

**Village of Lansing  
Planning Board Meeting  
August 10, 2009**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 PM by  
2 Chairman Ned Hickey. Present at the meeting were Planning Board members Maria Stycos,  
3 Mario Tomei, Philip Dankert; Alternate Member Lisa Schleelein; Village Attorney David  
4 Dubow; Acting Code Enforcement Officer Martin Moseley; Trustee Liaison Lynn Leopold;  
5 Robert Schleelein, observing for the Community Party; and Jim Bold and Eric Goetzmann for  
6 Triax Management Group.

7 Hickey appointed Schleelein to serve as an Acting Member for Richard Durst who was unable to  
8 attend.

9

10 **Public Comment**

11 Hickey opened the Public Comment Period. Robert Schleelein introduced himself as the  
12 Community Party observer. There being no one else to speak, Tomei moved to close the Public  
13 Comment Period. Seconded by Stycos. Ayes by Stycos, Tomei, Schleelein, Hickey, and Dankert.  
14 Motion carried.

15

16 **Generic PDA**

17 Hickey reported that the Planning Board was asked by the Mayor to consider reactivating PDA  
18 provisions in the Village Code. Triax Management Group is requesting a rezoning which could  
19 take the form of a PDA. One of the first steps is to look at the old PDA provisions in the Village  
20 Code under which Shannon Park was approved and make any changes that the Planning Board  
21 considers appropriate. The old provisions were deactivated in 1993 as a result of the conflict over  
22 Sun Down Farm, but were retained in the Code as Appendix A as a reference for Shannon Park.  
23 Hickey opened up the discussion on the PDA to the Planning Board. Tomei asked about the  
24 requirement in Section 3D that commercial development in a PDA not exceed 1%, and, further,  
25 that the commercial development must be for the service and convenience of the residents and  
26 their guests. Referencing Section 1C, Dankert noted that one intent of the PDA provisions was  
27 supposedly to provide flexibility where regulatory rigidity may be adverse to the objectives of  
28 land development contained in the planned development concept. Dankert stated that he thought  
29 the 1% limitation restricts the Village's flexibility because 1% is such a low number. Tomei  
30 asked if the commercial development part of the Triax proposal would be more than 1%. The  
31 total amount of land is approximately 11 acres and the commercial development is over 50%.

32

33 Stycos asked about access from the proposed senior housing to the big box store which is also  
34 part of the Triax proposal. The big box store would only have driving access from the Shops At  
35 Ithaca Mall, and the senior housing would only have driving access from Oakcrest Rd. The only  
36 way to access the big box store directly from the senior housing would be on foot. Stycos asked  
37 why then would it be considered all one development since the senior housing does not have

1 driving access to the commercial portion. Why would it not be considered two separate  
2 developments? Hickey responded that there is no reason that two separate and unrelated  
3 functions can not be part of a single PDA. Stycos noted, however, that the PDA must be  
4 beneficial for the people living there. Stycos suggested that they could be considered as two  
5 separate proposals. Dubow noted that the property is zoned Commercial Low Traffic, and Triax  
6 would not be permitted to construct the big box retail on this site under current Zoning Law  
7 provisions. Triax proposed, therefore, to construct the retail outlet, a more intense use than would  
8 otherwise be permitted, on the part of the land closest to the Mall, and construct senior housing, a  
9 less intense use than would otherwise be permitted, on the part of the land closest to Oakcrest  
10 Road. Leopold noted that similar issues came up several years ago when the Village was  
11 approached about locating a Home Depot in this same area.

12  
13 Hickey stated that the Triax proposal does not meet the criteria in Section 1C as noted earlier, but  
14 the Board can recommend modifying Section 1C so that PDAs such as that Triax is proposing  
15 can be considered. Stycos noted that, alternatively the residential and commercial components  
16 could be considered as separate projects rather than artificially gluing them together as a PDA.  
17 Dubow added that the purpose of a PDA is to develop land as one coordinated project and  
18 integrate the uses. Attempting to clarify the question, Dubow ventured that the concern seems to  
19 be whether the Triax proposal fits the model of a PDA since the uses do not seem to compliment  
20 each other. They are more of a mixed use. Dubow noted that the Triax proposal was preliminary  
21 and the Board may not have enough information to make a determination. Hickey added that a  
22 PDA enables the Board to rewrite regulations for a development where there is a clear benefit for  
23 the Village and the residents. Stycos asked what the advantage to the Village is in having another  
24 big box store. Hickey replied that that is a valid question, and passed out a handout that showed  
25 how the current PDA provisions could be improved to better fit the needs of the Village. Leopold  
26 would like the benefits of the PDA for the Village spelled out. Hickey replied that the developer  
27 would have to spell out the benefits for the Village if they expected the Board to agree to  
28 consider their PDA proposal.

