

**Village of Lansing
Planning Board Meeting
July 27, 2010**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by
2 Chairman Mario Tomei. Present at the meeting were Planning Board Members, Lisa Schleelein,
3 Richard Durst, and Phil Dankert; Alternate Board Member Ned Hickey; Code Enforcement
4 Officer Marty Moseley; Village Attorney David Dubow; Village Engineer Brent Cross; Eric
5 Goetzmann, Jim Bold, and Gina Speno from Triax Management Group; Trustee Julie Baker;
6 Former Code Enforcement Officer Ben Curtis and his summer class from Tompkins Cortland
7 Community College (TC3); Dan Veaner from the Lansing Star; Fran and Crystal Mullenix from
8 Crystals Spa & Salon.

9
10 Tomei appointed alternate Ned Hickey as an Acting Planning Board Member for Maria Stycos
11 who could not attend the meeting.

12
13 **Public Comment Period**

14 Tomei opened the public comment period. Curtis thanked the Planning Board for allowing his
15 class to observe the meeting. With no one else to speak, Durst moved to close the public
16 comment period. Seconded by Hickey. Ayes by Tomei, Hickey, Dankert, Schleelein, and Durst.

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18 **Public Hearing for Crystals Spa Subdivision**

19 Final Plat approval of the Mullenix Subdivision, a minor subdivision by Crystal's Spa & Salon
20 to subdivide a 3.418 acre lot at into one undeveloped 1.002 acre parcel on the north side of
21 the property, leaving a 2.416 parcel where her building is located. The lot to be subdivided
22 is known as 2416 North Triphammer Road and is located in the Commercial Low Traffic
23 District, Tax Parcel No. 43.1-1-46.

24
25 Tomei opened the public hearing, and asked Mullenix to explain her proposed subdivision.
26 Mullenix noted that they intend to subdivide the land into two parcels to eventually sell the
27 newly created undeveloped parcel. Hickey pointed out the condition that is incorporated on the
28 final plat which reads:

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30 Access to parcel B is stipulated to be provided via the existing entrance to N.
31 Triphammer Road on parcel A & across parcel A as mutually agreed upon. Parcel B is
32 specifically not allowed a new curb cut entrance to North Triphammer Road.

33
34 Cross asked if there was an indication where traffic access to the new parcel and within the
35 developed parcel would be located. Dubow noted that the specific traffic and access design
36 would be outlined as part of the special permit review if and when the newly created parcel is to
37 be developed. Dubow stated this property is located in a Commercial Low Traffic Commercial
38 District and any development of the property would be subject to Zoning Law special permit
39 approval and also the CLT Design Guidelines. Dubow explained that this is considered a minor
40 subdivision by the Village of Lansing Code, and does not require a formal SEQR (State
41 Environmental Quality Review Act) review and determination.

42 Tomei asked for a motion to close the public hearing. Moved by Dankert. Seconded by
43 Hickey. Ayes by Tomei, Hickey, Dankert, Schleelein, and Durst.

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45 The following proposed minor subdivision approval resolution was moved by Hickey and
46 seconded by Durst:

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48 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR**
49 **FINAL PLAT APPROVAL OF MULLENIX MINOR SUBDIVISION**
50 **ADOPTED ON JULY 27, 2010**

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52 **WHEREAS:**

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54 A. This matter involves consideration of the following proposed action: Final Plat
55 approval of the Mullenix Subdivision, a minor subdivision by Crystal's Spa & Salon
56 to subdivide a 3.418 acre lot into one undeveloped 1.002 acre parcel on the north side
57 of the property, leaving a 2.416 parcel where her building is located. The lot to be
58 subdivided is known as 2416 North Triphammer Road and is located in the
59 Commercial Low Traffic District, Tax Parcel No. 43.1-1-46; and
60
61 B. On June 14, 2010, the Village of Lansing Planning Board, in accordance with
62 subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the sketch
63 plan/preliminary subdivision map submitted with respect to this proposed action and
64 (ii) classified the proposed subdivision as a minor subdivision; and
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66 C. On July 27, 2010, the Village of Lansing Planning Board, in accordance with Section
67 123-2 of the Village of Lansing Code, determined that the approval of the proposed
68 minor subdivision is a Type II action, and thus may be processed without further
69 regard to Article 8 of the New York State Environmental Conservation Law - the
70 State Environmental Quality Review Act ("SEQR"); and
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72 D. On July 27, 2010, the Village of Lansing Planning Board held a public hearing
73 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i)
74 the proposed final subdivision plat and accompanying materials and information
75 presented by and on behalf of the applicant in support of this proposed action,
76 including information and materials related to the environmental issues, if any, which
77 the Board deemed necessary or appropriate for its review, (ii) all other information
78 and materials rightfully before the Board, and (iii) all issues raised during the public
79 hearing and/or otherwise raised in the course of the Board's deliberations;

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81 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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84 1. Based upon all of its foregoing review and action, it is hereby determined by the
85 Village of Lansing Planning Board that approval of the Mullenix Minor Subdivision
86 is **GRANTED**, subject to the following conditions and requirements:
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88 1) Access to parcel B is stipulated to be provided via the existing entrance to N.
89 Triphammer Road on parcel A & across parcel A as mutually agreed upon.
90

91 Parcel B is specifically not allowed a new curb cut entrance to North
92 Triphammer Road
93

94 2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and
95 directed to sign such final plat in accordance with subsection F of Section 125-6 and
96 subsection A of Section 125-15 of the Village of Lansing Code.

