

**Village of Lansing
Planning Board Meeting
September 27, 2005**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Doris Brown, Phil Dankert, Carol Klepack and Maria Stycos; Trustee Liaison Lynn Leopold; Attorney David Dubow; Engineer Brent Cross; Code Enforcement Officer Ben Curtis and members of the public.

Public Comment:

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Stycos moved to close the Public Comment period. Seconded by Dankert. Ayes by Dankert, Hickey, Klepack and Stycos. Motion carried.

Greenstate Properties, 2432 N. Triphammer Road Subdivision Classification:

Hickey stated the first item on the agenda was to classify the Subdivision submitted by Mr. Rob Colbert for property located on North Triphammer Road. This a minor subdivision dividing a 2.64 acre lot into two lots. The lot to be subdivided is known as 2432 North Triphammer Road and is located in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43. Board members had a final plat map for review and discussion. Hickey stated this would be a subdivision of one parcel into two lots which is classified as a minor classification unless there are extenuating circumstances and the Board determines it should meet the requirements of a major subdivision.

Colbert stated the subdivision is for a single parcel of land to be subdivided into two lots. It is located entirely within the CLT District and is owned by Stu Lewis as Irv Lewis Inc. and Greenstate Properties is under contract to acquire it. The parcel is about 2.6 acres. Ithaca Cardiology Associates would like to use a portion of the property to construct a 8,005 sf medical office building. The architect has developed a lot size to conform to all the setbacks of the Village. Ithaca Cardiology Associates is currently next to the hospital but would like to own its own building and become a permanent resident of this community. Colbert stated the lot is large enough to support two buildings and a second legal site can be developed on the parcel with a single driveway to serve both properties. Drainage and storm water management has been designed to serve both properties and the anticipated parking and building areas as well. Hickey asked if both buildings would have the required street frontage and Colbert responded yes, one has 118 lf of frontage and the other has 100 lf. Klepack asked for clarification on the lot lines and Colbert explained them using the display map.

Dankert moved to classify this as a minor subdivision. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Public Hearing - Final Plat Approval of Greenstate Subdivision:

For the record, Curtis noted that he had received Proof of Mailing for this hearing as well as the others scheduled to follow.

Hickey stated the applicant has requested Final Plat Approval for the subdivision as the building season is drawing to a close and he would like to get in the ground before winter.

Hickey opened the Public Hearing on the Final Plat for the Greenstate Subdivision.

Larry Bieri, 86 Oakcrest Road, asked about the lighting and requested lights be kept low. Hickey stated Colbert would be required to submit a Lighting Plan for review by the Lighting Commission so there would be no light pollution adversely impacting the neighboring properties. Hickey also stated there would be a buffer or screening required. Bieri has seen other properties such as Billy Bob Jacks where screening has not been maintained and it has been in

this condition for 10-15 years and they are still waiting. Hickey stated there is money in escrow for some of this screening pending the completion of the North Triphammer Road reconstruction and the Village will be approaching the new restaurant owners with regard to replacing and maintaining what was previously approved.

Klepack moved to close the Public Hearing. Seconded by Stycos. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

For the record, Dubow stated his office represents the seller of the property and his office also represents Murray Estates which is an adjoining property owner on the west.

Dubow noted a formal SEQRA is not required because this is a minor subdivision.

Brown moved the following resolution; seconded by Klepack:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT APPROVAL OF GREENSTATE PROPERTIES MINOR SUBDIVISION ADOPTED ON SEPTEMBER 27, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Final Plat Approval of the Greenstate Properties Subdivision, a minor subdivision dividing a 2.64 acre lot into two lots. The lot to be subdivided is known as 2432 North Triphammer Road and is located in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43; and
- B. The Village of Lansing Planning Board, in accordance with Village of Lansing Local Law 3 of 2000, hereby determines that the approval of the proposed minor subdivision is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"); and
- C. On September 27, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the subdivision plat and accompanying materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) 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 FOLLOW:

- 1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the Greenstate Properties Minor Subdivision is **GRANTED**, subject to the following conditions and requirements:

No conditions.

- 2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and directed to sign such final plat in accordance with Sections 303.07 and 312.01 of the Village of Lansing Land Subdivision Regulations.