29  
30 Hickey noted that senior housing would be a benefit to the Village. Dankert asked what  
31 specifically is meant by senior housing. Hickey replied that, as he understood it, this senior  
32 housing would not include assisted living, nor would it include subsidized housing. Dankert  
33 asked if it would be high end housing for seniors. Jim Bold, representing Triax Management  
34 Group, replied that the housing would be market rate, one family single level housing. Hickey  
35 noted that in deciding whether to consider the Triax PDA, the Board would have to determine if  
36 the benefit offered by such housing and any other benefits the developer identified warranted the  
37 Board's consideration of the proposed PDA.

38  
39 Dubow reminded the Board that authorization to consider a PDA was removed from the Zoning  
40 Law in 1993, and the provisions in Appendix A are in the Zoning Law solely for reference with  
41 regard to Shannon Park, the Village's only approved PDA. The Zoning Law would have to be  
42 amended to restore the authority to consider any additional PDAs. The Planning Board would  
43 have to submit a proposed amendment to the Board of Trustees, and then the Trustees would

1 have to approve the proposed amendment for it to become effective. Stycos asked if the Board  
2 could hear more details about the Triax proposal before considering whether to recommend such  
3 an amendment. Dubow stated that there is nothing that precludes the Board from talking to the  
4 developer and obtaining more information. The developer does not have to tell the Board  
5 anything they do not want to reveal at this time. There is nothing that prevents the developer and  
6 the Board from discussing details, as long as the Board understands that there is currently no  
7 framework for them to approve the developer's plans.

8  
9 Hickey stated that Jim Bold and Eric Goetzmann from Triax Management Group were in the  
10 audience. Hickey and Tomei had met previously with the developers and understand the project  
11 more than the rest of the Planning Board members. Hickey asked Bold and Goetzmann if he  
12 could share the development plans he was given with the rest of the Board. Bold stated that  
13 would be alright. Goetzmann stated that their intention is to benefit the Village in part by  
14 internalizing the traffic flow for the commercial development by providing access only from the  
15 Mall's ring road and not from any Village street or road. Goetzmann added that they do not think  
16 that it would bring more people than what the Mall already attracts, but would help hold those  
17 shoppers here rather than their traveling to another county. Goetzmann noted that a substantial  
18 amount of revenue would come back to the Village. Stycos noted that the Village only receives a  
19 small percentage of sales tax revenue. Bold stated that the County as a whole would benefit from  
20 the development. He also stated that a key benefit would be the senior housing and the quality of  
21 the proposed housing. The drainage is a problem, and they are working with the Army Corps of  
22 Engineers to move and enhance the existing wetlands that are a direct result of the fill placed on  
23 the site four years ago and not properly maintained. Bold added that they would create a walking  
24 park that would benefit residents, and if the Village sidewalks were to be extended it would be  
25 very easy to connect to them. Stycos asked how much housing there would be. Bold replied that  
26 there are fifteen units being shown on the plans right now. Bold stated that there could be three  
27 or four buildings. Goetzmann stated that they hired an architect for the purpose of showing how  
28 the housing would look and to show that constructing a big box store is not all they are trying to  
29 accomplish. Leopold asked if the housing could be grouped into the classification of duplexes.  
30 Bold stated that they are trying to put a plan together that work around the wetlands,  
31 accommodate a big box store, provide senior housing, and keep it all looking natural. Bold added  
32 that there is not much land in the Village available for public access, and there are not many  
33 parks. Hickey and Leopold noted that while the Village does not have many parks it has  
34 developed a significant system of walking trails. Bold stated that an added benefit of the Triax  
35 proposal would be the trails and wetlands accessible to the public. Bold added that what they are  
36 proposing is not the most efficient way to develop the property, but it does provide significant  
37 benefits for the Village. Dankert asked if a restaurant ever came into the minds of the developers  
38 instead of the big box store. Bold stated that the hospitality and the retail markets are currently  
39 dead. Dankert asked if that is not also true for the big box store. Bold stated that the big box store  
40 they have in mind is doing well in this economy. Goetzmann stated that the Village would be  
41 very lucky to obtain any expansion of its commercial base given the way the economy is at the  
42 present time.

43

1 Bold stated that you would have to be at least sixty years old in order to reside in the proposed  
2 senior housing development. Schleelein asked, if units were to be sold whether they would  
3 remain senior housing. Bold replied that there would be restrictions to ensure they remained  
4 senior housing. Triax is not in the senior housing management business and would contract with  
5 someone in that field to manage the housing. Tomei asked if there is any room for expansion.  
6 Bold stated that might be possible.

7  
8 Hickey stated that they needed to talk about the task at hand and focus on the generic PDA  
9 provision and whether and how to change Appendix A to accommodate projects such as that  
10 being proposed by Triax. Stycos stated that the Board should develop PDA provisions that would  
11 apply anywhere in the Village. Hickey noted that there are not many areas in the Village where  
12 the PDA would apply. Dubow stated that there needs to be a basic framework within which all  
13 PDAs are reviewed, and such provisions could always be modified. Stycos expressed concern  
14 about spot zoning. Dubow explained that it is not spot zoning if a parcel of land is rezoned to  
15 accomplish legitimate objectives of the Village and not simply to benefit an individual property  
16 owner or developer. Hickey added that a PDA is subject to a public hearing.

