uses permitted in the previously authorized Lansing Meadows PDA. This is a PDA amendment to add to the new use “Members only fuel station” and the additional new use “Planned Development Area clustered housing”. There were no comments from the public.

Motion-To Close the Public Hearing on Proposed Local Law G (2011)

Trustee O’Neill moved to close the public hearing. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee John O’Neill-Aye  
Trustee Patricia O’Rourke-Aye

Dubow stated that there was previously a thorough environmental review, based upon a SEQR Full Environmental Assessment Form (EAF), completed for the original PDA authorization. The SEQR review for this proposed local law is just for the two new uses. The Board completed the SEQR Short EAF form and their environmental review for Proposed Local Law G. O’Neill confirmed that the water issue will be addressed as part of the Special Permit review process related to an application for a project involving any permitted PDA use. The Board found that the proposed action will not result in any significant adverse environmental impacts. The Mayor entertained the following motion:

RESOLUTION#5788-SEQR Review for Proposed Local Law G

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law G (2011), to be designated Local Law 6 (2011) upon its adoption, to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled” Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and

- C. On September 27, 2011, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

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

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Baker moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee Patricia O’Rourke-Aye  
Trustee John O’Neill-Aye

The Mayor then signed the SEQR. He then entertained a motion to adopt Proposed Local Law G.

Resolution #5789-To Adopt Proposed Local Law G as Local Law 6 (2011)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law G (2011), to be designated Local Law 6 (2011) upon its adoption, to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled” Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code; and
- B. The Village of Lansing Planning Board has (i) performed a review of the proposed action and (ii) referred such proposed action to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On September 15, 2011, and after discussion at meetings prior thereto, the Village of Lansing Board of Trustees further discussed the purposes and intent of Proposed Local Law G (2011), and thereupon scheduled a public hearing thereon for September 27, 2011; and
- D. On September 27, 2011, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law G (2011), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations; and
- E. On September 27, 2011, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF,

Part 2; and (iv) made a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and

- F. On September 27, 2011, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law G (2011), (ii) the Village of Lansing Planning Board’s recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations;

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

The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law G (2011), to be designated Local Law 6 (2011).

Trustee Baker moved this resolution. Trustee O’Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Julie Baker-Aye

Trustee Patricia O’Rourke-Aye  
Trustee John O’Neill-Aye

The Following is a copy of Local Law 6:

**AMENDMENT TO VILLAGE OF LANSING CODE – ZONING LAW –  
LANSING MEADOWS PDA**

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

**SECTION I. PURPOSE & INTENT.**

It is the purpose and intent of this local law to (i) amend and expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled “Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code.

**SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.**

- A. Section 145-3 [entitled “Terms defined”] of the Village of Lansing Code is hereby amended so as to add a new listed defined term as follows:

***Fuel station -- Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products.***

- B. Subclause “(1)” [entitled “General conditions”] of Subsection “D” [entitled “Permitted with Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new listed use (permitted with Special Permit, general conditions) in Area A of the Lansing Meadows PDA, such new use being identified as “(1)” and reading in its entirety as follows:

**(1) Members only fuel station.**

- C. Subclause “(2)” [entitled “General and additional conditions”] of Subsection “D” [entitled “Permitted with Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new listed use (permitted with Special Permit, general and additional conditions) in Area B of the Lansing Meadows PDA, such new use identified as “(e)” and reading in its entirety as follows:

**(e) Planned Development Area clustered housing (see subsection O under § 145-60).**

- D. Subsection “O” of § 145-60 [entitled “Additional conditions for certain Special Permit uses”] shall be amended to reflect the addition of the “Planned Development Area clustered housing” use in Area B of the Lansing Meadows PDA, such amended subsection to read in its entirety as follows:

**O. One-unit residential building, two-unit residential building, multiunit residential building and Planned Development Area clustered housing in Lansing Meadows PDA Area B.**

**(1) Housing units in Lansing Meadows PDA Area B shall meet Fair Housing Act definition of “housing for older persons.”**

- E. Subclause “(30)” of subsection “A” of Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to delete the reference to “gas station” and to substitute therefor the revised term “**fuel station (see definitions, § 145-3)**”
- F. Subsection “A” of Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add new and additional subclauses “(42)” and “(43)”, reading respectively as follows:

**(42) Members Only Fuel Station.** Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products, which facilities are (i) associated with a specific shopping club (e.g., BJ's Wholesale, Sam's Club, Costco, etc.); (ii) available only to the members of such specific shopping club; and (iii) located on the same premises as the building housing the specific shopping club.

