

**Village of Lansing
Planning Board Meeting
March 30, 2010**

1 The Joint meeting of the Village of Lansing Planning Board and the Board of Trustees
2 was called to order at 7:30 P.M. by Chairman Ned Hickey. Present for the Board of
3 Trustees were Mayor Don Hartill and Trustees John O'Neill and Julie Baker. Present for
4 the Planning Board were Chairman Ned Hickey and Members Phil Dankert, Mario
5 Tomei, Richard Durst and Maria Stycos and Alternate Board Member Lisa Schleelein;
6 also present were Village Attorney David Dubow; Code Enforcement Officer Ben Curtis;
7 Code Enforcement Officer in training Marty Moseley; Clerk/ Treasurer Jodi Dake; Jim
8 Bold, Eric Goetzmann and Gina Speno from Triax Management Group, Dan Veaner from
9 the Lansing Star, resident Mark Mahoney, and Community Party observer Sorel
10 Gottfried.

11 Hickey delayed the public comment period to introduce Mark Mahoney, who is a
12 potential candidate for the Planning Board. He has been a resident of the Village for the
13 past four months in the Northwood Apartment complex.

14 **Public Comment**

15 Sorel Gottfried introduced herself as the Community Party observer. With no one else to
16 speak, Durst moved to close the public comment period. Seconded by Stycos. Ayes by
17 Hickey, Stycos, Tomei, Durst, and Dankert

18 **PDA Proposal**

19 Hickey explained that the joint meeting was called to consider a proposed PDA from the
20 Triax Management Group. Hickey stated that after reviewing the preliminary proposal
21 the Board of Trustees may or may not recommend the proposal for further review. If the
22 Board of Trustees recommends further consideration of the proposal, then they would
23 pass it to the Planning Board. Hickey stated that Tomei, Curtis, and he received the
24 proposal a week before and noticed some items that needed clarification and notified
25 Triax Management Group. The Triax Management Group then submitted a second
26 document to clarify those items. Hickey introduced Eric Goetzmann from Triax
27 Management Group and Jim Bold from Bold Associates and asked them to explain the
28 proposal.
29

30 Goetzmann noted this is one of the last large commercial low traffic properties in the
31 Village to be developed. The property that is being discussed is west of the YMCA,
32 north of the Shops at Ithaca Mall, and south of Oakcrest Rd. The current zoning for the
33 property is commercial low traffic, and Triax is proposing to develop a portion of the
34 property as residential, a portion as retail and the remainder as a protected wetland. The
35 residential component would be along the northern boundary of the property where it
36 borders Oakcrest Road and would be accessible from Oakcrest Rd. The residential
37 component would be senior housing the need for which is identified in the Village's
38 Comprehensive Plan. This would be a tangible benefit for the Village.
39

1 Goetzmann explained that Bold has spent a lot of time working on the wetland
2 component of the project in collaboration with the Cornell Lab of Ornithology to
3 maximize the value of this resource. Bold explained that the Army Corps of Engineers
4 has delineated about 1.4 acres of wetland on the property. Bold stated that they have been
5 working with the Army Corps of Engineers, the Cornell Lab of Ornithology, and their
6 own environmental consultants to enhance the current wetlands as a bird habitat. There
7 will also be a twenty foot buffer strip around the wetlands that will be planted with a
8 series of native grasses. The wetlands and buffer would be forever wild and would not be
9 mowed or otherwise maintained in any way that would adversely impact the bird habitat.
10 They will also create a buffer between the residential portion of the project and the
11 commercial portion. Bold explained that they have developed a planting plan with a
12 heavy concentration of native trees and shrubs to provide cover, food, nesting locations,
13 and water for birds. The plantings include common elderberry, nannyberry, northern
14 white-cedar, red maple, bur oak, arrowwood viburnum, eastern white pine, silky
15 dogwood, redosier dogwood, speckled alder, swamp white oak, and highbush cranberry.
16 All the plantings are native to the northeast region of the United States. Bold explained
17 that the wetlands would enhance the project and create a wildlife corridor connecting it to
18 adjacent woods on the neighboring property. The wetlands would also be hydraulically
19 connected. Bold stated that there would be about two hundred trees and shrubs to be
20 planted on a one acre parcel. The plants that are being supplied by RPM Ecosystems,
21 which uses root pruning to enhance the growth and increase the potential for survival.
22 Bold explained that there would be a very diverse planting on the property. All of these
23 plants create habitat, by providing food and shelter needed for the birds. Bold stated that
24 at the beginning of the project Triax wanted to create a walking trail through the
25 wetlands. In discussions with the Army Corps of Engineers, however, they discovered
26 this could not be done because such a trail would adversely impact the bird habitat. Bold
27 concluded that creating a bird a habitat modeled on those the Cornell Lab of Ornithology
28 has created will benefit all members of the community.