97 The vote on the foregoing motion was as follows:
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99 AYES: Mario Tomei, Ned Hickey, Richard Durst, Lisa Schleelein, Phil Dankert
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101 NAYS: None
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103 The motion was declared to be carried.
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105 **Public Hearing to Consider :**
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107 Special Permit # 2485, Arrowhead Ventures, LLC/Triax Management Group, to
108 develop Areas A & C of the Lansing Meadows Planned Development Area and to
109 include (i) an approximately 85,000 square foot stand-alone retail center adjacent to
110 the Shops at Ithaca Mall and (ii) an enhanced wetlands adapted to provide a bird
111 habitat and buffer between Area A and the residential seniors housing proposed for
112 Area B of the Lansing Meadows Planned Development Area, Tax Parcel Nos. 47.1-1-
113 17.2 & 47.1-1-17.6

114 Dubow explained that the special permit application is for the commercial component of
115 the Lansing Meadows Planned Development Area (PDA). The special permit is required in
116 accordance with the grant of authority made by the Board of Trustees on June, 29 2010 for the
117 Lansing Meadows PDA. Dubow pointed out the commercial portion of the PDA on the map that
118 will be reviewed and discussed as part of the special permit review. Dubow also noted that there
119 will be additional conditions associated with any special permit approval that may be granted.

120 Dubow noted that the Village Board of Trustees on March 1st 2010 adopted the new
121 generic PDA provisions by local law amending the Village Zoning Law, which local law
122 approval was a collaborative process with the Planning Board. The Appendix A2 (generic PDA
123 provisions) added to the Village Zoning Law were thereby added to the Village of Lansing Code.
124 Dubow explained that the developer's traffic was carefully studied and reviewed by the Village's
125 consultant, Fisher Associates, and an extensive Full Environmental Review was worked through
126 by both the Planning Board and the Board of Trustees, which was finalized on June 29th 2010.
127 Dubow stated that there was a public hearing on the 29th of June 2010 for the Environmental
128 Review and for the finalization process for the Lansing Meadows PDA grant of authority.

129 Dubow explained that the Planning Board will be working through the Full
130 Environmental Assessment Form (EAF), Parts 1 and 2, which EAF was submitted with the
131 special permit application, and the Board will be comparing the revised Parts 1 and 2 to the
132 original information and determinations set forth in Parts 1 and 2 of the Full EAF that was

133 completed on June 29th, 2010 as part of the PDA grant of authority and the local law adopted as
134 part of that process. The Planning Board will be referencing a letter that was submitted by the
135 developer with the new special permit EAF for explanations as to the different information and
136 answers. Dubow noted that as part of the previous grant of authority for the PDA the developer
137 entered into a statement of intent, which was a list of 18 conditions. Dubow noted that some of
138 the conditions have been met already and some will be incorporated with any special permit
139 approval that may be granted. Dubow explained that the 18 conditions associated with the
140 statement of intent and grant of authority for the PDA have now essentially been handed off from
141 the Board of Trustees to the Planning Board as part of the special permit review process.

142 Tomei opened the public hearing. Goetzmann explained that they are in front of the
143 Planning Board for the PDA commercial component special permit approval. Goetzmann added
144 that some construction documents related to the special permit request were provided to the
145 Village Code and Zoning Department. Goetzmann handed the floor over to Bold.

146 Bold explained that he had submitted updated landscaping plan that reflects previous
147 conversations with the Planning Board. These revisions include the screening of the west buffer
148 at the truck turn around with cross sections showing the sight line differences. Bold explained
149 that since the last meeting the emergency access has been eliminated to make room for more
150 plantings. The first part of the emergency access road will still be used by utility companies for
151 maintenance. Bold noted that there will be a stockade fence at the guard rail to increase the
152 visual screening. Bold stated that the idea was to try to create an equivalent visual barrier in the
153 area of the buffer that is less than 75 feet. Bold requested the Planning Board to look at this
154 particular area of the buffer since the buffer is less than 75 feet and determine if the screening is
155 the same visually as the rest of the buffer which is 75 feet or more. It was explained that the
156 Planning Board has the right to allow a buffer to be installed if it is less than the designated
157 width if the buffer provides the same amount of visual screening. Schleelein asked where the
158 closest houses are located. Bold noted that the closest house is on Oakcrest Rd. next to the fire
159 station. Bold noted that there have been no changes to the wetland buffer. Bold stated that he had
160 submitted updated lighting plans, and that he received comments back from the Village of
161 Lansing Lighting Commission. Bold noted that he received a document from Moseley that
162 included site lighting guidelines for the Commercial Low Traffic District dated 2001. Bold
163 explained that there might be some confusion between the Lighting Commission and Bold. Bold
164 recommended that he and the Lighting Commission have a meeting. Bold requested more time
165 from the Planning Board to work with the tenant and the Village Lighting Commission. Bold
166 explained that they are willing to look at the back ring road of the retail center and the lights that
167 are towards the north, but there are some industry standards that need to be met for public safety.
168 Dankert asked if the lighting standards that Bold spoke of could be available to the Lighting
169 Commission. Bold stated that he would supply the standards from the Illuminating Engineering
170 Society. Leopold noted that they also need more information. Dubow stated that one of the
171 requirements of the 18 conditions that may be rolled into any special permit approval conditions
172 is the Lighting Commissions approval of the site lighting.

173 Moseley asked if Bold was going to submit the elevation drawings. Bold replied that he
174 brought copies for everyone on the Planning Board. Bold explained that they tried to embellish
175 the building façade by installing additional columns. Goetzmann explained that BJ's Wholesale
176 Club would be the tenant, and that they are used to larger buildings and have down scaled the
177 building to accommodate the Village. Hickey asked if the Heating Ventilation and Air
178 Conditioning (HVAC) units would be visible from the ground or Triphammer Road. Bold

179 explained that the HVAC units should not be visible from the ground, but since Triphammer
180 Road is substantially higher in elevation people will possibly be able to see the HVAC units from
181 there. Hickey asked if people would be able to see the HVAC units from Oakcrest Road. Bold
182 replied that would not be possible, also the trees and buffer area will screen most of the building,
183 if not all, over time. Leopold asked if the loading dock faced west. Bold agreed that the loading
184 dock faced towards the west. Tomei asked if Bold could increase the visual appeal to the area
185 over the "Tire Sales and Service" area. Bold explained that the Tire Sales and Service area could
186 reflect the canopy area near the entrance. Bold noted that the colors will be reflective of the
187 elevation drawings.

