Village of Lansing Planning Board Meeting January 31, 2006

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; Attorney David Dubow; Engineer Brent Cross; Trustee Liaison Lynn Leopold; 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 Brown, Dankert, Stycos, Hickey and Klepack. Motion carried.

Special Permit 1804, Advion at 9 Brown Road – Proposed Amendment

The next item on the agenda was an amendment to Special Permit 1804, Integrated Acquisition and Development, to construct a 33,400 sf one story office building including laboratory space on property located 9 Brown Road in the Business and Technology District, Tax Parcel No. 45.1-1-55.9. Special Permit 1804 was approved in 2003, but because the current proposed construction constitutes a major amendment to the construction originally approved, a Public Hearing and Planning Board approval was required.

Herman Sieverding, Project Manager for Integrated Acquisition and Development, explained the project and the modifications from the original proposal. Advion has evolved into a company with two distinct components – Advion Biosciences which does advanced material testing, and Advion Biosystems which develops testing equipment both for its Biosciences function and to market to other companies. Since the original proposal in 2003, opportunities in the Park have enabled them to locate the Biosystems elsewhere in the Park and construct a smaller building on the 9 Brown Road site for Biosciences. In addition to reducing the size of the proposed building, they are also retaining and upgrading the existing building rather than demolishing it as originally proposed; they have enlarged the lot to include approximately 5/8 of an acre fronting Thornwood Drive; and they have developed a plan to provide off-site storm water detention rather than constructing underground detention on-site as originally proposed.

The layout of the new one story building is tailored to the needs of the Biosciences division with a wing for administrative offices and the greater part of the building for specialized laboratories. The driveway and entrance have been redesigned to focus on the entrance of the building where the administrative offices are. This wing will be constructed using blue tinted glass curtain walls providing an open feeling for the entry and common areas. The laboratory wing will be gray/beige smooth finish EFIS with a scored pattern and windows as a ribbon at the appropriate level except common areas where full length glass will be used to create an open feeling. Roof top units and ducts will be enclosed by a louvered screen to clean up that aspect of the building. Additional sidewalks have been added and a service drive from Thornwood Drive for trucks, deliveries, etc.

While 25% lot coverage is permitted in this area, the project will only cover around 15% of the lot. The developers are requesting a reduction of about 12.5%, or 26 spaces, in the amount of parking they would otherwise be required to provide. The Zoning Law requires one space for every 200 sf of gross floor area which would be 207 spaces for the two buildings combined. They are proposing 141 spaces for employees of Advion in addition to 25 for Binoptics in the existing building, and 9 spaces for visitors and 6 handicap spaces for a total of 181 spaces. Sieverding provided a site plan showing where the 26 spaces would be provided if it was determined at a later date that they were needed.

Sieverding then presented what he characterized as a conceptual landscape plan with a formal plan to be presented at a later date. They will incorporate an area along Warren Road where currently there is standing water on occasion as a water quality feature to meet EPA requirements. They will put in plantings consistent with that use to enhance its function as a biofilter. They will save existing trees where possible and will be grading, berming and adding conifers and deciduous trees to complement the features of the building.

David Herrick of T.G. Miller, Engineers and Surveyors, site engineers for the project, explained that the project would comply with EPA Phase 2 regulations by modifying existing ponds south and east of the project in the vicinity of Langmuir Lab to detain the quantity of water necessary to maintain the rate of storm water discharge from 9 Brown Road at its current level. They would also develop the area on the site along Warren Road as previously described to function as a water quality feature or bioretention filter to meet the EPA requirements for water quality. Utilities are shown on the drawings and the roof drainage system will be shown on the final drawings.

Hickey asked the Board if they had any questions. There being none, he opened the Public Hearing. There being no one who wished to speak, Klepack moved to close the hearing, seconded by Stycos, all in favor.