29
30 O'Neill asked how the deer would affect the plants. Bold replied that he had spoken with
31 the resource manager at the Cornell Lab of Ornithology to see how they deal with the
32 deer and was told it was an ongoing battle. Bold stated that some of the trees that were
33 selected, like white cedar and some pine trees need to be protected from the deer. Tomei
34 asked if the property could handle two hundred plantings, because Bold had stated that
35 normal wetland restoration involves planting about fifty plants per acre. Bold replied that
36 normally a developer would plant an abundance of plantings because the survival rate is
37 lower for bare root plants. Only about twenty five percent of the plants would survive if
38 bare root planting was used. This would give the average developer about fifty plantings
39 that survived out of two hundred. Bold stated that if two hundred plants were planted
40 with the root pruning method they would have about a ninety five percent survival rate,
41 resulting in more plants per acre for the same number planted. Hickey asked who the
42 wetlands property would belong to. Bold stated that it would be protected, but that they
43 are not proposing to dedicate any of the project to the Village. Hickey stated that whoever
44 owns the wetlands needs to maintain the plantings for the Village to acknowledge the
45 wetlands as a benefit. Hickey explained that they need to be protected from the deer, and

1 that who ever owns them needs to be responsible for ensuring they are maintained for the
2 purposes they were set aside for. Bold noted that Triax is required by the Army Corps of
3 Engineers to guarantee the plants for five years. Hickey asked if Triax Management
4 Group would extend the warranty on the plantings in perpetuity for the benefit of the
5 Village. Bold stated that they could probably work something out. O'Neill asked if the
6 development was going to include greenway trails like in other areas of the Village. Bold
7 stated that there would be a sidewalk connection towards the east end of the residential
8 component to connect to the sidewalk in front of the YMCA. The other walking area
9 would be a bridge cutting through the wetlands connecting residential component to a
10 sidewalk in front of the proposed retail store. Dankert asked where the existing house on
11 the property was located. Bold pointed it out on the map he had for the presentation.
12 Dubow stated that Section 2 E of the new PDA provisions requires that a buffer area
13 extend the full length between a residential and a non residential use, and it is required
14 to be located wholly in the area of non residential use. Bold stated that he thought that as
15 long as the buffer was in place, it did not matter whether the underlying land was
16 described as residential or nonresidential. He added that his intent is to screen the
17 residential use from the commercial one and he thinks the plan does that well. The
18 wetland that is being enhanced and will act as a natural buffer appears to be more on the
19 residential side. Bold explained, however, that they will be dividing the area eventually
20 into residential and commercial parcels, and, if need be, can include the wetland and
21 buffer in the commercial parcel. Dubow indicated that the Village Board can also amend
22 the PDA provisions to modify the buffer location requirements.