188 Hickey asked where the signs are located and what they look like. Bold explained that all
189 the signs are red and light up at night, and pointed out the main sign pointing towards the east
190 and the two small signs pointing towards the north and south. After a brief review and
191 discussion, the Planning Board indicated that it would like the north sign to be eliminated
192 because it points towards the residential neighborhood, and because after the buffer grows it will
193 not serve any purpose.

194 Bold went on to review the wetland/bird habitat north buffer area and plantings. Bold
195 handed out a section from their nationwide permit application to the Army Corps of Engineers
196 for the wetland mitigation associated with the project to Planning Board members to look over.
197 Bold pointed out the landscape plan plantings are additional plantings to what Bold has discussed
198 with the Planning Board in previous meetings. Bold noted that the plantings that are on the
199 building site plans are not on the plan that was just handed out, and both plans combined work
200 together and act as the buffer. Hickey stated that the buffer area is to be maintained in perpetuity.
201 Bold added that the Army Corp of Engineers holds the same requirement. Schleelein asked if
202 the plantings would remain the same if the residential housing was to be built in accordance with
203 either of the plans that have been previously discussed. Bold noted that there are very few ways
204 that the senior housing could be built, and that both plans of the senior housing would not change
205 the planting in any way. Hickey asked if the senior housing plans were just providing a general
206 plan as to where the residential housing could be built. Bold agreed. Bold noted that there are
207 some wetland plantings that are not associated with the commercial component and which are
208 located along Oakcrest Road. Hickey asked if the Army Corps of Engineers has approved the
209 plan that was submitted. Bold explained that he has received correspondence from the Army
210 Corps of Engineers saying that they are issuing a nationwide permit for the project. Hickey asked
211 if that would be supplied to the Village. Bold noted that they would submit a copy to the Village
212 Code and Zoning Department. Dubow stated that any such Army Corps permit approval will be
213 included with the conditions for the building permit.

214 Brent asked what the timing was for the construction of the commercial building and the
215 construction of the wetlands. Bold noted that the enhancement of the wetlands will take place
216 concurrently with the construction of the commercial building. Bold added that all the plantings
217 will be obtained from RPM Ecosystems in Dryden New York.

218 Hickey asked what the phasing will be with the commercial building and the wetland.
219 Bold explained that first earth moving and site prep would occur, then after the Army Corps of
220 Engineers permit was issued they would focus on some of the wetland relocation. Cross asked
221 about the finalization of the storm water retention area. Bold explained that there is a high
222 pressure natural gas main that runs through the middle of the proposed retention pond and needs
223 to be relocated. Bold noted that they are going to schedule the work with New York State
224 Electric and Gas (NYSEG). Cross suggested that if that is a problem a possible solution could be

225 a partial storm water management area that could be expanded at a later time. Bold stated that
226 their engineers, O'Brien and Gere, have suggested a temporary sediment pond. Bold explained
227 that all the construction water runoff would typically work through the storm water management
228 system before exiting the property. Bold noted that he will work with Cross to have a solution
229 and present him with the needed documentation. Bold added that they have received comments
230 from the Department of Environmental Conservation (DEC) on their storm water prevention
231 protection.

232 Julie Baker asked how the wetland plantings would be replaced and maintained. Bold
233 noted that the Army Corps of Engineers have a stringent guideline for new wetland plantings,
234 and there is an environmental engineer who will then need to perform a study of the wetland
235 plantings each year. This report includes things like the number of plantings and a review of the
236 overall healthiness of the wetland. Hickey added that the wetland acts as a buffer and needs to be
237 maintained in perpetuity if plants die. Dubow added that a written agreement for maintaining the
238 buffer, being one of the original 18 conditions of the Lansing Meadows PDA, will be a condition
239 that will be rolled into any special permit approval. Bold stated that the Army Corps of
240 Engineers and the Village of Lansing both will add performance criteria to be incorporated into
241 agreements providing for the maintenance of that portion of the property. Dubow noted that there
242 might also be additional and supplemental conditions imposed by the Planning Board due to
243 buffer requirements and maintenance. Durst asked if there would be protection for the trees from
244 the deer. Bold stated that a product called Eco-Bark will be used as a trunk protector extending
245 up 4 feet. The trees and shrubs will have a 4 foot by 4 foot weed barrier installed, and will
246 biodegrade in 5 years. After 5 years the canopy of the shrubs and trees will deter weeds from
247 growing.

248 Tomei asked if there were any more questions, and with no more comments from the
249 public Hickey moved to close the public hearing; seconded by Schleelein. Ayes by Tomei,
250 Hickey, Dankert, Schleelein, and Durst.

251 Cross explained that he observed that the driving lanes are 30 feet wide, which are nice
252 for public safety. Bold noted that all the travel lanes are required to be 30 feet wide by the tenant.
253 Bold stated that the inner ring road next to the building, the back access road, and the main travel
254 lanes will be striped per Cross' request. Cross noted that the document for the storm water
255 management plan has been submitted to him and he is working through it. Cross expressed
256 concern with the location of the emergency spill way. Bold explained that he could not find a
257 regulatory requirement that limited the ability to discharge the weir in the present location, but if
258 it is a problem for the Planning Board they could engineer an alternate spill way. Cross asked
259 Dubow if he had a problem with the spill way location, which is creating a new flow area on the
260 neighboring property if a 100 year flood was to occur. Dubow explained that the conditions of
261 any special permit approval will include Cross signing off on the storm water management plan
262 and that process can address the water discharge issue. Dubow stated that he and Cross could
263 discuss the legality of the location pending on his final review. Bold noted that they would
264 comply with any legal implications that they are unaware of, but need to be informed
265 accordingly. Bold stated that the ponds on the property are designed for a 100 year flood. Cross
266 explained that the weir could become clogged and could create a much larger problem as well.
267 Bold stated that they could perform a study on where the over flow water will end up, in the
268 chance that a flood was to occur. Cross agreed that one of the two options would work. The two
269 options are to perform a study of where the water will eventually end up or pipe the over flow to
270 a different location.