Cross reviewed his Engineer's report. The driveway and parking configuration was good providing adequate space for safe and efficient traffic flow. He has reviewed the storm water management plan with Herrick and Sieverding and considers it an improvement over the underground storage system that was previously proposed and approved. Preliminary calculations by TG Miller indicate that the proposed water quality/quantity controls will be able to satisfy the NYSDEC requirements for SPDES Permits for construction sites disturbing more than one acre. Final details will be needed before a building permit can be issued. Sieverding noted that B&T Park regulations limit impervious area to 50% of a lot, but that this lot does not fall under that restriction, because it was sold prior to the restriction being imposed. Cross concluded his report, noting that general information provided regarding utilities, dumpster and site lighting seemed okay, but that additional details would be required before construction.

Hickey stated the Board would first consider the requested 12.5% reduction in parking spaces. Dubow noted for the record that although reference is frequently made to the 20% reduction permitted by the Zoning Law, this section of the Zoning Law was changed several years ago to permit the Board to reduce the requirement by any amount it determined to be justified on a case by case basis, provided that the Planing Board requires an area to be designated on the final plan where the required spaces could be constructed at a later date if they were needed. Klepack moved to grant the 26 space reduction as requested, seconded by Brown, all in favor.

Hickey stated that he was concerned about trees that would be removed as part of this development and also the potential impact on the site if the set aside parking had to be provided at some time in the future. Sieverding responded that they would be providing a formal landscape plan later indicating species, number, size, etc. for plantings and indicating trees to be removed. Stycos asked how much of the lot would be impervious. Herrick stated that it would be between 50 and 60% and that 68% of the impervious area would drain to the water quality feature. Klepack was concerned about vegetation to break up the parking area as recommended in the guidelines the Board had discussed in previous years. Sieverding noted that on a site like this adding vegetation in the parking lot would require reducing vegetation elsewhere. As with other projects they have done in the park, the developers plan for this site to be well landscaped as will be apparent when they bring in the formal landscape plan for approval. A light plan with photometrics will also be provided to the Lighting Commission; the light poles will be 15' high.

Hickey reviewed the Short Environmental Assessment Form approved in 2003 and the Board agreed that the issues covered by the assessment had not changed significantly and that the project would still not result in any significant adverse environmental impacts. The Board then reviewed the conditions attached to the original approval and determined that the same conditions would apply to the revised proposal except for the condition that the existing building be demolished. That condition should be deleted as the existing building will now be retained and upgraded.. Hickey next reviewed Section 145-59 E, General Conditions required for all Special Permits, Items 1 – 10. Dankert moved that the amendment met all General Conditions, seconded by Klepack, all in favor. Curtis confirmed that he had received proof of mailing for the supplementary notice and that the County had returned a favorable 239 determination.

Klepack moved the following resolution, seconded by Stycos:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON JANUARY 31, 2006 TO AMEND THE APPROVAL OF SPECIAL PERMIT NO. 1804 AS GRANTED BY PRIOR RESOLUTION ADOPTED ON MARCH 25, 2003

WHEREAS:

- A. This matter involves consideration of the following proposed action: Amendment to the approval of Special Permit No. 1804 granted by the Village of Lansing Planning Board by resolution adopted on March 25, 2003, for Integrated Acquisition and Development, to construct a 33,400 sf one story office building including laboratory space on property located 9 Brown Road in the Business and Technology District, Tax Parcel No. 45.1-1-55.9; and
- B. On March 25, 2003, after a public hearing (on March 10, 2003) and due deliberation, the Village of Lansing Planning Board by separate resolutions (i) made a negative determination of environmental significance ("Negative Declaration") in accordance with Article 8 of the New York State Environmental Conservation Law the State Environmental Quality Review Act ("SEQR") for the above referenced project based upon the plans, materials and other submissions submitted by the applicant prior thereto and determined that an Environmental Impact Statement would not be required, and (ii) granted and approved Special Permit No. 1804 based upon the plans, materials and other submissions submitted by the applicant prior thereto, subject to certain conditions and requirements set forth in the approval resolution (the "Special Permit Approval"); and
- C. It has subsequently been determined that the plans and materials based upon which the Negative Declaration and Special Permit Approval were originally made require amendment to reflect the current plans of the applicant, and the applicant has submitted additional plans, information and materials incorporating the proposed modifications; and
- D. On January 31, 2006, based upon the scope and nature of the additional plans, information and materials incorporating the proposed modifications to the previously granted Special Permit Approval, the Village of Lansing Planning Board held a new public hearing regarding this proposed action; and
- E. On January 31, 2006, the Village of Lansing Planning Board reviewed and analyzed (i) the additional information and materials submitted by the applicant incorporating the proposed modification to the originally submitted plans, (ii) its original March 25, 2003 SEQR Negative Declaration and its findings related thereto to determine whether further environmental review of and/or action on the modified plans was required, (iii) its previously granted March 25, 2003 Special Permit Approval and the conditions and requirements to which such Special Permit Approval was subject, (iv) all issues raised during the new public hearing and/or otherwise raised in the course of the Board's deliberations, and (v) possible new and/or additional modifications, conditions and requirements to be attached to any amended Special Permit Approval granted for the modified plans, or, in the alternative, possible findings or reasons to be attached to any denial of the proposed amended Special Permit Approval for the modified plans; and
- F. On January 31, 2006, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 145.59, 145.60, 145.60.1 and 145.61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its review of the modified plans of the applicant and its further deliberations thereon, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby (i) reaffirms its original March 25, 2003 SEQR Negative Declaration, having made all necessary revisions to the Short Environmental Assessment Form (the "Short EAF") previously reviewed and approved, and having further determined and confirmed that subject to the conditions to which such original Special Permit Approval was subject, as modified, and the additional

conditions and/or requirements set forth below, the modified plans as submitted by the applicant will not have a significant adverse impact on the environment; and

- 2. The Village of Lansing Planning Board hereby reaffirms it original March 25, 2003 approval of Special Permit No. 1804 subject to the same conditions and requirements upon which such approval was made except as modified below, and subject further to the additional conditions and/or requirements set forth below, it having been determined that with all such modifications, conditions and/or requirements the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61); and
- 3. It is hereby determined by the Village of Lansing Planning Board that this amendment of Special Permit Approval for Special Permit No. 1804 is **GRANTED AND APPROVED**, subject to the following additional modifications, conditions and requirements:
 - 1. All of the original conditions and requirements set forth in the March 25, 2003 SpecialPermit approval shall continue to apply, except demolition of the existing building, which condition shall be deleted.

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Special Permit 2089, Omnipoint Communications

The next item on the agenda was continued discussion of Special Permit 2089, Omnipoint Communications, Inc., to construct a telecommunications facility for T-Mobile consisting of a 44 foot pole with a 10' x 16' enclosure at its base on property located at 2350 N Triphammer Rd. (current site of the McDonald's restaurant) in the Commercial Low Traffic District, Tax Parcel No. 47.1-1-17.82. The site is designed to provide in-building service coverage to malls and surrounding areas in the Village of Lansing and along Route 13.

Gerry Brophy, Wireless Communications Consultant for T-Mobile USA, stated that he had taken the Board's comments from the last meeting and tried to respond as best he could. He noted that in the documents he had provided for the Board's packets was a corrected Short Environmental Assessment Form indicating under item #8 that the proposal does not comply with the existing Zoning Law and under item #10 that the action will require the additional approval of the BZA. He also included a generic design for a pole that would withstand 100 mph sustained winds and gusts in excess of that. The pole itself is 37' high and sits on a concrete base which extends one foot above grade, and the pole is topped with a 6' accelerator for a total height of 44'. The pole would be 16.25" in diameter and the accelerator would be 18". He does not have the exact specifications and calculations for the pole for Cross to review; it is a little complicated getting such data without actually doing soil borings and ordering the pole. His associate, Mike Crosby, Radio Frequency Engineer for T-Mobile, will contact Cross directly and provide him with whatever information he needs to confirm that a 44' pole can be erected that is in no danger of falling down in the most adverse conditions that might occur in this area.

