

**Village of Lansing
Planning Board Meeting
May 14, 2007**

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 Carol Klepack and Maria Stycos; Alternate Planning Board Member Richard Durst; Attorney David Dubow; Engineer Brent Cross; Trustee Liaison Lynn Leopold; and Code Enforcement Officer Ben Curtis.

At the beginning of the meeting, Hickey appointed Richard Durst to serve as an acting member on tonight's Board in the absence of two Board members.

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 Durst. Ayes by Durst, Hickey, Klepack, and Stycos. Motion carried.

Amendment to Special Permit No. 1915, Arleo Eye Institute:

The first item on the agenda was an amendment to Special Permit No. 1915, Arleo Eye Institute to reduce the size of the approved medical office building from 21,680 sf to 7,500 sf, on the lot at the northwest corner of Warren Road and Uptown Road in the Human Health Services District, Tax Parcel No. 46.1-6-6.21.

Project Manager Alexander Urda of Keystone Associates gave a brief presentation of the project. Urda stated the Arleo Eye Institute is now Arleo Eye Associates and the property is owned by Arleo Real Estate, LLC. The building originally proposed has been reduced from 21,680 sf to 7,500 sf with one tenancy. The impervious surface has also been cut in half. At a preliminary meeting there was mention made about a proposed future sidewalk in front and the new plan shows the proposed future sidewalk on Uptown Road to be installed at a later date. Urda also stated that there was a mailing done to all neighbors as required and proof of mailing was provided. Urda stated that an erosion control silt fence and temporary sediment traps are included in the design but are not indicated on the drawings; they will be shown on future plans. A stormwater pollution prevention plan has been submitted for DEC. Cross also has a copy of it for his review which includes numbers for borings and bedrock depths. The sewer was 8 inch and will now be 6 inch. Urda has requested approval from Superintendent of Public Works John Courtney for an open cut to cross Uptown Road for this line. Urda stated he has also been in contact with Bolton Point employee Jack Reukheim regarding water service. Urda has also spoken with Fire Chief Scott Purcell regarding fire hydrants, but approval has not yet been granted regarding the number or locations of hydrants. The Landscape Plan has been modified to enhance the buffer on the west side. It includes arborvitae which is denser and provides a better screening. Deciduous trees have also been added. Lighting was revised and poles changed to 20 feet with down-focussed box fixtures with spec sheets provided for Board members. Regarding parking, two additional spaces have been added for handicapped and there are now 4 proposed handicapped places where 3 are required. Hickey asked if the garage was counted as a parking space and Urda stated that it was counted as an extra to make 41 parking spaces where 40 are required. Urda stated signage was shown on the plans, but that they realize signage requires a separate permit and must comply with the Village Sign Law.

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

Hickey thanked Urda for providing the additional two handicapped parking spaces.

Hickey is concerned about the arborvitae being eaten by the deer so that it may not provide a screen on the bottom. Hickey stated there are other evergreen varieties which are more deer proof and would provide a better screen.

Klepack stated there also must be findings as part of the Variable Width Buffer Approval to allow for a reduction of the buffer from 75 ft. to 25 ft. Hickey responded that the use of the neighboring property as the Swim Club would be one reason to allow for the 25 ft. buffer as adequate screening since it is not a residential use. Curtis stated the Board approved a reduced buffer at the cardiology building on N. Triphammer Road due to the long narrow lot. Curtis further stated that this lot has a similar problem due to 75 ft. front yard setbacks on two sides (Warren and Uptown Roads). Dubow stated this is an amendment to the original proposal so the Board must proceed from the original approval which included the variable width buffer. Dubow stated Architect Henry Cizarri presented the variable buffer strip in July 2004. The Board provided findings at that meeting to allow for the reduced buffer strip with a final Landscape Plan receiving approval by the Planning Board. Urda further stated that the County 239 review in 2004 recommended the building be moved back on the site further from Warren Road.