271 Cross noted that the sanitary sewer is available on the western edge of the site. Cross
272 noted that there is a dead end water line, and would like to see some type of blow off or a water
273 hydrant. Cross noted that Cayuga Heights sent a letter stating that there is sufficient sewer
274 capacity. Bold added that they have a letter from Bolton Point as well as to water capacity, and
275 explained that there is some difficulty obtaining a letter from NYSEG and he is still working on
276 it. Cross stated that he did not see a dumpster location. Bold explained that they are located on
277 the opposite side of the truck dock bays, which is part of the facility.

278 Dubow again noted that the Planning Board has a copy of the full EAF, which was
279 approved by the Board of Trustees on June 29th, 2010, to compare to the answers on the newly
280 submitted full EAF. Dubow also noted that Triax has submitted a letter documenting all the
281 changes and the reasons for the changes.

282 Hickey noted in part 1, page3, question #7 was not answered (Is the project substantially
283 contiguous to a site listed on the Register of the National Natural Landmarks?). Goetzmann
284 agreed that it should be answered “No”. Bold noted that there was an archeological study
285 performed on both parcels of land, and a letter from the Office of Cultural Heritage was sent to
286 Triax a copy of which was provided to the Village, stating that there was no further action
287 needed. Hickey noted that in part 1, page 6, question #10 was not filled in (number of jobs
288 eliminated by this project). Goetzmann agreed that it should be “0”. Hickey noted that in part 1,
289 page #8, question # 25 there was a blank answer (Federal Agencies). Goetzmann agreed that it
290 should be checked “Yes”. Durst asked about the difference in numbers associated with question
291 #2 on page 3 (Federal Wetlands) and page 5 question #20 part c (project acreage to remain
292 undeveloped). Bold noted that these questions are two different topics, and there are about .8
293 acres in the wetland that will not be disturbed. The Board also reviewed Part 2 and the proposed
294 answers provided in the new EAF for the special permit approval, compared them to the EAF
295 approved by the Board of Trustees on June 29th, 2010, made changes and additions as necessary,
296 and confirmed that the Part 2 responses were then accurate and complete.

297 COPIES OF PARTS 1 AND 2 OF THE EAF WILL BE ATTACHED TO THESE
298 MINUTES*

299 Dubow noted that based on the Planning Board’s answers in the EAF Part 2, there is no
300 need for any mitigation requirements for Part 3. Dubow stated that if the Board would like to
301 progress towards making a positive or negative impact declaration, he has prepared a proposed
302 resolution with both options for the Board. Dubow also pointed out that the special permit
303 documents were submitted to the Tompkins County Planning Department for further review as a
304 follow-up to the Department’s prior review as part of the PDA authorization, though it was not
305 required by General Municipal Law Sections 239-1 and-m. It was noted that the Tompkins
306 County Planning Department suggested that there be pedestrian connections incorporated in the
307 residential component. Dubow noted that the pedestrian connections have been previously
308 discussed and will be included in the conditions to be attached to any special permit approval.

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310 The following proposed SEQR resolution was moved by Hickey and seconded by Durst:

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312 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR**
313 **REVIEW OF SPECIAL PERMIT NO. 2485 ADOPTED ON JULY 27, 2010**

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316 **WHEREAS:**

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- A. This matter involves consideration of the following proposed action: Special Permit # 2485, Arrowhead Ventures, LLC/Triax Management Group, to develop Areas A & C of the Lansing Meadows Planned Development Area and to include (i) an approximately 85,000 square foot stand-alone retail center adjacent to the Shops at Ithaca Mall and (ii) an enhanced wetlands adapted to provide a bird habitat and buffer between Area A and the residential seniors housing proposed for Area B of the Lansing Meadows Planned Development Area, Tax Parcel Nos. 47.1-1-17.2 & 47.1-1-17; and

- B. In conjunction with and prior to (i) its grant of conditional and final authorization of the Lansing Meadows Planned Development Area (PDA) (formerly the Triax Planned Development Area) providing for the rezoning of approximately 11.1 acres of land previously in the Commercial Low Traffic District (Tax Parcel Nos. 47.1-1-17.2 & 47.1-1-17.6) between Oakcrest Road and the Shops at Ithaca Mall in accordance with subsection C of Section 145-33 of Article IV of Chapter 145 of the Village of Lansing Code and Appendix A-2 of said Chapter 145, to include an approximately 82,000SF retail center, residential buildings providing an anticipated total of 12 senior housing units, and enhanced wetlands adapted to provide a bird habitat and buffer area, and (ii) its adoption of Local Law 4 (2010) amending the Village Zoning Law and Zoning Map to incorporate the authorized Lansing Meadows PDA and thereby reclassifying such area from its previous Commercial Low Traffic District (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing Meadows PDA designation, the Village of Lansing Board of Trustees undertook the required environmental review with respect to the proposed PDA and proposed local law; and

- C. On June 29, 2010, at a joint meeting of the Village of Lansing Board of Trustees and Village of Lansing Planning Board, and with the Planning Board’s participation, the Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review of the proposed Lansing Meadows PDA and proposed local law related thereto in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) completed its thorough review of the Full Environmental Assessment Form (the “Full EAF”), Part 1, and any and all other documents prepared and submitted with respect to the proposed Lansing Meadows PDA and proposed local law related thereto and their environmental review [including traffic study materials and information provided by the Village’s traffic consultant; additional comments, suggestions, conditions and recommendations, if any, provided by the Village of Lansing Planning Board; comments and recommendations, if any, provided by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and –m; and comments from the public]; (ii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed PDA and proposed local law may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR

362 Section 617.7(c); (iii) completed the Full EAF, Part 2 (and, if applicable, Part 3); and
363 (iv) made a negative determination of environmental significance (“Negative
364 Declaration”) in accordance with SEQR for the proposed PDA and proposed local
365 law and determined that an Environmental Impact Statement would not be required;
366 and

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368 D. On June 29, 2010, following its having made its Negative Declaration as indicated
369 above for the proposed PDA and proposed local law, the Village of Lansing Board of
370 Trustees (i) granted its final authorization of the final Lansing Meadows PDA
371 development plan and (ii) adopted Local Law 4 (2010) amending the Village Zoning
372 Law and Zoning Map to incorporate the authorized Lansing Meadows PDA and
373 thereby reclassifying such area from its previous Commercial Low Traffic District
374 (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing
375 Meadows PDA designation; and