Brophy reported that he and Crosby had also reevaluated several sites the Board had asked about. They took another look at 2 Graham Road West just north of the McDonald's parcel. It would probably work in terms of handling the signals, but presented similar fall zone issues to those of the McDonald's parcel. Hickey noted that the Village had contracted Bill Sitzman, an independent Radio Frequency Engineer, to review T-Mobile's reports and possible

alternate sites. Sitzman's report indicated the 2 Graham Road West site had potential for good coverage, and indicated that the proposed site would provide the required coverage. It seemed like the Graham Road West site might be better, and if the antenna were attached to the building, then the Planning Board could waive the fall zone requirement if a safe alternative was provided. Crosby stated that they had already invested a lot in the McDonald's site and did not see why they should consider the alternate site if it posed the same problem as the McDonald's site. Brophy was not sure how they could attach an antenna to the building at Graham Road West, but he will look into it. They also reconsidered the Moldflow Building which is 32' high at the top of the mechanicals shaft. They thought a twelve foot pole on top of that might work as the total height would be 44' like the pole they are proposing for McDonald's. They met with the owner and set up a test on the roof. They discovered that due to the trees the height of the pole would have to be 18', 20' or more and that would present some real engineering problems and probably be less desirable than what they were proposing across the street. Sitzman's report confirmed this. Brophy also considered using one of the existing light poles at McDonald's. In order to meet the structural requirements for a pole, particularly one that had to resist 100 mph winds, he would have to replace both the existing pole and the base. Hickey noted that he would then be back in the same situation he was in with the one originally proposed and would have to take it to the BZA. Klepack stated that when she was coming through the rock cut on Route 13 the first thing she saw was Tops' roof. She asked why wouldn't an antenna on Tops' roof work. Crosby said they had checked that and it worked for the rock cut, but did not meet their coverage needs for the northern half of the Mall and the points north along Triphammer.

Brophy also provided documentation of the lease with McDonald's and an easement they would need from the Village to bring power to the McDonald's site. Dubow explained that these were issues that either he would need to review or that the Trustees would have to act on, not matters for the Planning Board to review. Brophy will work with Cross and Crosby with regard to pole design and further investigate the 2 Graham Road West site. They will return on February 13th, but still plan to go before the BZA at their next meeting.

Regal Cinema - Update

The next item on the agenda was an amendment to the Regal Cinema special permit which was approved in March, 2005. Curtis explained that while reviewing the construction drawings it came to his attention that the structure would exceed the height limit of 35' above average grade. In discussions with Pyramid it was further revealed that roof top units not shown in the plan could add an additional 2.5' to 5' to the deficiency. Jim Bold of Bold Associates, the Project Manager, stated that he had worked with the design professionals and reduced the actual building height to 34' above finished floor. He has surveyed the property and determined that average adjoining grade for the whole Mall is 6" below finished floor. Therefore, in terms of the Village's Zoning Law the building height is 34'-6" at the highest point. The roof top units, however, sit on top of the roof and are 2'-6" to 5' tall and they can not reduce the height of the building any more to accommodate that additional height. They can not go further into the ground and still provide access and egress for the handicapped as required by ADA and the Building Code. They can not move the roof top units to a lower level and use ducts to move the air because the theaters are designed to meet a very high sound insulation standard, NC30, and the ducts transmit sound. The roof top units have to be located above the projection mezzanine to isolate the sound and the mezzanine is at the highest point of the structure. The mezzanine is a large H shaped corridor that serves all 14 theaters and the cameras must be a certain height above the rear seats of each theater. The only way the project can work is with a variance for the height problem. Klepack was concerned about reaffirming the Planning Board approval of the project now that it was known that it would exceed the height limitation with no information, elevations or other plans to give her some idea what it would look like. Hickey also expressed concern about the lack of documentation or even a formal letter requesting the amendment. Curtis stated that one of the reasons he brought the matter back to the Planning Board was that he realized that because of the height problem the Planning Board's environmental review should be corrected so that item #8 indicates that the project does not conform to the Village's Zoning Law and item #10 indicates that the project requires BZA approval in addition to that of the Planning Board. In reviewing the General Conditions required for all Special Permits, Hickey noted that the project would not satisfy items #9 and #10 unless Pyramid were granted a variance for the height deficiency. Klepack stated that she was still not comfortable with recommending that a variance be granted without having any information about whether the units would be visible or how they would look if they could be seen. After some discussion it was decided that the Planning Board could approve the amendment to the project and the changes in the SEAF and findings regarding the General Conditions without recommending the project to the BZA. They would need to add an additional condition to their approval requiring Pyramid to get a variance for the height deficiency as a condition for issuance of the Building