The vote on the foregoing motion was as follows:

AYES: Doris Brown, Phil Dankert, Ned Hickey, Carol Klepack and Maria Stycos

NAYS: **none**

The motion was declared to be carried.

Public Hearing - Special Permit No. 2060, Greenstate Properties, Office Building:

The next item on the agenda was a Public Hearing for Special Permit No. 2060, Greenstate Properties, to construct a 8005 sf office building on part of the lot currently known as 2432 North Triphammer Road in the Commercial Low Traffic District, Tax Parcel No. 43.1-1-43.2.

Colbert stated Architect Jagat Sharma as well as Landscape Designer David Fernandez are also present at tonight's meeting. The one-story brick building is for 8005 sf of space and is located within all required lot setbacks of the lot just approved. The location of the driveway has been designed in close communication with the overseers of the North Triphammer Road Reconstruction project. There will be a blacktop entrance and a parking area with 30 parking spaces. The Lighting Plan will be submitted at a later date for approval by the Lighting Commission. The Landscaping Plan has also been submitted for approval. Colbert stated the western end of the lot will include both the storm water management facilities as well as the buffer for abutting residential properties and a supplemental plan is being submitted for that area.

Fernandez presented the Landscaping Plan as well as photos taken to show the impenetrability of the west end of the property. The view to the west is very thick with multiflora rose but there are no large trees. There is also a creek along the northern property line. Fernandez stated there is a large grove of box elders and willows at the creek edge which is a natural buffer and will probably remain although the last willow at the edge of the building or parking area will need to be removed. There is also a large existing buffer of conifers near the Allstate building on the south. Fernandez stated there are only a couple of places where the Allstate building can be seen from this property. Fernandez stated there are also plans for 5 street trees to be planted when the North Triphammer Project is completed next spring. Those trees will be about 40 feet wide when grown and will almost touch the building. Entrance to the property will be through a grove of flowering pear to flank the driveway. The plantings of dwarf crabapple and conifers are planned to be those more resistant to the deer. Larger groups of deciduous plants are also proposed for the property. Fernandez stated some of the property is damp and plants, such as river birch, have been proposed for those areas. There is also a large bush which will close the view along the long back of the building. In the front there is a low bed with boulders and plants. Fernandez stated there are autumn blaze maples planned for the borders of the parking area. Forsythia will also be planted along the stream bed.

Fernandez stated there would also be a mixture of plantings of Kentucky blue grass, rye grasses, white clover, etc. There will also be a mixture of grasses for other areas of the site. Fernandez stated some of the existing brush will provide a better screening than a 6 foot evergreen planted per the regulations. Fernandez would recommend retaining as much as possible of the natural existing vegetation and adding three weeping willows. Fernandez stated a concern for the deer would limit the type of evergreen to be planted to white spruce, blue spruce, Colorado spruce or Austrian pine. Fernandez stated there are other methods of providing screening which would be more deer tolerant. He would like to see the buffer section of the Zoning Law changed in the future to include such plantings as willows due to their year round density. To provide successful screening, Fernandez would like to see a combination of willow and evergreens on this site. Hickey asked about a mixture of plants as well as fencing. Fernandez stated that could be a good strategy. Hickey stated the willow near his house does not provide a good screening from his neighbors particularly with regard to light pollution; a screen should be effective year-round. Fernandez felt layering would provide a good screen. Also the dropping of the slope in the rear may not be conducive for fence screening as the cars would be on a higher elevation and the lights may shine over the fence. Hickey asked about the possibility of more screening or shrubbery behind the parking area to better block the light from the parking and the building. Fernandez stated berming is also a possibility but it could work against the existing vegetation. Hickey noted that when the second parcel is developed, the plantings in discussion today would have had a chance to grow and their effectiveness could be determined.

Curtis asked about the southwest corner which abuts a residential area. Fernandez stated a tree could be planted in that area also.

Hickey asked about vegetation to stabilize the stream bed. Fernandez felt none would be needed as there are no steep eroding banks. The stream crosses under North Triphammer Road and onto this property. Fernandez stated the lot is flat and broad and the creek narrows and it is difficult to locate the stream bed in places. Cross stated it would be the responsibility of the owner to do something later if necessary. Leopold stated there is much impervious surface parallel to this stream and the more vegetation left undisturbed the better.