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377 E. The proposed action provided for herein involves commercial and related
378 development (i) consistent with and authorized by the final Lansing Meadows PDA
379 development plan and (ii) permitted with special permit, general and additional
380 conditions, in accordance with section 145-42.1 (entitled “Lansing Meadows PDA”)
381 of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code [such section 145-
382 42.1 having been added to said Chapter 145 of the Village of Lansing Code by Local
383 Law 4 (2010)]; and

384
385 F. On July 12, 2010, an informal presentation of the proposed special permit action
386 provided for herein was made by the applicant to the Village of Lansing Planning
387 Board at which time (i) the special permit project was described, (ii) preliminary
388 plans and related documents were provided, (iii) environmental, engineering and
389 design issues were discussed, and (iv) required additional information and materials
390 were identified, after which it was agreed that the applicant would submit his formal
391 Special Permit application materials and a public hearing would be scheduled and
392 held; and

393
394 G. The proposed action provided for herein is an Unlisted Action in accordance with
395 SEQR for which the Village of Lansing Planning Board is an involved agency for the
396 purposes of environmental review; and

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398 H. On July 27, 2010, the Village of Lansing Planning Board, in performing the lead
399 agency function for its independent and uncoordinated environmental review in
400 accordance with Article 8 of the New York State Environmental Conservation Law -
401 the State Environmental Quality Review Act (“SEQR”), (i) pursued and completed its
402 thorough review of the Full Environmental Assessment Form (the “Full EAF”), Part
403 1, and any and all other documents prepared, submitted and available with respect to
404 this proposed action and its environmental review [including the Full EAF reviewed
405 and acted upon by the Village Board of Trustees and the Negative Declaration made
406 by the Village Board of Trustees as to the authorization of the Lansing Meadows
407 PDA and the adoption of Local Law 4 (2010)]; comments and recommendations, if

408 any, provided by the Tompkins County Department of Planning in accordance with
409 General Municipal Law Sections 239-l and -m; and comments from the public]; (ii)
410 thoroughly analyzed the potential relevant areas of environmental concern to
411 determine if the proposed action may have a significant adverse impact on the
412 environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iii)
413 completed the Full EAF, Part 2 (and, if applicable, Part 3);
414

415 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
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- 418 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Full
419 EAF, Part 1, and any and all other documents prepared and submitted with respect to
420 this proposed action and its environmental review, (ii) its thorough review of the
421 potential relevant areas of environmental concern to determine if the proposed action
422 may have a significant adverse impact on the environment, including the criteria
423 identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Full EAF, Part
424 2 (and, if applicable, Part 3), including the findings noted thereon (which findings are
425 incorporated herein as if set forth at length), hereby makes a negative determination
426 of environmental significance (“**NEGATIVE DECLARATION**”) in accordance
427 with SEQR for the above referenced proposed action, and determines that an
428 Environmental Impact Statement will not be required; and:
429
- 430 2. The Responsible Officer of the Village of Lansing Planning Board is hereby
431 authorized and directed to complete and sign as required the Full EAF Determination
432 of Significance confirming the foregoing **NEGATIVE DECLARATION**, which
433 fully completed and signed Full EAF shall be attached to and made a part of this
434 Resolution.

435 The vote on the foregoing motion was as follows:
436

437 AYES: Mario Tomei, Ned Hickey, Phil Dankert, Lisa Schleelein, Richard Durst
438

439 NAYS: None
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441 The motion was declared to be carried.
442

443 Dubow explained that the special permit will need to be reviewed based on the 10 general
444 conditions that every special permit is subject to, but the approval may also be subject to an
445 additional condition associated with the “mixed use” character of the PDA property. The 10
446 general required conditions are as follows:

- 447 1. It will not be detrimental to or endanger the public health, safety, or general welfare;
- 448 2. It will not be injurious to the use and enjoyment of other property in the vicinity or
449 neighborhood;

- 450 3. It will not impede the orderly development of the vicinity or neighborhood, and is
451 appropriate in appearance and in harmony with the existing or intended character of
452 the vicinity or neighborhood;
- 453 4. The street system and off-street parking facilities can handle the expected traffic in a
454 safe and efficient manner;
- 455 5. Natural surfacewater drainageways are not adversely affected;
- 456 6. Water and sewerage or waste disposal facilities are sufficient for the character of the
457 neighborhood;
- 458 7. The general environmental quality of the proposal, in terms site planning,
459 architectural design, and landscaping, is compatible with the character of the
460 neighborhood;
- 461 8. Lot area, access, parking, and loading facilities are sufficient for the proposed use;
- 462 9. The requested use of facility conforms in all other respects to the applicable
463 regulations of the District in which it is located; and
- 464 10. The applicant has shown that steps will be taken where necessary to meet all
465 performance standards and all other applicable general regulations.
466

467 After review of the required conditions by the Board, Hickey moved that the special
468 permit documentation that has been supplied to the Village of Lansing by Triax Group LLC for
469 special permit approval meets all of the required 10 general conditions. Seconded by Dankert.
470 Ayes by Tomei, Hickey, Dankert, Schleelein, and Durst.
471

472 Tomei then referred to the mixed use condition from chapter 145-60(F) of the
473 Village of Lansing Code, which reads:

474 **Mixed use.** Permitted upon a determination by the Planning Board that the
475 development of the parcel for both commercial and residential uses shall be
476 compatible with the character of the neighborhood or immediate area surrounding
477 the proposed development. The Planning Board's determination shall be based
478 upon review of the developer's submission of all information that the developer
479 determines shall be useful to the Planning Board's evaluation of the proposed
480 development, and that the Planning Board requests, which material shall include,
481 at a minimum, architectural elevations of the proposed structure(s), a site plan for
482 the proposed structure(s), architectural drawings defining the areas within the
483 proposed development to be designated for commercial and for residential use
484 and a written explanation of the character and purpose of the proposed
485 development.
486