Permit.

Stycos moved to accept the amendments, seconded by Dankert, all in favor.

Klepack moved the following resolution, seconded by Stycos:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON JANUARY 31, 2006 TO AMEND THE APPROVAL OF SPECIAL PERMIT NO. 2002 AS GRANTED BY PRIOR RESOLUTION ADOPTED ON MARCH 29, 2005

WHEREAS:

- A. This matter involves consideration of the following proposed action: Amendment to the approval of Special Permit No. 2002 granted by the Village of Lansing Planning Board by resolution adopted on March 29, 2005, for Pyramid Company of Ithaca to construct an approx. 10,600 sf. addition to accommodate the relocation and upgrade of the movie theaters in the existing enclosed shopping mall at 40 Catherwood Road in the Commercial High Traffic District, Tax Parcel No. 47.1-1-22; and
- B. On March 29, 2005, after a public hearing and due deliberation, the Village of Lansing Planning Board by separate resolutions (i) made a negative determination of environmental significance ("Negative Declaration") in accordance with Article 8 of the New York State Environmental Conservation Law the State Environmental Quality Review Act ("SEQR") for the above referenced project based upon the plans, materials and other submissions submitted by the applicant prior thereto and determined that an Environmental Impact Statement would not be required, and (ii) granted and approved Special Permit No. 2002 based upon the plans, materials and other submissions submitted by the applicant prior thereto, subject to certain conditions and requirements set forth in the approval resolution (the "Special Permit Approval"); and
- C. It has subsequently been determined that the plans and materials based upon which the Negative Declaration and Special Permit Approval were originally made require amendment to reflect increased height dimensions for the proposed movie theater structure, and the applicant has submitted additional plans, information and materials incorporating the proposed modifications; and
- D. On January 31, 2006, the Village of Lansing Planning Board reviewed and analyzed (i) the additional information and materials submitted by the applicant incorporating the proposed modification to the originally submitted plans, (ii) its original March 29, 2005 SEQR Negative Declaration and its findings related thereto to determine whether further environmental review of and/or action on the modified plans was required, (iii) its previously granted March 29, 2005 Special Permit Approval and the conditions and requirements to which such Special Permit Approval was subject, and (iv) possible new and/or additional conditions and requirements to be attached to any amended Special Permit Approval granted for the modified plans, or, in the alternative, possible findings or reasons to be attached to any denial of amended Special Permit Approval for the modified plans; and
- E. On January 31, 2006, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 145.59, 145.60, 145.60.1 and 145.61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its review of the modified plans of the applicant and its further deliberations thereon, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Planning Board hereby (i) reaffirms its original March 29, 2005 SEQR Negative Declaration, having made all necessary revisions to the Short Environmental Assessment Form (the "Short EAF") previously reviewed and approved, and having further determined and confirmed that subject to the conditions to which such original Special Permit Approval was subject and the additional conditions and/or requirements set forth below, the modified plans as submitted by the applicant will not have a significant adverse impact on the environment; and
- 4. The Village of Lansing Planning Board hereby reaffirms it original March 29, 2005 approval of Special Permit No. 2002 subject to the same conditions and requirements upon which such approval was made, and subject further to the additional conditions and/or requirements set forth below, it having been determined that with all such conditions and/or requirements the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61); and
- 5. It is hereby determined by the Village of Lansing Planning Board that this amendment of Special Permit Approval for Special Permit No. 2002 is **GRANTED AND APPROVED**, subject to the following additional conditions and requirements:

The granting by the Village of Lansing Board of Zoning Appeals of the necessary area variance for the height of the proposed structure consistent with the modified plans being hereby approved as part of this amendment to the Special Permit Approval

The vote on the foregoing motion was as follows:

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

NAYS: none

The motion was declared to be carried.

Other Business as Time Permits:

The hour being late, Hickey informed the Board that there were some other issues that required the Boards attention.

Rob Swarthout, President of Swarthout Coaches, Inc. sent Hickey a letter, copies of which were distributed to the Board, expressing an interest in acquiring a small piece of land adjoining his property at 115 Graham Road. Hickey noted that the parcel he wants to acquire (approximately 6000 sf) is located in the Medium Density Residential zoning district. Swarthout Coaches, Inc. is also located in the residential district, but is grandfathered as a preexisting nonconforming use. As such, it can continue in that location, but the Zoning Law does not permit a nonconforming use to be enlarged. In his letter Swarthout indicated that the property "would not be considered commercial in nature, and only serve as a buffer for possible future development". In discussing the request, the Board members indicated they were not comfortable with enlarging a commercial use into a residential area even if the Zoning Law permitted such an expansion. They were not sure how the distinction between commercial use of the land and noncommercial use could be monitored and enforced. It was also not clear to them why the "buffer" should be located on the commercial property rather than remain part of the residential property. Stycos asked if conditions could be attached to prevent commercial development of the parcel. Hickey was concerned that monitoring compliance with such conditions would be difficult. The consensus of the Board was that they could not support the request. Curtis will inform Swarthout of their decision.

Next, Hickey asked Dubow to explain a letter hand delivered from Richard Thaler, Secretary for Triphammer Development Co., Inc. In the letter Thaler requests an amendment to one of the conditions of approval for the Ithaca Suites Special Permit. That condition requires him to provide 19 parking spaces for the hotel on the undeveloped lot

just south of the parcel where the hotel is to be built. Thaler is concerned that the parcel where the parking is to be provided will not be developed when the hotel is completed and ready to open. He is requesting therefore that he be permitted to provide the parking spaces in the northeast corner of the Triphammer Mall parking lot on a temporary basis until the other parcel is developed and the permanent parking arrangement can be implemented. Hickey moved the amendment be granted subject to the approval of the Village Attorney of the required easements, seconded by Klepack, all in favor.

Curtis reported that the Tompkins County Soil and Water Conservation District had approved a proposal to provide environmental property assessments for developers proposing developments in the Village where environmental issues might be a concern. They will charge the developer \$50 per hour and provide a report to the landowner and the Village of Lansing for use in their review of the project. They will evaluate soils, streams, wetlands, unique natural areas, and any other areas of concern they identify. The service can be included as part of the proposed storm water management law the Village is working on for 2007, but it can also be used now without any change in law as part of Planning Board review of special permits and subdivisions.

Approval of Minutes – January 9

Hickey stated that as it was late the Board would wait until the next meeting to approve the minutes and discuss Planning Board Goals for 2006.

Reports

There were no Trustee meetings in January.

Adjournment:

Klepack moved to adjourn at 10:00 P.M. Seconded by Dankert. Ayes by Brown, Dankert, Hickey, Klepack and Stycos. Motion carried.