23
24 Bold explained that the proposed commercial building would be approximately eighty
25 two thousand square feet. The parking lot would accommodate three hundred and forty
26 parking spaces. There will also be a new stormwater detention facility behind and west of
27 the building adjacent to residential property on the west boundary of the proposed PDA.
28 Bold stated that there is an appendage on the north end of the building for a truck dock
29 and a cardboard recycling area. Goetzmann added that the senior housing development
30 along Oakcrest Rd. precluded any further development of commercial low traffic uses
31 with access to Oakcrest Rd. Goetzmann stated that the plan channels all commercial
32 traffic for the retail component through the main entrances of the mall which are intended
33 for commercial high traffic uses. Durst asked if the proposed store would be as big as the
34 Target store. Goetzmann explained that the proposed retail center would be about two
35 thirds the size of Target. Schleelein asked what the height of the building would be. Bold
36 replied that it would be about thirty feet, which is under the current commercial low
37 traffic zoning requirements. Hartill asked how much the current land would be modified
38 by the excavation. Bold explained that they have to excavate about fifty thousand yards
39 of dirt to be able to tie the parking lot and the current ring road together. The tenant will
40 not allow any more than a two percent cross pitch in their parking lot. Hartill asked the
41 exact location of the loading dock. Bold pointed it out on their presentation plan which
42 showed it on the north side of the building. O'Neill asked how much truck traffic would
43 increase. Bold explained that it would be about three to four trucks per day, no more than
44 Target. O'Neill asked if there would be adequate screening between the truck loading
45 docks and the residential parcel. Bold responded that there was only the enhanced

1 wetland as a buffer. O'Neill indicated that he would like to see more screening. Bold
2 stated that they could potentially erect a fence along the edge of the retaining wall at the
3 north edge of the commercial development. Hickey asked if the plan made provision for
4 bus connections. Bold stated that they haven't thought about public transportation at this
5 point in time, but they will address those issues when working with the Planning Board.
6 Schleelein expressed concern about noise and light pollution. Bold responded that the
7 building was originally placed so the back of the building would have faced towards the
8 residential parcel. The building was then relocated to be less visible from Oakcrest Road
9 and so that the truck traffic would be behind the fire house, which would be the least
10 obtrusive area. Bold added that idling engines would not be allowed. Tomei asked if the
11 deliveries would be at night or during the day. Bold stated that he wasn't sure and would
12 find out. Goetzmann added that he thought most of the deliveries happened in the
13 morning. Bold stated that the retail store would operate during regular business hours.
14 Bold explained that the exterior lighting for the retail store would not surpass the lighting
15 of the rest of the mall. He stated that they have limited the light pole height to thirty feet
16 to try to minimize light pollution. Bold explained that they have a lighting plan that can
17 be reviewed by the Lighting Commission.

18
19 Goetzmann stated that they are trying to determine if the Village and Triax are on the
20 same page for the overall project, and, if so, if these potential problems can be resolved
21 as part of the Planning Board review. Durst asked if there would be adequate parking for
22 the proposed senior units. Bold explained that there is a one car garage and room for an
23 additional car in the driveway of each unit. Baker asked what age is considered senior.
24 Bold stated that fifty five and over would probably be the age criteria. Stycos asked if
25 there was adequate screening for the lights from the cars in the parking lot. Bold
26 explained that there would be evergreen and cedar trees that would act as organic
27 screening. Goetzmann added that people sometimes will accept some of the less
28 appealing aspects of being close to commercial development as a trade off for being able
29 to easily walk to the shopping areas of the Village. Hartill asked what time line Triax is
30 working with. Goetzmann stated that they would like to start this construction season.
31 Baker asked what portion of the project would be completed first. Bold stated that the
32 commercial development would be done first. Goetzmann added that the site work for
33 both the residential and the commercial parcels would happen at the same time. O'Neill
34 asked how long it would take to complete the residential aspect of the project.
35 Goetzmann explained that once the infrastructure has been installed, it is in his best
36 interests to complete the work as soon as possible. Durst asked who the commercial
37 tenant is. Bold stated that he could not release that information yet, but that it is a retail
38 store. Baker asked what the size of the old theater is. Bold stated that it is around thirty
39 five thousand square feet. That was included in the original space they proposed to the
40 tenant, but because of the odd shape of the old theater the space would not work for the
41 tenant. Bold explained that the store would have been in an L shape. Tomei expressed
42 concern about the phasing of the project. Goetzmann explained that the bank is willing to
43 supply a letter of commitment to finance the residential component, and Triax is aware
44 that the Village wants the residential structures built sooner than later. Goetzmann added
45 that prior to receiving a Certificate of Compliance for the commercial development, the

1 infrastructure for the residential component will have to be in place and the first building
2 will have to be under construction, which is a lot of upfront cost. There being that much
3 money invested in the project, Triax has an incentive to complete all aspects of the
4 project as soon as possible. Stycos asked when the buffer would be in place. Bold
5 explained that the initial plantings would be in by this fall.