Hickey stated sidewalks are sometimes put in for future connections. Hickey stated that money can be put in escrow for a sidewalk in the future when Cornell develops their parcel, but the Board would prefer the sidewalk be put in now. Further discussion ensued and the Board agreed that if the Village could be assured that the sidewalk would be built when needed, it would be best to wait until the other connections were in place prior to actually building a sidewalk that would then need to be maintained.

Durst questioned the numbers on the 2004 Short Environmental Assessment form for affected land which is listed as 2.487 acres of land and the new Short Environmental Assessment form lists it as 1.905 acres. Urda stated the correct number is 1.905 acres due to the reduction in impervious surface and he will change and initial the space where 2.487 was incorrectly typed in the new form. Curtis will get the form initialed.

Cross picked up the plans today and must review them with Courtney with regard to sewer cleanouts and details on the manholes. Cross is concerned about the relative location of the proposed driveway to the Warren Road intersection. Cross stated that the proposed driveway is 185 ft. from the intersection and this seems deficient for required site and stopping distances. Curtis stated Village Law states the driveway can be no closer than 40 feet to an intersection. Cross feels further would be better. Urda stated that the distance is about 175 feet and was located in the same place as previously approved. Urda also stated moving it further over would place the driveway behind the building. Hickey does not remember discussing moving the driveway and doesn't remember hearing complaints about its location. Cross stated at 30 mph there should be about 200 ft. for stopping sight distance. For decision stopping distance, there should be 220 to 620 ft. Cross would ideally like to see about 200 ft. from the intersection and the proposal is for about 175-185 ft. Cross would like to see the distance increased but would reluctantly accept the driveway as proposed. Urda stated the County did a 239 review and did not make comments about the location of the driveway. Cross stated he has additional questions to be addressed with Urda. Cross stated the stormwater calculations for impervious surfaces seems to be alright. Cross is confused about the outlet design structure of a 12 inch pipe. Urda stated it is a rectangular structure. Cross stated it is 5 inches at the top with a 12 inch pipe coming out of it. Urda stated this would need to be reviewed again. Cross stated the bottom of the base needs to be at a 4 ft. depth and requires an aquatic bench and this needs to be addressed. The fore bay is also shallow and plantings are needed. These as well as other items will be discussed by Urda and Cross and will require Cross' approval.

Hickey summarized that the project will need approval of the Village Engineer. The project will also need the approval of the Fire Chief for hydrants and fire department access. Courtney and the Lighting Commission will also need to approve the Lighting Plan. Dubow stated there were previously 4 conditions for approval. The condition of approval of the Village Engineer for stormwater management plan, erosion control, parking and site work will remain. The second condition for approval of an exterior lighting plan by the Lighting Commission will also remain. The third condition for Planning Board approval of a Landscaping Plan will need to be discussed further. The last condition is for a ROW with Cornell and clarification is needed on the plans as to the latest agreements.

Regarding the landscaping, Dubow stated that the Village has received a general landscape plan for the site and also a plan for the variable buffer strip. Hickey stated the Board will now review plan sheet C300 for the variable buffer strip. Hickey felt it was dense enough but has concerns about the arborvitae which may need to be replanted due to deer damage. Klepack feels this plan is acceptable for this site but would not be acceptable if abutting a residential use and wants this fact recorded. Hickey stated the minutes would reflect that this is an adequate buffer for this site as it abuts an entertainment or recreation site which is only occupied part of the year. Dubow stated that past minutes

from 2004 indicate that the trees must provide a screen in perpetuity and staggering often provides for a better long lasting screening because light gets to the lower branches. Urda stated that the plantings are slightly staggered. Klepack stated that the line of deciduous trees along the parking lot will be attractive. Klepack moved to approve the landscape plan dated 4/11/07 as designed for the buffer strip. Seconded by Durst. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

For the remainder of the landscaping plan, Board members stated blue spruce is a good choice. Hickey stated that boxwood are usually not eaten by the deer. Klepack asked if there was a berm along Warren Road and Urda stated there is a berm for the entire length on that side and there is also a partial berm on Uptown Road. Klepack moved to approve the remaining landscape plan dated 4/11/07. Seconded by Stycos. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

Next, the Board looked at the SEQRA to reaffirm the original negative declaration. Dubow noted that there was a change required on Part 1 Question 5 of the new SEQRA to indicate that this proposed action is a modification rather than a new action. Hickey stated that all the questions on Part 2 were answered no. Curtis noted that C1 has a note for stormwater management subject to approval by the Village Engineer.

