

**Village of Lansing
Planning Board Meeting
July 9, 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 Phil Dankert, Carol Klepack, Maria Stycos and Mario Tomei; Alternate Planning Board Member Richard Durst; Attorney David Dubow; Engineer Brent Cross; Trustee Liaison Lynn Leopold; and Code Enforcement Officer Ben Curtis.

Public Comment:

Hickey opened the Public Comment period.

As there was no one present who wished to speak, Dankert moved to close the Public Comment Period. Seconded by Stycos. Ayes by Dankert, Hickey, Tomei and Stycos (Klepack arrived after the vote.). Motion carried.

Empire Zones:

Hickey stated that Heather Filiberto of Tompkins County Area Development (TCAD) would make a presentation on Empire Zones tonight to educate the Board and, in the course of doing so, satisfy State training requirements.

Filiberto thanked the Board on behalf of TCAD. Historically, TCAD began in 1964 as a private not for profit agency designed to provide economic development services in Tompkins County. The primary mission is to create jobs and help expand the tax base.

Filiberto talked about the new Empire Zone state program which is now being administered in Tompkins County by TCAD. The program provides businesses with reductions in tax liabilities. The Empire Zone Program was established in 1986 originally for distressed areas in the state. It changed in 2001 and 2005 to include "targeted" development in other areas making Tompkins County eligible to host an Empire Zone. The 2005 changes also sought to close loopholes in the programs. Filiberto stated that some areas include big box stores, but not Tompkins County. The July 2006 designated zone in Tompkins County is broken into 6 sub-zones and one of which includes the Business and Technology District in the Village. Filiberto used a map to show the Board the locations of the 6 sub-zones. In the Village, Area D is the Airport and Industrial Park area and includes the B & T Park, as well as Bomax Drive and Borg-Warner.

Hickey stated the zones are all in pre-existing commercial zones. Filiberto stated the boundaries were based on some commercial areas within the County but does not include all commercial areas. Filiberto stated the County is limited to 6 sub-zones for the Empire Zone although any of the chosen zones could be tweaked slightly. There is also another category which could be included if State criteria is met.

Filiberto stated TCAD oversees the Empire Zone although it is a County project. There is also a Board to oversee the Empire Zone administration. Filiberto stated she has met in the past with Mayors and Planning Boards to better understand the goals of each municipality.

Filiberto stated the aim of the program is toward growing businesses. It can help new as well as existing businesses. Filiberto stated strategic businesses which have been identified in Tompkins County include high tech industries, manufacturers, construction businesses, and R & D firms. There are also targeted businesses for each sub-zone based on input from the local jurisdictions. Only one area which is in the City of Ithaca includes retail as a targeted business. That area includes the downtown from Gateway Plaza to Cherry St. Targeted retail for this area does not include the big box stores, liquor stores, bars or hair salons. It is meant to be for meaningful jobs to attract long-term employees.

Filiberto stated that to participate businesses must be zone certified. To be certified, businesses must meet minimum investment and job creation thresholds which are laid out in the development plan by type of industry. For example, retail which is the lowest has thresholds of \$25,000 over a five year period and the creation of 2 full-time equivalent

jobs. For manufacturing, the thresholds are \$70,000 and 3 full-time equivalent jobs. To be certified, a business must be located in a zone, must be identified as a strategic industry or a targeted business, and must meet the minimum thresholds. The company must also meet a benefit to cost ratio as provided by the state. Applications are approved by the local Board which takes about 3 months for state approval. Various benefits such as investment tax credits, wage tax credits, as well as enhanced benefits like sales and use tax exemptions, credit for real property taxes, and tax reduction credits are available to those accepted into the program. Yearly reports must be submitted to the local board. Filiberto stated that in 2006 there were 2 businesses certified in Tompkins County and in 2007 there have already been 14 businesses certified. Many businesses, such as Integrated Acquisition and Development in the B & T Park, are also in the process of completing the required paperwork to become certified.

Hickey stated there was an article in the Syracuse Herald newspaper about some zones failing to meet their objectives which led to de-certification of some of those businesses. Hickey asked about honesty in the system. Filiberto stated that an annual report is required from each of the businesses and information is then sent on to the State. Auditors also review account statements from the businesses.

Hickey asked how a business would apply. Filiberto stated they would call her and she would assist them with the 5 page application.

Hickey asked about the possibility of a hotel in the Bomax area qualifying. Filiberto stated a hotel is not zoned for that area and therefore is not a targeted business so it was not included. Should there be a change in zoning to include it, Hickey should contact Filiberto and notify her of changes. Filiberto stated her responsibility is to work with the municipalities and promote what each municipality desires. There was discussion about the land south of Route 13 which is in the Business and Technology District. Filiberto stated that area is in the Empire Zone.

Filiberto stated additional information about the Empire Zone can be obtained at their website www.TCAD.org. Businesses and property owners within each zone have been sent two mailings on the Empire Zone program. TCAD has made a number of presentations, and information has spread by word of mouth. Curtis asked if a business is certified for the Empire Zone could it also get other IDA incentives. Filiberto responded yes, and both would work together.