487 Dubow noted that the elevation drawings were submitted this evening and inquired as to
488 whether the Board is satisfied with them. Dubow pointed out that the site plans had previously
489 been submitted. Hickey asked about the General Municipal Law Section 239 -l and -m review
490 that referenced the pedestrian walk ways. Dubow noted that the pedestrian walk ways will still
491 be a condition of the plan approval. Bold proposed that a pedestrian walk way would front the
492 residential component along Oakcrest Road and connect to the sidewalk in front of the Y.M.C.A.
493 Bold pointed out that the Y.M.C.A sidewalk connects to the Shops at Ithaca Mall sidewalk,
494 which would then continue past Target and end on the curbed island in front of the BJ's store.
495 Bold explained that they considered at the Board's request an additional connection at the north

496 east corner of the BJ's store. Bold noted that the connection is not feasible in this area because of
497 the amount of traffic and pedestrian safety. Tomei asked what kind of safety issues could be
498 associated with the walking area. Goetzmann explained that BJ's would not get too many
499 walkers associated with shopping there, because of the product that would be in the store. Tomei
500 noted that people might use the second connection to get to the mall instead of going to BJ's.
501 Bold agreed that people might, but from a safety stand perspective it would not be a good idea.
502 Bold noted that he would not want this to end up like the current path between the Shops at
503 Ithaca Mall and Shannon Park, "where it is like a no man's land" Bold said. Tomei stated that the
504 topic of a walking surface that is located more to the west is something that will come up by the
505 residents of the Village at a later point in time. Durst asked about the location in between the
506 Y.M.C.A property and the BJ's property for a side walk. Bold noted that the Y.M.C.A would
507 have to grant an easement and there would also be some difficult grade changes that would need
508 to be dealt with. Goetzmann added that the Y.M.C.A prefers the sidewalk connection in the front
509 along Butler Road. Schleelein asked if the sidewalk that connects to the Butler Road area would
510 be suitable for a handicapped individual. Bold stated that the sidewalk that would connect to the
511 Y.M.C.A along Butler Road would be a better location than the others for a handicapped
512 individual. Hickey moved that the Planning board has been satisfied with the documents
513 submitted in association with the additional condition for mixed use. Seconded by Durst. Ayes
514 by Tomei, Hickey, Dankert, Schleelein, and Durst.

515 Dubow suggested that the Board discuss the conditions associated with the special permit
516 process. Veaner asked what happens if the Board agrees to grant the special permit. Dubow
517 stated that it is an approval process, which would then have conditions associated with the
518 special permit. The special permit allows the Code Officer to issue the building and site work
519 permit after all the required reviews and conditions have been performed and satisfied. Veaner
520 asked if the building permit allows the developer to start moving earth and building. Dubow
521 agreed with Veaner's statement and noted that the building permit review by the Village Zoning
522 and Code Enforcement Officer is independent of the Planning Board.

523 Dubow noted that if the Board would like to proceed with the special permit process, and
524 if the Board was to approve the special permit, then the Board should think about which of the
525 18 original PDA authority conditions should be incorporated. Tomei read through the 18
526 conditions and pointed out the conditions that he believed have not been met at this point in time.
527 The 18 conditions are as follows:

- 528 1. Confirmation from funding source(s) in a form approved by the Village Board of Trustees and
529 Village Attorney, ensuring that financing is committed for the construction of the senior housing
530 units and associated infrastructure.
- 531 2. Phasing plan indicating approximate start and completion dates for each of the proposed four
532 phases and any dependencies for each phase, together with financial and/or other security in favor
533 of an acceptable (in form and substance) to the Village Board of Trustees and Village Attorney in
534 the event of default in completing all phases properly and timely.
- 535 3. Full planting list for the wetland/bird habitat and surrounding buffer, including grass list, and
536 indicating general locations of the plantings.
- 537 4. Letters from utility companies including NYSEG, Bolton Point, and the Village of Cayuga
538 Heights confirming that sufficient capacity exists to allow connection and that no publicly funded
539 improvements will be necessary to allow such connection.

- 540 5. Landscape plan and buffer location for the west side of the property where it abuts a Residential
541 Zoning District.
- 542 6. Lighting plan approved by the Village of Lansing Lighting Commission.
- 543 7. Exact delineation of the wetland/bird habitat and surrounding buffer which will serve as a screen
544 between the residential and commercial components.
- 545 8. Approval by the Village of Lansing Engineer of site work, storm water management and
546 infrastructure plans; in the case of storm water management facilities that are not dedicated to the
547 Village, a storm water management maintenance agreement will be required. Upon final
548 construction having been completed, four (4) sets of as-built/record drawings and plans are to be
549 prepared and submitted to the Village Engineer together with a certification by the developer's
550 engineer (s) confirming that all construction has been completed as required.
- 551 9. Approval by the Army Corps of Engineers of plans pertaining to the preservation, replacement
552 and enhancement of delineated wetlands.
- 553 10. Approval of the traffic study and pedestrian connections by Fischer Associates, the Village's
554 traffic consultants.
- 555 11. Approval by the Village of Lansing Superintendent of Public Works of design details related to
556 Village infrastructure including, but not limited to, proposed road connections to Oakcrest Road
557 and alterations to the existing mall emergency access road which includes a Village sewer
558 easement.
- 559 12. Satisfactory completion by the Village of Lansing Planning Board of (i) its review of the SEQR
560 LEAF and (ii) its recommendations to the Village Board of Trustees related thereto.
- 561 13. Plan showing the locations and design of pedestrian connections between the YMCA, the senior
562 housing units and the retail center.
- 563 14. Document describing the exact criteria that residents of the senior housing units must meet, and
564 an agreement and other supporting documentation ensuring that the senior housing units will be
565 reserved for that use only.
- 566 15. Maintenance agreement to ensure that the wetland/bird habitat and surrounding buffer will be
567 maintained per the plan approved by the Village of Lansing and the Army Corps of Engineers,
568 including, but not limited to, replacement of plants, trash removal and deer protection.
- 569 16. District regulations (use and dimensional) consistent in format with those of other Zoning
570 Districts in the Village of Lansing, including, but not limited to, possible special permit approval
571 requirements.
- 572 17. Written approvals, as required, from all other federal, state and local governmental agencies
- 573 18. An easement approved by the Village attorney and filed at the County Clerk's Office, conveying
574 rights of access and egress across the property of the Shops at Ithaca Mall to a public street for
575 the commercial portion of the PDA known as Area A.