Durst asked about the pipe under the driveway as he did not see it in the plans. Urda responded that there is an 18 inch plastic pipe in that location as indicated on sheet C 200.

Klepack moved to confirm that the previously approved SEQRA negative declaration does not require any modifications. Seconded by Durst. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

Stycos moved that the project as amended has met all the General Conditions for Special Permits as required in Section 145-59E of the Village Code as previously submitted in 2004. Seconded by Klepack. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

Next, the Board reviewed the draft motion submitted by Attorney Dubow which traces the history of the original proceedings, confirms that the Board has reviewed the environmental information and submission, reaffirmed the original negative declaration, re-evaluated all of the Special Permit General Conditions, and now approves the amendment. Hickey then read proposed Option 1 of the draft resolution to the Board. The following conditions were noted: Receipt of letter from Fire Chief regarding hydrants and fire department access; approval of stormwater management and sitework by the Village Engineer; approval of a lighting plan by the Lighting Commission, and an agreement or escrow account approved by the Village Attorney for the construction of sidewalks when the Village determines that they are needed. There was discussion as to setting a deadline for the completion of the sidewalk, such as 5 years, but it was not known when if ever such a sidewalk would be needed. The estimated cost is about \$10,000 for the 300 ft. The sidewalk would need to be built and then accepted by the Village of Lansing. Dubow stated there could also be a Letter of Credit obtained for the sidewalk to be built at a later date when Cornell builds on their property. Durst stated there could also be a legal document stating this will be built at a later time. Dubow stated this must be determined by the Board of Trustees and although an agreement is good, the Village must assure themselves that the sidewalk will be completed. Hickey stated there must be either an escrow or an agreement acceptable to the Board of Trustees that the sidewalk will be built when Cornell develops their property. Dubow noted that the Board should be aware that the adjoining property is not owned by Cornell but is owned by the Swim Club. Hickey stated that once Cornell builds on their property the Village may then make the connection in front of the Swim Club.

Klepack moved the following resolution, seconded by Stycos:

WHEREAS:

- A. This matter involves consideration of the following proposed action: Amendment to the approval of Special Permit No. 1915 granted to Arleo Eye Institute by the Village of Lansing Planning Board by resolution adopted on July 27, 2004, such amendment to reduce the size of the previously approved medical office building from 21,680 square feet to 7,500 square feet, on the lot at the northwest corner of Warren Road and Uptown Road in the Human Health Services District, Tax Parcel No. 46.1-6-6.21; and

- B. On July 12, 2004, 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. 1915 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 by the applicant 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 April 23, 2007, the Village of Lansing Planning Board initially reviewed the current plans proposed by the applicant and determined that they constitute a major amendment to the previously granted Special Permit Approval, after which it further determined that the proposed plans required a new and further public hearing; and
- E. On May 14, 2007, 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
- F. On May 14, 2007, 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 July 12, 2004 SEQR Negative Declaration, its findings related thereto, and the new and updated Short Environmental Assessment Form (the “Short EAF”) submitted by the applicant so as to determine whether further environmental review of and/or action on the modified plans is required; (iii) its previously granted July 27, 2004 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
- G. On May 14, 2007, 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 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);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Planning Board hereby reaffirms its original July 12, 2004 SEQR Negative Declaration, having reviewed the newly submitted Short EAF, and having further determined and confirmed that subject to the conditions to which such original Special Permit Approval was granted, 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 its original July 27, 2004 approval of Special Permit No. 1915 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. 1915 is **GRANTED AND APPROVED**, subject to the following additional modifications, conditions and requirements:
 1. **Receipt of letter from Fire Chief regarding hydrants and fire department access.**
 2. **Approval of stormwater management and sitework by the Village Engineer.**
 3. **Approval of a lighting plan by the Lighting Commission.**
 4. **An agreement or escrow account approved by the Village Attorney and the Village Board of Trustees for the construction of sidewalks when the Village determines that they are needed.**

The vote on the foregoing motion was as follows:

AYES: Richard Durst, Maria Stycos, Ned Hickey, and Carol Klepack

NAYS: none

The motion was declared to be carried.