Bieri asked about the drainage for the parking areas. Colbert stated there are two pooling areas and showed them to Bieri with water flowing from one pool to another both filtering the runoff and regulating the rate of discharge.

Leopold asked when the Board could see elevations on the plans and Colbert responded he would have them for the next meeting.

Curtis asked that a copy of the Landscaping Plan be left for the Village. Fernandez stated there would be small fence enclosure to hide the dumpster in the northwest corner of the parking area. Hickey stated that under advisement of the Village Attorney the Board would hold off on approving the Landscaping Plan due to other items which need to be accomplished.

Hickey asked Cross about his Engineering Report. Cross stated that the drainage plan appears to be logical as the pond is in the lowest corner, although he has not thoroughly reviewed the submitted materials. Regarding traffic, there is a 24 foot wide driveway and proper size parking spaces. Cross stated there is an interior intersection and there might be a need for directional or traffic control signage. Colbert stated this might be needed in the future when the other building is built. Regarding utilities, Cross is concerned about closeness of the proposed building to the Bolton Point transmission line which serves the NE area. Colbert has spoken with Bolton Point and they stated this water main can be used as the source of water for the proposed new building and that there is an easement for access to work on the main when and if needed. Cross asked if Bolton point has seen the plans with the parking and size of the building. Curtis stated the corner of the building is right on the easement line and thus the footer would be beyond the line. Colbert stated these are working drawings and nothing would be placed within the easement. Cross asked about sewer for this property and Colbert responded that this property has had service for many years and the lines have been tested within the last 45 days. Colbert stated there is a 4 inch line which is depicted on the drawings. Colbert stated he contacted Dave Putnam of TG Millers who stated there is a 2 inch invert at the base of the building which has recently been demolished. Cross stated he can see the sanitary sewer line on the survey map. Cross stated it is possible to install a pump for the sewer but he wanted the Colberts to be aware of the need for sewer. Colbert stated they ascertained there was a good line prior to the blacktopping on North Triphammer Road and this was confirmed. Cross stated the second building when and if it is built would probably need to be pumped. Cross stated the dumpster has been discussed as well as the need for a future lighting plan.

Curtis stated he has spoken with Colbert and the note on the plans regarding the build-to-line for the second building is to be corrected as the build-to-line is 25 feet from North Triphammer Road and the plans depict a line much further than that from North Triphammer Road. Colbert agreed to have this corrected.

Dankert asked how close the fire hydrant is to the property. Colbert responded it is south of the property and on the same side of North Triphammer Road.

Dubow asked about the parking. Colbert responded that all parking would be on site and there would be a permanent access/driveway easement and maintenance agreement satisfactory to all involved parties for future development of the second parcel .

Hickey wanted to talk about the entrance road. Hickey stated the second building must follow the CLT Guidelines and should be within 25 feet of the North Triphammer roadway. Currently there would not be enough frontage for that to occur with the curved road. Hickey stated if the road were straight, it looked like there would be enough room to allow for the second building to be 25 feet from the roadway. Currently as proposed, the second lot would not be acceptable for a building lot as the driveway occupies the space where the building would need to be to meet the 25 foot build-to requirement. Hickey noted that at a later date if the applicants were to come in with a request for a