Regal Landscape Plan:

Hickey stated the next item on the agenda was the Regal Landscape Plan. Hickey stated there were a number of conditions attached to the Special Permit for Regal. One required a landscaping plan approved by the Planning Board. Another required approval of the lighting plan by the Lighting Commission, and a third required approval by the Village Engineer of a parking lot plan to include curbed islands and a minimum of 8 handicapped parking spaces.

Dubow also noted that the Sign Permit had additional requirements for landscaping, but this was not to be addressed tonight.

Jim Bold, Director of Construction for Regal, stated that a preliminary opening was scheduled for July 16th with a grand opening by invitation on July 19th and an opening on July 20th for the public. Audience member Dan Veaner asked if the opening of the theater was contingent upon receiving approvals tonight and Curtis indicated that it is.

Bold stated that Shawn Morris of Seagate Landscaping has proposed flowering plants and grasses for a softer look much like the Wegmans downtown. Also, 7 additional trees have been added to the islands. There was a lengthy discussion on which islands will be curbed. Bold stated that the proposal is for curbing the inner ring road islands but not the islands along the outer ring road. Curtis stated having the outer islands curbed would be consistent with what the Planning Board required at the front near Target. Curtis stated not having them curbed causes a dangerous situation as vehicles cut across the lot. Bold stated it was his recollection the curbed islands were only on the inner ring road and Regal was not planning curbing along the outer ring road area. Cross stated his concerns that the ring road without curbed islands will lead to vehicles making cuts through the parking area and may make another Triphammer Mall situation. Bold stated the long-term goal is to relocate the retention pond in the northwest corner of the property and recover parking in that area for an additional 85 vehicles. Bold stated Regal can not justify the curbed

islands at this time if they have to be moved when the other work is done. Also installing curbs along the outside ring road would be difficult to accomplish prior to opening. Hickey asked how much time would be needed. Bold again stated it would be difficult to install a user friendly solution prior to the opening on the 19th. Tomei stated he could not see where curbed islands would stop anyone from cutting through the parking lot, but could see the benefit of the painted ones for plowing in the winter months. Hickey disagreed and felt curbed islands delineate the road and channel traffic along the ring road. Tomei suggested long islands perpendicular to the ring road to discourage cut through traffic. Bold stated they cause many problems and have been eliminated in other places. Bold stated there are plans to improve or eliminate the S curve providing a more user friendly curve radius. The mound will be removed and the pond swung around the corner which could allow for an additional 85 spaces. Cross stated this is a complex issue. Hickey stated if the area on the north is going to be changed there is no sense in putting in curbed islands which must then be relocated. Bold recommended curbing two of the 4 islands by the existing S curve to provide a visual separation and discourage cut through traffic. This appears to work by the Best Buy on the southern corner. Hickey recommended curbing three of the islands and striping the remainder to delineate the roadway for now. Hickey stated the Board would deal with the other islands when the road is straightened out, but at least there would be three curbed islands until then. Leopold asked about temporary barriers or islands until the three islands could be constructed. Bold asked about holding off on the top coat of the paving and having the ring road remain in binder coat so that the islands could be cut into the binder coat. This would leave part of the ring road in binder coat pending construction of the islands. Bold agreed to putting in the three curbed islands to delineate the ring road with a request for approval to hold off on the finish asphalt in the section to be cut for the additional curbs after the opening. The parking area would be striped at this time. Dubow requested a time frame for this to be completed. Bold stated it would be completed in two weeks after opening. The date was set at August 15th.

Curtis stated the current Temporary Certificate of Compliance was for employees of Regal only. Curtis stated Bold would need to get back to the Board of Trustees on either July 12th or 16th for another Temporary Certificate to allow for use by the public.

Regarding the landscape plan, Stycos asked about the future height of the maples. Morris stated the maples are 3-4 inches in caliper now and are about 15-20 ft. high. They could grow to about 30 ft. in 15 years. The Spartan Junipers are about 6 ft. in height and are used to screen the electric service boxes. Some are also placed along the buildings to provide a softening effect. Leopold asked if the trees are planted with structural soils. Morris stated he is not responsible for providing the soil and has no idea what is being used. There was a discussion on whether there would be enough plants to shift some to the three new islands. Morris thought it might be possible. Bold thought it would also be possible to add another 100 Day Lilies and additional trees for the new islands.

Hickey stated a Lighting Plan is needed. Bold has a plan but stated Regal would be utilizing the existing lighting. One 50 foot pole will be moved 7 feet closer to the ring road and the photometrics change by ½ foot candle at the edge of the ring road. The second pole is moved 18 feet and the foot candle reading is unchanged at the ring road. In effect, there have been no changes made to the existing lighting. Leopold asked about the external security lighting. Bold stated the existing parking lot has a security circuit where one light on each pole stays on after the theater closes. There is also lighting on the exterior of the building which points upward on the building. Curtis stated the lights of the parking lot are never totally out at night. Dankert and Leopold reviewed the plans. Curtis stated that exterior lights shining on the building must be indicated on the plan. Curtis also stated that the Board often has requested lighting on the exterior of the building point downward. Curtis stated that if Regal could submit plans for the Thursday Board of Trustees meeting then Superintendent of Public Works Courtney and Trustee Leopold could review them at that time.