Regal Sign Application:

Hickey stated the next item on the agenda was approval for the proposed Regal Cinemas signage. Hickey stated the sign is within the gross signage allotment previously approved for the Pyramid Mall Planned Sign Area, but approval is required for any sign over 50sf.

Jim Bold made the presentation for the new Regal Cinema which plans to open in July. The proposed signage will mostly use LED lighting instead of exposed neon lights. LED lighting will provide brightness and color but will be about 15 times less bright than neon. Bold stated the sign appears to include a lot of square footage when measured as the sign Law requires with the smallest rectangle that will include a whole sign. The signage occurs on three planes with the "Regal" signage sticking out the furthest. The crown and "cinema" portion of the sign sit back about 4-5 feet and that is followed by the circular portion which sits back about another 15 feet. Bold stated the sign measures from 525 sf to 675 sf depending on whether the crown sign is allowed to overlap the circular portion. Bold stated that the calculation of existing signage was updated for the Mall and the old Ames signage removed. There is 1052 sf available for the Mall so either calculation of the Regal signage could fit within the Planned Sign Area.

Hickey asked about the Graham Road West sign. Bold stated it is listed under "Mall Entrances" Item 5 as the 94 sf pylon. There was discussion on the other entrance signs also. Bold stated numbers were carried over from earlier calculations of gross signage. Hickey recommended there be clarification as to where all signs are. Bold stated he will check the signage and correct or clarify where necessary.

Durst asked about the intensity of the lights. Bold stated the elements of this type of signage for the crown are similar to those for the ticket of the Best Buy signs. The LED accent lighting is not present elsewhere in the Mall. There is exposed neon in the area such as the Sears sign in the rear of the Mall.

Leopold stated this is the first sign to face the west and noted it is high on the building and Shannon Park residents may complain. Bold noted there are a lot of deciduous trees as a screening for those residents, as well as a pine screening. Bold also stated the signage would go off after the last showing each evening which varies with the time of the year. During the winter months the last showing is about 10 PM. The existing schedule will stay the same as currently exists. Lights are turned off 20 minutes after the last show begins which sometimes is as late as 12:20 AM.

Hickey asked about the lighting in the back paved area. Bold stated there would be a relocation of existing 50 ft. light poles as well as re-positioning of some 10-15 ft. high poles. Bold stated the lighting levels back there will not change dramatically.

Hickey stated the entranceway is a little north of the Shannon Park area and there will be more screening added on the northwest side of the parking area. Bold stated there is an area of about 125 ft. long with two residences which fall between two utility poles. There is the option to beef up that buffered area to cut off the light trespass. The sign lights will not trespass the area but might be visible from the homes.

Stycos asked for another location for a sign of this scale or colors in the area. Bold stated the closest comparison would be the channel letters on the Mall. The crown would be best compared to the Best Buy ticket. Curtis noted that Big Lots and TJ Maxx have large red channel letters. The letters for Regal and Cinemas are red channel letters which are 2 ft. 5 inches high and the backgrounds are only painted. Bold stated the night-time lighting would be downplayed because of the parking lot lights.

There was a discussion as to when lights shut off on the Mall. Curtis stated that the rule is that lights go off at 10 PM or when the businesses close whichever is later. Bold stated that after the Mall closes the parking lot lights are left on with less bulbs for security measures. Klepack asked what the Sign Law says about signs. Curtis stated that the Sign Law states lights cannot be blinking, flashing, moving or rotating.