second building, it might be necessary to tear up the road in order to get the building in the proper place according to the Village Zoning Law. Therefore, Hickey is asking why not put in a straight road at the beginning. Colbert responded that it is a more graceful entrance. Hickey again noted that if the road were straight, there would be sufficient space to locate the second building in compliance with the 25 foot setback line. Sharma pointed out that there is parking along the entrance way. Hickey stated there is a requirement for 30 parking spaces and there are that many in the rear of the building so there need not be parking along the entranceway. Colbert stated the developers may ask for a 20% reduction in the number of parking spaces at the discretion of the Planning Board. Colbert also noted that when the site was laid out there were a few immovable forces. First, the Bolton Point line can not be moved. Also, the setback requirements of the Village, such as the build-to line, must be met. The distance from the Craft Road entrance and the guardrail to the north also circumscribed design options as did grade and drainage concerns. Colbert stated there will probably come a day when the Board will be approached again with regard to the back area. Curtis stated the 25 ft. build-to line would need to be met or a variance acquired. Hickey again noted that as part of this proposal the developer has the option to put in a straight driveway which would be less pleasing but would allow for the second building to be placed up to the 25 ft. build-to line. Hickey stated the Board could not approve the second building location as tentatively shown on this set of plans unless a variance were granted. Without a variance there would need to be a reconfiguration of the road and the seven parking spaces shown along it. Colbert stated they plan on returning to the Board in the future and will either request a variance or propose a building which meets the zoning requirements. Klepack stated the Guidelines are difficult for a long narrow parcel such as this. Colbert stated MoldFlow is the only building that has been built under the Guidelines with the 25 ft. build-to line. Hickey again reiterated that the Board could not approve another building unless it meets the 25 ft. build-to line requirement unless a variance is granted. Colbert stated they are going into this project with their eyes wide open and they hope to establish a standard for future development.

Regarding the parking, Curtis asked if the 7 parking spaces along the driveway are being built now. Colbert stated they are. The back parking area will have 30 spaces but one will be taken up with the dumpster, leaving 29 actual parking spaces, so that would leave a total of 36 parking spaces for this building.

Stycos asked if the driveway was curved just for aesthetic reasons. Colbert responded that there were many considerations taken into account and this appeared to be the best for addressing all concerns and it should make for a nice finished parcel.

Hickey stated there are additional items which the Board would like to review so approval will be held off until the October 10th meeting. Hickey would like to see an elevation and how this building will blend in with other buildings on North Triphammer Road. Secondly, Hickey is requesting a letter from Bolton Point confirming that the placement of the building with regard to the utility easement is agreeable to them. Thirdly, the other utility connections should be shown. Hickey is also asking for the Lighting Plan for review by the Lighting Commission prior to the meeting on Oct. 10 if possible. The Board will adjourn the Public Hearing until the next meeting at which time it will be continued.

The Board discussed the build-to line and the difficulty it poses for parcels such as this one which are deep but lack road frontage. Hickey responded that he would prefer to review each parcel case by case and make a recommendation to the Board of Zoning Appeals if appropriate. Hickey stated a recommendation can be made to the Board of Zoning Appeals that takes into account unique characteristics of a particular parcel.

Public Hearing - Special Permit No. 2059 - Nextel Properties, Inc. Telecommunications Facility:

The next item on the agenda was a Public Hearing for Special Permit No. 2059, Nextel Partners, Inc. to construct and install a telecommunications facility on the existing Marriott Hotel at 29 Thornwood Drive in the Cornell Business and Technology Park in the Business and Technology District, Tax Parcel No. 45.1-1-55.19.

Steven Elsbree representing Nextel Partners made the presentation for the proposed location of the wireless telecommunication facility. Elsbree stated that the proposed facility would use an existing structure as the means of acquiring the necessary height. The proposed project would include the installation of panel antennae which are face-mounted and flush-mounted on the existing facade of the Marriott Courtyard. The equipment shelter holding the radio

equipment would be roof-mounted. Both the shelter and panel antennas would be painted and textured to match the existing Courtyard Marriott. The height of the existing penthouse for location of one of the antenna panels would be 43 feet 8 inches. Hickey noted that the maximum height allowable is 45 feet. Elsbree stated that the top of the equipment shelter would be 44 ft. 10 inches and the top of the antennas are 42 feet 5 inches. The antennas would be mounted at three locations as shown on the plans and would each cover a 120 degree segment to provide for 360 degree coverage. The mounts at each corner of the building would have 4 antennas for a total of 12 antennas. The panel antennas measure 4 feet tall by 8 inches deep by 6 inches wide. These panels are flush mounted below the roof line and the top of each antenna would be 42 feet 5 inches above the ground. Hickey asked about co-location. Elsbree stated there is nothing in their agreement with the Courtyard Marriott to prohibit another service provider from using this space. Hickey asked why it is critical to have the towers in this location. Elsbree responded that the Business & Technology Park needed it for in-building coverage.

Hickey opened the Public Hearing.

As there was no one who wished to speak, Stycos moved to close the Public Hearing. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.