6
7 Hickey asked Hartill if the Board of Trustees would like the Planning Board to proceed to
8 the next step. Dubow explained that if the Board of Trustees determines that further
9 consideration is appropriate, the proposed PDA would then be referred to the Planning
10 Board. The Planning Board could then suggest possible conditions of approval or
11 disapproval. The Planning Board has the authority to require the submission of
12 supplemental information and materials by the developer to complete the preliminary
13 proposal. Once the Planning Board determines the preliminary proposal is complete and
14 the fee of \$250 has been paid, a developer's conference would be scheduled to review the
15 proposed PDA. The Village would then send written notice to the contiguous Village
16 property owners. The notice would include the nature of the proposed PDA, the date and
17 time of the developer's conference, and any other information that is relevant to the
18 project. The Village would also publish a legal notice which would include the same
19 information that had been mailed to the property owners. The developer's conference
20 would also serve as a public information meeting. The Planning Board will consider
21 whether the proposal is in accordance with planning objectives for the area and the
22 provisions of Appendix A2 of the Village Zoning Law, and may propose additional
23 conditions to ensure that it does. The developer and the Village both have to agree on the
24 additional conditions. If the developer wishes to continue with the PDA, then the
25 developer needs to submit a written statement of intent to comply with the additional
26 conditions.

27
28 Baker asked how the people in the mall would get to the new retail store, since it is going
29 to be detached from the mall. Bold stated that people might have to move their car from
30 one area to another, but it reduces the number of cars on the road because they are staying
31 at the mall. Bold stated that it makes sense to have the shopping stay in that area. Bold
32 explained that there are grocery stores and other retail stores that make it a nice place to
33 shop, because it is all in one area. Baker moved to have the Board of Trustees approve
34 going forward with consideration of the preliminary proposal and to refer the PDA to the
35 Planning Board for further review. O'Neill seconded, Ayes by Hartill, O'Neill, and
36 Baker.

37
38 Hickey stated that on April 12th the Planning Board would review the preliminary
39 proposal as thoroughly as they can in anticipation of scheduling a public information
40 meeting and developer's conference for the April 27th meeting. Hickey welcomed the
41 Trustees to attend these upcoming Planning Board meetings if they wished.

42 **Green Building**

43 Hickey asked the Board of Trustees if they would be interested in having the Planning Board
44 consider ways to encourage Green Building practices in the Village. Baker replied that she

1 would encourage Green Building, but would not want to require it. Hartill agreed

2

3 **Board of Trustee Adjournment**

4 Baker moved for adjournment. O'Neill seconded, Ayes by Hartill, Baker, and O'Neill. The
5 Board of Trustees adjourned at 8:35PM.

6

7 Hickey stated that after a short break the Planning Board meeting would continue.

8 **Heights of Lansing Subdivision Amendment**

9 Hickey directed the Board's attention to a letter from Larry Fabbroni, Project Engineer
10 for the Heights of Lansing Subdivision (Lansing Trails II), requesting approval of several
11 minor amendments on behalf of the Subdivision Developer, Ivar Jonson. Fabbroni
12 explained the first proposed amendment would increase the width of parcel/building P7
13 by 5 feet to 219 feet so that the current unit design being built on parcel/building P6
14 could be duplicated on P7. Using the design from P6 will add 5 feet to the total building
15 length of 6 townhouse units in P7. He is requesting the amendment to provide the
16 required side yard setback for the six unit building on P7. Adding the 5 feet to P7 will
17 require taking 772.6sqft from the open space north of P7. To offset the 772.6sqft being
18 taken from the open space north of P7, Fabbroni stated that Jonson is proposing to add
19 one thousand and twenty three square feet to adjacent open space from the land
20 previously set aside for the now abandoned Village Park Way, with the corresponding
21 one thousand and twenty three square feet of park land being replaced with that amount
22 of land from the rear of lots 5 & 6.