Regarding the Landscaping Plan, Klepack would like to see the islands remain as submitted. Bold stated that Regal would plant the three additional curbed islands consistent with the other islands rather than rearrange what has already been proposed. Stycos moved to approve the Landscape Plan dated May 2007 as submitted on July 9th as amended. Seconded by Klepack. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.

Dankert moved that there be three additional islands with plantings on the ring road consistent with the other islands (2 crab trees, day lilies and grasses) as well as curbing to be completed by August 15th. Seconded by Tomei. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried. Curtis stated the amendment to the Temporary

Certificate must go back to the Board of Trustees.

Hickey summarized that out of the 6 conditions, five of them have been met. The last condition is approval of the Lighting Plan which will be reviewed on Thursday.

Village Traffic Laws – On Street Parking:

Hickey stated that in a previous meeting the Board had a discussion about parking on Village streets. When transcribing the minutes, Part Time Clerk Carol Willard heard the discussion and provided a copy of the applicable section of the Village of Lansing Code with respect to streets and parking. Hickey felt this information should be included in the Village Newsletter along with the rules regarding bicycle riding on and off sidewalks.

Dankert asked about the provision for no stopping on Dart Drive except for busses to a point 315 feet west of Warren Road. Board members mentioned it was because of the bus stop which is no longer there so this section is probably outdated. Dubow recommended this section be reviewed for necessary changes. The Planning Board could review the section and make recommendations to the Board of Trustees. Hickey was unsure if this should be a responsibility for the Planning Board. Since moving into the Village in 1966, Hickey had understood that the Village allowed no parking on any street. Dubow stated applying this requirement is difficult to do and it is an enforcement issue. Curtis stated Montessori made an arrangement for cars to park at the Credit Union during their grand opening celebration because Curtis would not allow parking on the streets. Dubow wondered why some streets were chosen and not others. Tomei wondered why N. Triphammer Road is not included in its entirety rather than from Craft Road to the southerly boundary of the Village. Cross felt the streets must be signed if parking is not allowed. Curtis stated some villages have generic signs upon entering the Village

indicating no parking from 2-6 AM or whatever. Dubow stated it is unclear whether this section should be reviewed by the Planning Board, Board of Trustees, Village Engineer, or Superintendent of Public Works. Cross stated that parking is allowed along the streets in Cayuga Heights if neither wheel is over the white line on the edge of the roadway or if there is not a sign specifically forbidding parking in that area such as in the southern end near the Cornell campus. The Planning Board will make a recommendation to the Board of Trustees that this section be reviewed.

Reports:

Board of Trustees: Dubow stated that the Board of Trustees adopted the two proposed local laws and adopted the steep slope amendments without the waiver provision. Dubow stated the map utilizes the County's steep slope formula method which the Village accepted.

Other Business as Time Permits:

Dubow stated that the "family" concept was discussed at a previous meeting and it was decided to leave the "family" section of the Codification as written. The minutes also reflect the Board's desire to get rid of the "one-unit residence converted" use category. Dubow stated this would require a local law to amend sections of the Codification. Dubow was advised to prepare a draft local law for deletion of the "one-unit residence converted" provisions.

Cross stated that at the last meeting where the Board considered the Crossmore subdivision, the Board reviewed the Town of Dryden vegetative buffer zone provision as it might apply to Crossmore's project. Since then, Andy Sciarabba of TG Millers has put together plans for a similar buffer. Hickey stated that information is needed to go with the letter regarding the 239 Review.

Hickey stated that the proposed project for a sewer line in the Town of Lansing through the Village of Lansing has been tabled due to cost factors. It was determined that the possible future sewer line should still be reflected on the Crossmore plat. Leopold stated there has already been a huge amount of engineering work done which could be useful in the future. Hickey stated many Town residents are opposed to the town center concept as they consider rural land more desirable.

Hickey stated that Integrated Acquisition will probably come before the Board in the fall to request a zoning change for the vacant land just north of Convenient Care and south of Route 13. Leopold noted this is in the Empire Zone.

Hickey stated Empire Zone status may possibly be used for a medical facility to handle paperwork. Dubow stated that if there are issues related to the Empire Zone classification this area could possibly be taken out of the Empire Zone and the acreage used elsewhere. Hickey stated there is also the possibility the Human Health Service District uses could be included in the Empire Zone as targeted businesses.

Adjournment:

Klepack moved to adjourn at 9:26 P.M. Seconded by Stycos. Ayes by Dankert, Hickey, Klepack, Stycos and Tomei. Motion carried.