17  
18 Tomei asked if restoring the PDA authority would open the Village up to the same problems it  
19 encountered previously. Dubow replied that PDA provisions should be language sensitive and  
20 that the Village needs to carefully consider the purpose and intent language, objective language,  
21 and general considerations. Tomei asked if changing language now might not cause resentment  
22 from those who were affected by the original language in the past. Dubow replied that the  
23 Village can change the language anytime it determines such a change to be beneficial to the  
24 Village, past issues notwithstanding. Hickey noted that an opportunity such as that proposed by  
25 Triax could be lost if the Planning Board does not have tools like the PDA with which to work  
26 with the developers. The Board should at least look at what the potential benefits are and see  
27 how it would impact the Village. Hickey suggested that the Board go back and take a look at the  
28 old PDA provisions (now Appendix A of the Zoning Law), change it to meet the Village's  
29 current needs, and recommend the Trustees restore the authority to consider a PDA. Dubow  
30 added that there are procedural issues that should be reviewed as well. Leopold asked how soon  
31 the Board of Trustees needed to act. Hickey replied as soon as possible, and asked the Planning  
32 Board to come back at the next meeting with their proposed changes to discuss. Dubow asked  
33 the developers if they would be able to disclose the name of their tenant, or enough specifics so  
34 that if a person was to review the plans they would be better able to determine the potential  
35 impact on the Village. Bold replied that they will be able to disclose enough information about  
36 the project to enable that person to assess the potential impact on the Village. Hickey suggested  
37 that language about phases of the construction be included.

38  
39 **Bolton Estate MOU About Clearing**

40 Hickey stated that the Board should not add anything to the MOU about specimen trees that is  
41 not in the agreement already until it determines what it means by "specimen tree". He suggested  
42 possibly visiting the site and tying ribbons around significant trees to get a better idea of what is

1 on the property that is worth protecting. If the Village knew where significant trees were located,  
2 it might deal directly with the land owner. Leopold noted that the land owner might not  
3 understand the impact of removing such trees or even recognize that they are significant or  
4 valuable trees. Dubow explained that the Village had resolved a lot of issues related to clearing  
5 beyond the clearing limits and there would be some value in finalizing that to which both sides  
6 agreed before moving on to other issues which might be more complicated to resolve. He noted  
7 that Lots 2 and 3 seem to be the lots most in question with regard to specimen trees. Hickey  
8 suggested that the Village may be able to negotiate directly with the property owners, possibly  
9 providing some incentives to preserve specimen trees. Dubow added that the way the current  
10 proposed policy is worded gives the Code Official the opportunity to educate the land owner  
11 about the specimen trees, and suggest alternatives to the land owner that might improve the  
12 project without harming the trees. Stycos noted that the Code Official might not be able to  
13 recognize specimen trees on the property. Dubow reminded the Board that the Village has the  
14 right to charge the costs of professional services related to the subdivision back to the developer.  
15 That is always an option. Hickey suggested that a list of specimen trees be developed that could  
16 be used as a reference. Dubow said that he would recommend finalizing the Clearing Policy  
17 before going ahead with the specimen tree list and related contingencies.

## 18 19 **Reports**

20 *Trustees* - Tomei reported that the Board of Trustees approved the amendment to the Tops  
21 Planned Sign area. Ed LaVigne has raised fifteen thousand dollars for the North Cabin  
22 project at Myers Park in the Town of Lansing. The Board of Trustees approved Lisa  
23 Schleelein as the new Alternate Planning Board member. The sewer line for Warren  
24 Rd. is not ready yet; the traffic light at Bomax Rd. and Warren Rd. will cost the village  
25 less money than expected; Dart Rd work has been delayed; and no change in the status  
26 of the water tank behind the Village office or the one in Horizons.

## 27 28 **Approval of Minutes**

29 Dankert moved approval of minutes of July 13 meeting as amended, seconded by Stycos, all in  
30 favor. Dankert moved approval of minutes of the July 28 meeting as amended, seconded by  
31 Stycos, ayes by Stycos, Hickey, and Tomei, with Dankert and Schleelein abstaining.

## 32 33 **Other Business as Time Permits**

34 Leopold explained that the publication, *Thinking Local in Tompkins County* presents a way of  
35 thinking about the future when energy is going to become more scarce and how we can adapt in  
36 Tompkins County. We need to adjust our life style

## 37 **Adjournment**

38 Stycos moves to adjourn at 9:00 PM, seconded by Schleelein. Ayes by Hickey, Tomei, Stycos,  
39 Schleelein and Dankert. Motion carried.