**(43) Planned Development Area clustered housing.** Multiple residential buildings for rental occupancy grouped on a single un-subdivided parcel which is incorporated as part of an authorized Planned Development Area and owned and controlled by a single entity; subject to Special Permit additional condition set forth in subsection O of § 145-60; the density (including the number of buildings and residential units), dimensions, setbacks and related requirements are to be determined and established as part of required Special Permit review and action; such density, dimensions, setbacks and related requirements so authorized will supersede any inconsistent district regulations and requirements otherwise applicable.

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superceded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Dubow added that a 239 Review was completed by Tompkins County Planning and they determined that this had no negative inter-community or county wide impacts.

### **Public Hearing to Consider Special Permit #2594:**

Mario opened the Public Hearing for Special Permit #2594. Eric Goetzmann with Arrowhead Ventures gave a brief presentation on the special permit materials. Eric explained that the fueling station project is part of the overall BJ's Wholesale Club membership program. The only thing that will be modified from the prior special permit approval is the addition of the fueling station. The only changes are removing some parking and adding the proposed fuel pumps electric charging stations. Two concerns expressed by the Village were lighting and screening. Eric showed a picture of a view from Oakcrest Road to show what the view currently is. They will plant trees and install fencing to further protect the view shed. Jim Vitter, Peter Hopley and Nelson Cabral from BJ's were present to address questions.

Eric stated that by 2015 it is projected that there will be 1 million electric cars. The nearest charging stations around here is in Syracuse. Ithaca is the second greenest community. BJ's is planning to install 2 electric charging stations and make them the first such stations in the area. There is room for expansion if there is a demand. Eric showed a short video on Electric Charging Basics-Vol 2 from YouTube. Eric explained that Level 3 charging is in Europe now and would enable full charges in 30 minutes. There are also six gas pumps proposed, similar to the TOPS Gas Station project.

The Lighting Commission and Planning Board previously advised the developers of their concerns with the rust look of the steel columns. To alleviate that concern, they are proposing to add split stone to the columns to make it similar to the façade of the BJ's building. Lisa thinks that since the fuel pumps and charging stations will be next to the proposed PDA residential development, it would be nice if pumps and charging stations are integrated with the building design and therefore more appealing. The developers acknowledged that fueling involves a first impression and BJ's will have it blend with the building and be very clean. The other concern was the canopy lighting. The one thing they came back with after meeting with the Village Lighting Commission was LED lights that are recessed, use less energy and don't produce the glare. Eric stated that when we started discussing the fueling business we didn't feel there was a need for lights that glow at night. We felt it was important to be more sensitive to the customers and neighbors so we've always planned for recessed lighting. Lisa was please with the amount of reduction they were proposing. Lisa stated that the Village is trying to accomplish zero leakage and she feels that BJ's has accomplished what we've asked them to do. Lisa asked what the sign stating the price of gas will be like. Eric stated that they are looking at 2 signs, one on the east side and one on the south side facing Regal Cinema. Usually BJ's go with four signs but they have cut it down to two. It's all part of the Mall's planned sign area. Nelson Cabral stated that if there is an issue with BJ's lighting they will try to be responsive and address it.

Durst asked if level three of the charging stations is 480DC, and inquired if BJ's had considered solar panels. Eric indicated that they have looked at solar panels and there is

no net gain. Peter Hopley stated that it doesn't make financial sense because it is a large capital investment and there is no real return on investment. Peter added that they are testing it.

Lisa asked about lighted gas signs. Peter stated that there is very little glare off of the pump. Plus, there aren't any on the residential side. The lights will go off when the station is closed.

Additional arborvitae trees will be used for buffering along with the six foot fence to be installed. There will be additional spruce to the west of the residential property and arborvitae in between the commercial and residential properties. Wayne Knoblauch suggested they plant Blue Spruce so that the deer do not eat the trees. The fencing around the area will also help keep the deer from eating the plantings. Dubow reminded everyone that the overall project landscaping plan was already approved as part of the previous special permit approval, which included an ongoing obligation to maintain the plantings in perpetuity, which obligation should be extended to include the additional trees, fencing and landscaping that would be part of this newly proposed special permit approval.