23

24 Fabbroni's letter also asked the Planning Board to approve an amendment which would
25 adjust the lot line between lots number 6 & 5. Fabbroni explained that Jonson thinks it is
26 difficult for someone to back out of the garage on lot number 5 and turn around in the
27 driveway. Hickey stated that these requests involve boundary adjustments to existing lots
28 and would be considered minor amendments. Curtis explained that this would fall under
29 125-34 (enlarging a lot) of the Village of Lansing Zoning Law which permits the Board
30 to waive normal requirements for subdivisions and approve them at this meeting. Dubow
31 stated that these changes should be reflected on the final plat, along with the other
32 changes recently approved, and that amended plat signed by Hickey will need to be filed
33 with the County Clerk. Fabbroni stated that he would take care of it. Dankert moved to
34 amend the lot lines as proposed. Seconded by Durst. Ayes by Hickey, Stycos, Tomei,
35 Durst, and Dankert

36 **Approval of Minutes**

37 Tomei moved the minutes of February 23, 2010 as corrected. Seconded by Durst, Ayes
38 by Hickey, Stycos, Tomei, Durst, and Dankert.

39

40 Dankert moved the minutes of March 8, 2010, as corrected. Seconded by Stycos. Ayes by
41 Hickey, Stycos, Tomei, and Dankert. Durst abstained because he was not present at that
42 meeting.

1 **Reports**

2 Hickey stated that there was no Board of Trustees meeting, so there is no report.

3 **Further Discussion**

4 Hickey explained that the Planning Board members should review the proposed PDA,
5 and make sure that they bring all of their questions and comments to the next meeting.

6 Hickey asked Curtis about the Environmental Assessment Form (EAF). Curtis explained
7 that he had the long form of the EAF with Part 1 completed by Triax. Dubow stated that
8 ultimately the Board of Trustees has to review and act on the LEAF, but the Planning
9 Board can do a preliminary review and forward findings and recommendations to the
10 Trustees. Gottfried asked if the Board of Trustees has approved the proposed PDA.

11 Hickey replied that the Board of Trustees had authorized the Planning Board to proceed
12 to the next step. Dubow suggested that everyone on the Planning Board give further
13 thought to the phasing of the proposed PDA. Hickey explained that the Planning Board
14 would depend on advice from Dubow with regard to legal issues such as security for the
15 phasing. Dubow stated that the Village might not want to use the same approach as it has
16 for subdivisions like Lansing Trails II, where the development of the buildings depends
17 on the housing market. Hickey stated that the Triax Company will be facing the same
18 economic situation. Hickey asked if Jonson rolled over the security from one phase to the
19 next. Curtis explained that the money held to ensure completion of one section of road
20 infrastructure is often rolled over to secure the next section once the first section is
21 complete and accepted. Dubow stated that the Village might think about deadlines for the
22 development of the residential parcels for the proposed PDA. Schleelein asked if the
23 worst case scenario was having the wetland buffer in place, the commercial district in,
24 and only one residential unit constructed. Dubow stated that would be the case. Dubow
25 explained that the Village is essentially trading a commercial zoned area for a residential
26 zoned area, and should consider what the impact on the village would be if the three
27 remaining units are not developed. Curtis asked Dubow if the Village could encumber the
28 residential property that is not developed in some manner. Dubow replied that the banks
29 would very likely impose a lien on the property and an additional encumbrance would
30 therefore be of reduced value to the Village. Dubow explained that there could be certain
31 restrictions placed on the property instead that would help protect the Village's interests.
32 Dubow stated that the Village will have to protect itself as much as possible, but there
33 may not be a one hundred percent guarantee. Tomei stated he was reassured by Bold's
34 statement that the senior housing units would be built regardless of sales. Tomei stated
35 that people might expect to move into a community and if the other units are not built,
36 then people might not move in. Curtis noted that the townhouses in the Hamlet have been
37 selling even though that developer usually does not start a new building until the previous
38 one has been sold.

39 **Adjournment**

40 Durst moved to adjourn at 9:15. Seconded by Stycos, Ayes by Hickey, Stycos, Tomei,
41 Durst, and Dankert