Hickey stated that if this sign were to be placed on the front of the Mall there would probably be less concerns than where it is proposed on the back because of the proximity to residents. Hickey stated there is currently a Sears sign back there, this Regal would be the second sign, and eventually there might be a third sign for whatever goes in the old theater area. Bold stated although this is the back of the Mall all sides are actually fronts. Hickey stated the light spillage must not affect the residents. Bold stated this is a multi-million dollar project and advertising is important. Bold stated there would be a willingness to provide for additional buffering for the two residences to cut the light off as much as possible. There is also a willingness to put in a fence if needed, but he is concerned about graffiti. Hickey stated that resident Lou Gentch planted many trees in his own backyard and this has provided an excellent screening for the Sears sign. Hickey would recommend trees be planted and then a fence put in if needed.

Hickey asked about the timeline. Bold requested approval be given as soon as possible. Stycos stated that anyone going back there knows where they are going and the sign cannot be seen from the road. Bold stated the movie theater should not be sold short with insufficient signage. Stycos noted there were no alternatives given.

Hickey stated this was a good presentation, but there was nothing to show the Board what the light projections from this sign would look like. Hickey stated the Board needs to know more about the projection of the light from the building. Stycos stated the Board has received complaints regarding the Best Buy sign. A representative from Regal stated that the sign would not project the light any further than the parking lot lights. Hickey stated he does not doubt his word but the Board just needs evidence to that effect. Klepack asked that if someone stood on the property line, is it correct to assume that the intensity of light would be the same with or without the signage? The Regal representative responded that it would probably be the same. Cross responded that that is probably an accurate statement and the applicants should be able to provide the documentation. Cross further stated that it might be more important to the Board how far away the signs can be seen and how much the screening obscures the light. Bold showed photos taken from the residential area and most of the signage would be obscured by the screening of the existing trees in the area. Additional trees could be planted on the berm on the ring road to fill in the gaps where trees are missing to provide an even better screening from the residential neighborhood.

Curtis asked if the applicants have a LED light which they can install. Bold stated it is the red channel letters which

will be more noticeable than the neon lights. Bold stated the applicants will provide additional screening after the sign is mounted and it is evident where trees are needed. Cross stated shorter trees might fill in the gaps better than tall pines. Curtis stated that some specific number of trees, maybe 20 trees, could be required as a condition for approving the sign proposal. Hickey would like to see trees planted to fill in the gaps rather than to set a number of trees. Curtis stated these trees would go in when the parking lot is redone prior to issuing a Certificate of Compliance for the theater. Bold stated there will be a berming but it is limited by the space between the guardrails. Bold stated he had no problem with making the trees a condition of the Certificate of Compliance.

Klepack moved to approve the sign for Regal Theaters as submitted as part of the overall Pyramid Mall Planned Sign Area subject to the planting of at least 20 trees to enhance the buffer area between the Mall and residential properties to the west. Klepack and Hickey will check out the plantings. Conifers should be at least 6 feet high with and deciduous trees 3 inches in diameter at breast height. Seconded by Durst. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

Approval of Minutes – April 23:

Stycos moved to accept the minutes of April 23rd as revised. Seconded by Klepack. Ayes by Durst, Hickey, Klepack and Stycos. Motion carried.

Other Business as Time Permits:

Hickey stated there is no additional information on the Crossmore Subdivision, but the applicants plan to attend the May 28th meeting for a preliminary approval although the appraisal may not be completed. Curtis will gather information which has been received up to this point on the archeological survey for distribution to the Board.

Dubow stated the Board of Trustees had the Public Hearings on the three proposed local laws. The two on Zoning could not be adopted because they had to be referred to the County for a 239 review.

Board members discussed the article provided by Curtis dated 4/24/07 by Mark Hamblett about a court decision regarding the enforceability of open space designation by a Planning Board.

Adjournment:

Stycos moved to adjourn at 9:40 P.M. Seconded by Klepack. Ayes by Durst, Hickey, Klepack, and Stycos. Motion carried.