Curtis stated NEXTEL Partners representative, Ken Cowley, has indicated to him that Elsbree would be providing some documentation of non-exclusivity in the agreement with Marriott. Elsbree stated he will submit this in letter form.

Hickey stated the Village Zoning Law has Special Permit telecommunications regulations and paragraph 2 contains a list of general criteria which must be reviewed to ascertain they have all been met by the proposal. Then the General Conditions for all Special Permits must be addressed. Zoning Law Section 304.06 (k) 2 contains the special conditions which must be met. The Board reviewed those conditions as follows: (i) Elsbree stated there is a need for adequate coverage and in-building service is needed for the B & T Park as well as neighboring area of about 3/4 of a mile for in-building coverage. This includes all the features on a NEXTEL phone system. (ii) Hickey asked if the proposal conforms to all FCC and FAA rules. Elsbree responded that they do and are licensed by FCC. Frequency levels have been provided in documentation previously submitted to the Board but a copy of the license will also be provided for Village records. Regarding FAA, there is no requirement for lighting as it is below the threshold and an FAA letter will also be provided. (iii) The coloring and surface material matches that of the existing structure and will not protrude above the facade and will be face and flush mounted. (iv) Complies with all other requirements in the Zoning Law. (v) Elsbree stated the search area is small and will be concentrated and is the best choice of site in the B & T Park. Test site data has been obtained and confirms this is a good location. Cross stated the service area is not well defined on the drawings. Elsbree will submit a drawing of the existing coverage and another with the drive test indicating why it is needed in this area. (vi) This item deals with a tower so it is inapplicable. (vii) This item also deals with a tower so it is inapplicable. Section 304.06 (k) 3 about Co-location and Alternative Sites dealing with towers is inapplicable. Section 304.06 (k)4 about Dimensional Standards in regards to the fall zone for towers is inapplicable. Section 304.06 (k) 5 about Lighting and Marking is inapplicable. Section 304.06 (k) 6 Appearance and Buffering has been discussed. Section 304.06 (k) 6 about Access and Parking is not applicable. With respect to Section 304.06 (k) 7 about Security access is from the roof and monitored by the hotel security. Section 304.06 (k) 8 about Engineering and Maintenance was addressed. With respect to Section 304.06 (k) 10 about Removal, Hickey noted the bond will be provided at a later date. Elsbree stated he had questions about the bond. The amount of the bond is geared to an entire tower structure and he has problems with the dollar amount of not less than \$50,000. This amount is not negotiable and is geared to the possible removal of an entire structure. Dubow stated a variance could be obtained although it might be complicated or the Board of Trustees could be approached. As to Section 304.06 (k) 11 about Application, Hickey noted the EAF will be completed in a few minutes. Hickey also stated that the proof of landowner consent will be forthcoming. The Board also stated that there is documentary evidence that the proposal satisfies the requirements of subsection 304.06 (k) 2 (ii) as noted above. Elsbree stated there would be a letter signed by NEXTEL regarding co-location and the agreement for removal. Documentation from FCC and FAA will also be forthcoming. Dubow asked if the applicant has received approval from FCC. Elsbree responded that no paperwork has been submitted as no approval is required. FCC guidelines have been addressed and Elsbree has a file containing all the paperwork.

Next the Board discussed the EAF. Dubow stated that if the Board determined visual impact issues were not material, it could waive the visual impact form but must complete the short-form SEQRA.

Next, the Board reviewed the short form EAF Part 2 of the SEQRA. A - No, B - No, C1 - No, C2 - No, the visual EAF was not required due to the nature of the project as the application indicates both color and texture of the structures to blend in with the surrounding. C3 - Not applicable, C4 -No, C5 - None, C6 - No, C7 - No, C8 - No, D - No.

Stycos moved the following resolution, seconded by Klepack:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL PERMIT NO. 2059 ADOPTED ON SEPTEMBER 27, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2059, Nextel Partners, Inc., to construct and install a telecommunications facility on the existing Marriott hotel at 29 Thornwood Drive in the Cornell Business and Technology Park in the Business and Technology District, Tax Parcel No. 45.1-1-55.19; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Planning Board is an involved agency for the purposes of environmental review; and
- C. On September 27, 2005, the Village of Lansing Planning Board, 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 Planning Board, 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 Planning Board 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.