576
577 The Planning Board acknowledged that numbers 3, 5,7,10, and 12 have been met and will not need to
578 be incorporated in the conditions for the special permit, which will be reflective in any approval
579 resolution. Dubow noted that he is working with the developer and their attorney on number 18 of the
580 conditions.

581

582 The following proposed special permit approval resolution was moved by Dankert and seconded by
583 Durst:

584 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT**
585 **NO. 2485 ADOPTED ON JULY 27, 2010**
586
587

588 **WHEREAS:**
589

- 590 A. This matter involves consideration of the following proposed action: Special Permit #
591 2485, Arrowhead Ventures, LLC/Triax Management Group, to develop Areas A & C
592 of the Lansing Meadows Planned Development Area and to include (i) an
593 approximately 85,000 square foot stand-alone retail center adjacent to the Shops at
594 Ithaca Mall and (ii) an enhanced wetlands adapted to provide a bird habitat and buffer
595 between Area A and the residential seniors housing proposed for Area B of the
596 Lansing Meadows Planned Development Area, Tax Parcel Nos. 47.1-1-17.2 & 47.1-
597 1-17; and
598
- 599 B. In conjunction with and prior to (i) its grant of conditional and final authorization of
600 the Lansing Meadows Planned Development Area (PDA) (formerly the Triax Planned
601 Development Area) providing for the rezoning of approximately 11.1 acres of land
602 previously in the Commercial Low Traffic District (Tax Parcel Nos. 47.1-1-17.2 &
603 47.1-1-17.6) between Oakcrest Road and the Shops at Ithaca Mall in accordance with
604 subsection C of Section 145-33 of Article IV of Chapter 145 of the Village of
605 Lansing Code and Appendix A-2 of said Chapter 145, to include an approximately
606 82,000SF retail center, residential buildings providing an anticipated total of 12
607 senior housing units, and enhanced wetlands adapted to provide a bird habitat and
608 buffer area, and (ii) its adoption of Local Law 4 (2010) amending the Village Zoning
609 Law and Zoning Map to incorporate the authorized Lansing Meadows PDA and
610 thereby reclassifying such area from its previous Commercial Low Traffic District
611 (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing
612 Meadows PDA designation, the Village of Lansing Board of Trustees undertook the
613 required environmental review with respect to the proposed PDA and proposed local
614 law; and
615
- 616 C. On June 29, 2010, at a joint meeting of the Village of Lansing Board of Trustees and
617 Village of Lansing Planning Board, and with the Planning Board's participation, the
618 Board of Trustees, in performing the lead agency function for its independent and
619 uncoordinated environmental review of the proposed Lansing Meadows PDA and
620 proposed local law related thereto in accordance with Article 8 of the New York State
621 Environmental Conservation Law - the State Environmental Quality Review Act
622 ("SEQR"), (i) completed its thorough review of the Full Environmental Assessment
623 Form (the "Full EAF"), Part 1, and any and all other documents prepared and
624 submitted with respect to the proposed Lansing Meadows PDA and proposed local
625 law related thereto and their environmental review [including traffic study materials

626 and information provided by the Village’s traffic consultant; additional comments,
627 suggestions, conditions and recommendations, if any, provided by the Village of
628 Lansing Planning Board; comments and recommendations, if any, provided by the
629 Tompkins County Department of Planning in accordance with General Municipal
630 Law Sections 239-1 and –m; and comments from the public]; (ii) completed its
631 thorough analysis of the potential relevant areas of environmental concern to
632 determine if the proposed PDA and proposed local law may have a significant
633 adverse impact on the environment, including the criteria identified in 6 NYCRR
634 Section 617.7(c); (iii) completed the Full EAF, Part 2 (and, if applicable, Part 3); and
635 (iv) made a negative determination of environmental significance (“Negative
636 Declaration”) in accordance with SEQR for the proposed PDA and proposed local
637 law and determined that an Environmental Impact Statement would not be required;
638 and
639

640 D. On June 29, 2010, following its having made its Negative Declaration as indicated
641 above for the proposed PDA and proposed local law, the Village of Lansing Board of
642 Trustees (i) granted its final authorization of the final Lansing Meadows PDA
643 development plan and (ii) adopted Local Law 4 (2010) amending the Village Zoning
644 Law and Zoning Map to incorporate the authorized Lansing Meadows PDA and
645 thereby reclassifying such area from its previous Commercial Low Traffic District
646 (CLT) zoning designation on the Village of Lansing Zoning Map to the new Lansing
647 Meadows PDA designation; and
648

649 E. Local Law 4 (2010) and the Lansing Meadows PDA district regulations provided for
650 therein (i) designate specific permitted uses within delineated portions of the
651 proposed PDA and (ii) require special permits (meeting the applicable general and
652 additional conditions set forth in Sections 145-59 and 145-60 of Chapter 145 of the
653 Village of Lansing Code) to be approved by the Village of Lansing Planning Board
654 for the commercial and residential uses proposed for the PDA area; and
655

656 F. The proposed action provided for herein involves commercial and related
657 development (i) consistent with and authorized by the final Lansing Meadows PDA
658 development plan and (ii) permitted with special permit, general and additional
659 conditions, in accordance with section 145-42.1 (entitled “Lansing Meadows PDA”)
660 of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code [such section 145-
661 42.1 having been added to said Chapter 145 of the Village of Lansing Code by Local
662 Law 4 (2010)]; and
663