Conrad Decker of Drake Petroleum questioned the thoroughness of the process. He indicated that the Village officials seem to be filtering the project through without all of the necessary information. Drake Petroleum owns the Lansing Xtramart, among many others in the northeast United States. He stated that what he had seen in terms of the application materials for this project resembled a sketch plan without details necessary to review for a project of this kind. He questioned whether issues of storm water management, wetland buffers, safety, traffic impact, and other issues had been sufficiently reviewed. He was concerned that there has been more detail provided on the electric fueling component than on the underground gasoline tanks and dispensing equipment. With six dispensers and 12 fueling positions, Conrad feels this is a high volume gas station design. Conrad questioned the PDA "member only" concept plan provided in prior meetings, and he wondered if there will be any more detailed plans. Conrad has seen nothing at all, and wondered who on staff checks this. Conrad thinks it looks like they will be missing 40 parking spots with this plan. Mario stated that the Board has already looked at the parking issue and the Code Enforcement Officer had confirmed that the proposed elimination of the parking spaces would still leave the required number of parking spaces. Conrad questioned the traffic patterns. He indicated that full traffic studies, which can take over a year, have not been done. He also asked if NYSDOT was consulted on this. Mario stated that the engineering report was going to be discussed next and that would answer many of Conrad's questions.

Village Engineer Brent Cross stated that many of the issues raised by Conrad were reviewed in detail when the original PDA was approved, and that other details and drawings would have to be forthcoming before a building permit is issued. Cross said that he thinks 12 gas fueling positions may be more than is needed. He noted that there are not 12 fueling positions total at the two existing gas stations in the Village. Peter stated that the company is now building eight-dispenser gas stations at new stores,

making the six-dispenser station here relatively smaller, a size the company feels will best serve its members.

Dubow stated that this proposed special permit matter was submitted to the Tompkins County Planning Department for General Municipal Law 239 review, and they did not anticipate any negative inter-community or county-wide effects, and that they would therefore not have additional comments or recommendations regarding the proposed project.

Peter Hopley addressed Conrad's concerns from BJ's perspective. He stated that BJ's is a very risk-averse company and will be going public very soon. We are proud of our record in terms of the quality that goes into our facilities and the engineering that goes into the details of our facility. We train and certify our staff in emergency response. They have a monitoring agency that covers all of their fueling facilities. They are on 24 hour call. The layout of the station is to have delivery of fuel outside of the public area or path to the fuel pumps. Efficiencies meet the concerns of our consumers. There are 12 fueling stations, but not always will they all be in use at the same time. He indicated that they have state of the art equipment and exceed the state agency requirements. The tanks are doubled walled which are monitored. Pipe is all welded with a continuous connection to the tank to cut down on the potential leak. The installation of the tank will be overseen by an environmental engineer. They have quick-disconnect hoses. They do everything within their power to be safe. All details will be on the drawings that will be reviewed by Marty Moseley, the Village Code Enforcement Officer, before giving them a building permit.

Conrad stated that he knows BJ's and they will do a great job. Though he believes there will be times that there will be cars piling up.

With no one else wishing to speak, Schleelein moved to close the public hearing, Seconded by Dankert, Ayes: Tomei, Schleelein, Dankert, Durst, Stycos.

Marty added that the fire suppression plans would be reviewed and be up to required NYS specifications. The issuance of the special permit will be done by Marty and it won't be until he has received all required engineered drawings and approvals.

At this point, Don asked if he could adjourn the Board of Trustees meeting at this point. Wayne Knoblauch, who was present for his special permit matter on the agenda, asked the Board to stay because they may need to act on an item in the Engineer's Report by Brent Cross that would involve the Village of Lansing spending money. Brent stated that his comments on his report for the Knoblauch special permit matter should have nothing to do with the Board of Trustees. There was some perceived confusion as to a stream - crossing issue and it was determined that it was not necessary for the Trustees to make any decisions at this point.

Marty stated that he and Wayne have walked his property and the issue is the pond flows into a creek that goes into Knoblauch's area. The creek has deviated from the stream bed and should be re-routed. Brent stated that it is not on the Village property, and that is

why he does not believe this necessitates the involvement of the Board of Trustees. Brent indicated that he would be happy to look at the issue with Marty and Wayne.

Mayor Hartill entertained a motion for the Board of Trustees to adjourn their meeting.

Motion- To Adjourn

Trustee Baker moved for adjournment. Trustee O'Neill seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee John O'Neill-Aye  
Trustee Patricia O'Rourke

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The Board of Trustees adjourned at 8:48pm.

\*See the Planning Board minutes from 9/27/11 to see the remainder of the Planning Board meeting.