The vote on the foregoing motion was as follows:

AYES: Maria Stycos, Doris Brown, Ned Hickey, Phil Dankert and Carol Klepack

NAYS: none

The motion was declared to be carried.

Next, the Board reviewed the General Conditions for all Special Permits in Zoning Law Section 304.05 to confirm that General Conditions a-j have been met by the applicant. Stycos moved that the applicant has met the Special Permit General Conditions as well as the Section 304.06 (k) Telecommunications Facilities Special Permit Additional Conditions, subject to the conditions and requirements to be attached. Seconded by Dankert. All aye.

Brown moved the following resolution, seconded by Klepack:

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2059 ADOPTED
ON SEPTEMBER 27, 2005**

WHEREAS:

- A. This matter involves consideration of the following proposed action: Special Permit 2059, Nextel Partners, Inc., to construct and install a telecommunications facility on the existing Marriott hotel at 29 Thornwood Drive in the Cornell Business and Technology Park in the Business and Technology District, Tax Parcel No. 45.1-1-55.19; and
- B. On September 27, 2005, the Village of Lansing Planning Board determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and 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
- C. On September 27, 2005, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On September 27, 2005, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 304, 305 and 306 of the Village of Lansing Zoning Law, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06, including subsection (k) thereof relating to special permit requirements and regulations for telecommunications facilities), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set

forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Zoning Law Section 304.05), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Zoning Law Section 304.06, including subsection (k) thereof relating to special permit requirements and regulations for telecommunications facilities), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Zoning Law Section 305); and

2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2059 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:
 - A. **Compliance with all requirements applicable after issuance of the special permit approved by this resolution as provided for in Village of Lansing Zoning Law Section 304.06, subsection (k), including, but not limited to, all applicable security, inspection, maintenance, repair and removal obligations.**
 - B. **Documentation of the building owner's permission to locate on the building and confirmation that the agreement has no exclusivity provision.**
 - C. **Copies of the FCC license and the FAA opinion letter.**
 - D. **Large scale plans of the service area, before and after.**
 - E. **\$50,000 security, subject to approval by the Village Attorney.**

The vote on the foregoing motion was as follows:

AYES: Doris Brown, Maria Stycos, Phil Dankert, Ned Hickey and Carol Klepack

NAYS: none

The motion was declared to be carried.

Homewood Suites Subdivision - Classification:

Hickey stated the next agenda item was to classify a subdivision of one parcel into two parcels for the Homewood Suites Subdivision. To accommodate this hotel on Cinema Drive, there is insufficient parking so the southerly line is being moved back into an adjoining property also owned by Richard Thaler. Curtis stated property is being taken from one parcel and is being added to an adjoining property and not creating a new parcel.

Dankert moved to classify this as a minor subdivision. Seconded by Stycos. All aye. Motion carried.

Board members reviewed and discussed the sketch plan in general. Board members talked about the amount of impervious surface and the rate of storm water discharge from the property and which requirements need to be met or what may or may not be grandfathered. Cross will research this prior to the Oct. 25th meeting where this will be on the agenda.

Approval of Minutes - September 12:

Klepack moved to approve the minutes of September 12th as revised. Seconded by Brown. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Minutes approved.

Other Business as Time Permits:

Curtis provided material for Board members regarding the changes in the federal regulations for isolated wetlands.

Klepack asked about screening trees on the Billy Bob Jack property. Hickey stated some were cut down and some died so the Village contacted the owner to have them replaced. That led to discussion of screening that was to be provided along North Triphammer Road. Money was put in escrow to cover the North Triphammer plantings pending

completion of the road reconstruction. The dead or missing trees were apparently a bone of contention between the restaurant owner and the property owner. Now the restaurant will be re-opening and it would be a good time to remind the owner that the original trees on the back and side must be replaced where they are dead or missing. Curtis stated it is the son of John Butler who will be opening the new restaurant.

Hickey stated Curtis will provide information in the next packet regarding training courses to be held in Elmira and Big Flats in November for those interested.

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Adjournment:

Stycos moved to adjourn at 9:35 P.M. Seconded by Klepack. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.