664 G. The Village of Lansing Board of Trustees, in conjunction with its authorization of the
665 Lansing Meadows PDA and the adoption of Local Law 4 (2010) on June 29, 2010
666 (with the district regulations provided for therein), determined that those conditions
667 and specifications set forth in the developer’s written statement of intent executed on
668 May 10, 2010 (pursuant to which the Planning Board made its PDA authorization
669 recommendation to the Village of Lansing Board of Trustees) which had not been
670 satisfied prior thereto, could effectively be incorporated into the special permit review

671 and approval process delegated to the Planning Board as provided for in Proposed
672 Local Law B (2010); and

673

674 H. On July 12, 2010, an informal presentation of the proposed special permit action
675 provided for herein was made by the applicant to the Village of Lansing Planning
676 Board at which time (i) the special permit project was described, (ii) preliminary
677 plans and related documents were provided, (iii) environmental, engineering and
678 design issues were discussed, and (iv) required additional information and materials
679 were identified, after which it was agreed that the applicant would submit his formal
680 Special Permit application materials and a public hearing would be scheduled and
681 held; and

682

683 I. On July 27, 2010, the Village of Lansing Planning Board held a public hearing
684 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i)
685 the materials and information presented by and on behalf of the applicant in support
686 of this proposed action, including information and materials related to the
687 environmental issues, if any, which the Board deemed necessary or appropriate for its
688 review, (ii) all other information and materials rightfully before the Board [including
689 comments and recommendations, if any, provided by the Tompkins County
690 Department of Planning in accordance with General Municipal Law Sections 239-1
691 and -m, and comments from the public], and (iii) all issues raised during the public
692 hearing and/or otherwise raised in the course of the Board's deliberations; and

693

694 J. On July 27, 2010, the Village of Lansing Planning Board determined that the
695 proposed action is an Unlisted Action for which the Board is an involved agency, and
696 in performing the lead agency function for its independent and uncoordinated
697 environmental review in accordance with Article 8 of the New York State
698 Environmental Conservation Law - the State Environmental Quality Review Act
699 ("SEQR"), the Board (i) thoroughly reviewed the Full Environmental Assessment
700 Form (the "Full EAF"), Part 1, and any and all other documents prepared and
701 submitted with respect to this proposed action and its environmental review, (ii)
702 thoroughly analyzed the potential relevant areas of environmental concern to
703 determine if the proposed action may have a significant adverse impact on the
704 environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii)
705 completed the Full EAF, Part 2 and, if applicable, Part 3); and (iv) made a negative
706 determination of environmental significance ("Negative Declaration") in accordance
707 with SEQR for the above referenced proposed action and determined that an
708 Environmental Impact Statement would not be required; and

709

710 K. On July 27, 2010, in accordance with Section 7-725-b of the Village Law of the State
711 of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of
712 Lansing Code, the Village of Lansing Planning Board, in the course of its further
713 deliberations, reviewed and took into consideration (i) the general conditions required
714 for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable
715 conditions required for certain special permit uses (Village of Lansing Code Section

716 145-60), and (iii) any applicable conditions required for uses within a Combining
717 District (Village of Lansing Code Section 145-61);
718

719 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**
720

721
722 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and
723 requirements, if any, set forth below) that the proposed action meets (i) all general
724 conditions required for all special permits (Village of Lansing Code Section 145-
725 59E), (ii) any applicable conditions required for certain special permit uses (Village
726 of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses
727 within a Combining District (Village of Lansing Code Section 145-61); and
728

729 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit
730 No. 2485 is **GRANTED AND APPROVED**, subject to the following conditions and
731 requirements:
732

733 1. Satisfaction of Conditions Nos. 1, 2, 4, 6, 8, 9, 11, 13, 14, 15, 17 and 18 of the
734 Lansing Meadows Planned Development Area (formerly the Triax Planned
735 Development Area) developer's statement of intent executed on May 10, 2010
736 (a copy of which is attached hereto, incorporated herein and made a part of
737 this resolution), and the supplemental Condition No. 18 added thereto.
738

739 2. Building permit for construction of the retail center and related improvements
740 authorized by the approval of this Special Permit No. 2485 shall not be issued
741 until such time as a completed application for a special permit is received and
742 accepted by the Village Zoning and Code Enforcement Officer for the senior
743 housing/residential use to be provided in Area B of the authorized Lansing
744 Meadows PDA development plan and as permitted under section 145-42.1 of
745 the Village Code/Zoning Law.
746

747 3. The façade of the "BJ's TIRE SALES & SERVICE" area of the proposed
748 BJ's structure will reflect, in the same nature, the façade of the canopy
749 attached to the entrance, which will include a white background with red
750 diamonds and red accent on both the top and directly above the doors. At the
751 top under the overhang there will be an accent piece similar to the look of
752 crown molding.
753

754 4. The north side of the proposed BJ's structure will not have any type of
755 signage, nor will any type of signage be allowed to be placed in a way that
756 would directly face Oakcrest Road.

757 The vote on the foregoing motion was as follows:

758

759 AYES: Mario Tomei, Phil Dankert, Richard Durst, Lisa Schleelein, Ned Hickey.

760

761 NAYS: None

762

763 The motion was declared to be carried.

764 Goetzmann introduced Peter Hopley and Nelson Cabrawl who are from BJ's Wholesale
765 Club. Hopley noted that they are excited to be building in the Village of Lansing and thanked the
766 Planning Board for all their time and effort.

767 **Reports**

768

Board of Trustees- no report

769

770 **Other Business**

771

772 Tomei explained that Dubow had a question for the Bolton Point Subdivision in reference to the
773 relocation of the easement for the sewer line that runs through Lot 11. Dubow noted that the original
774 location for the reserved sewer line easement running through the property is now starting to create
775 problems in the development. Cross explained that the placement of the sewer line runs parallel to the
776 contour. Cross stated that he would like to be able review the proposed placement of the sewer line.
777 Dubow noted that the Planning Board could determine that the relocation of the easement on Lot 11
778 would be a minor amendment change to the subdivision, which the Board then confirmed subject to the
approval of the Village of Lansing Engineer.

779 **Adjournment**

780

781 Schleelein moved to adjourn at 10:15. Seconded by Hickey.; Ayes by Tomei, Durst, Schleelein,
Dankert, and Hickey.