

**Village of Lansing
Planning Board Meeting
June 13, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:32 P.M. by Chairman
2 Mario Tomei. Present at the meeting were Planning Board Members Phil Dankert, Maria Stycos, Richard
3 Durst and Lisa Schleelein; Alternate Board Member Jonathan Kanter; Trustee Lynn Leopold; Code
4 Enforcement Officer Marty Moseley; Village Attorney David Dubow; Russ Maines from Harris Beach
5 Law Firm; Residents Phil and Yasamine Miller, Lowell Garner, Nora Shang, Carol Klepack, Nick
6 Vaczek, and Sooniee and Paul Kim; Chris Dirr from the NRP Group; John Spence from Better Housing
7 of Tompkins County; Liz Frisbie and Andrew Rosen from the Solomon Organization; and Community
8 Party Observer Juan M Arroyo.

9 **Public Comment Period**

10 Tomei opened the public comment period; with no one wishing to speak, Durst moved to close
11 the public comment period. Seconded by Stycos; Ayes: Tomei, Durst, Dankert, Stycos and Schleelein.

12

13 **Lansing Reserve PDA**

14 Tomei noted that any public comments pertaining to the matter can be addressed at the end of the
15 Board's discussion. Tomei stated that the traffic study should be reviewed by Fisher Associates, who the
16 Village usually contracts with to review traffic studies. Tomei noted that there are some items that the
17 Village will need answers to before they continue with the PDA (Planned Development Area) process.
18 Tomei indicated that a document is needed explaining the status of the project relevant to the funding
19 from NYSHCR (New York State Homes and Community Renewal), and this should also include an
20 explanation of any of the alternate sources of funding for the project. Dubow added that timing of funding
21 should also be included with the explanations, as well and any other information that may be helpful.
22 Tomei stated that ingress and egress to and from the proposed project site is an issue with the
23 development and the existing road infrastructure. Tomei asked what other options the NRP Group had in
24 order to achieve two separate ingress and egress components to their development if the public access is
25 not permitted by the Northwood Apartments owners. Tomei requested the developers' response in writing
26 as well. Dirr indicated that he has not pursued the Northwood Apartment complex owners so as to allow
27 the Village to try to obtain dedication to the Village of the now private Northwood roadway. Dirr added
28 that he was willing to have discussions with the owners of the Northwood apartment complex if it was a
29 priority for him to move forward with the proposed PDA. Dirr added that they do have a potential for two
30 access points onto Dart Drive, which would include an easement on the adjacent property and a direct
31 access point from the property to Dart Drive. Dankert asked if the proposed walkway, which connects to
32 Dart Dr. in the proposed PDA, would be replaced by a road. Dirr indicated that he was open to ideas, and
33 explained various options in hopes of getting feedback from the Village. Tomei noted that a road
34 connecting to Dart Drive is probably not the first choice for the Village. Dubow indicated that a matrix
35 might be in order to show multiple potential vehicular connections for the development that would satisfy
36 Village requirements. Dubow asked for documentation on the easement rights over the adjacent property
37 to the east to confirm the width and other particulars of the possible easement across that parcel. Tomei

38 asked about the possibility of making a connection to Warren Road through the parcel of land to the east
39 of the proposed project. Dirr noted that the individuals who own the parcel in question do not have a time
40 table on which they would need to make the connection to Warren Road, and they are currently busy with
41 other projects. Dirr added that he was not sure what the response would be to another access onto Warren
42 Road, but would believe that it would possibly be a negative response. Tomei noted that, ideally, all three
43 of the parcels, which would include where the proposed PDA is to be developed and the parcels of land
44 that are to the east and west, would be integrated together to develop storm water management, open
45 space, parks, etc.. Dirr noted that the storm water management criteria have recently changed and are
46 favoring smaller dispersions of storm water management facilities.

47 Dankert noted that the westernmost Dart parcel has not been sold yet, and it will be interesting to
48 see what kind of development would be proposed for that parcel due to it being smaller and a more
49 challenging piece to build on. Dirr noted that he could provide a stub road for the west parcel to access,
50 but would not anticipate it being connected to or used in the future. Spence asked about contacting the
51 Solomon Organization to discuss the Northwood Apartment complex entrance and options for their
52 proposed PDA to access Warren Road through the Northwood complex. Dubow indicated that he has
53 been in contact with the Solomon Organization and is currently working with them to set up a meeting to
54 discuss obtaining the Northwood entrance/exit to turn into a public road. Dubow added that if the
55 Solomon Organization showed no interest in turning over their entrance/exit, then the Village would
56 encourage the developer to discuss other options with them. Dubow noted that the Village has been trying
57 to obtain the Northwood entrance/exit for many years and has been willing to spend a significant amount
58 of money to turn that into a public road. Tomei noted that Kanter had worked through the preliminary
59 review of the information provided in Part 1 of the Full EAF (Environmental Assessment Form). Dubow
60 explained that it is not the current purpose to work through the Full EAF in a substantive basis, but rather
61 to go through and identify additional information and materials that are needed or updated information
62 and materials that are now available. Kanter prepared a list explaining what additional information and
63 materials are needed or any information or materials that need to be corrected or modified in Part 1 of the
64 Full EAF. Tomei asked Dirr if the supplemental information and materials that are being requested could
65 be supplied to the Planning Board by the next meeting on June 28th. Tomei added that there would be a
66 joint meet between the Trustees and the Planning Board sometime in the month of July to possibly
67 discuss the project and the information that was requested.

68 Garner asked if the other two parcels of land that are situated to the east and west will be looked
69 at in an environmental study. Garner indicated that he was concerned if this proposed project was the only
70 piece of land that would be looked at by the environmental study, and not taking into consideration the
71 impact that they would have on the neighboring pieces of land. Tomei noted that the Village Engineer
72 would be looking over the information which will be submitted pertaining to this topic. Garner asked if
73 anyone knew if there were wetlands in the area on any of the parcels of land in that vicinity. Dirr
74 indicated that he did not know. Kanter noted that the Army Corps of Engineers may not look at the impact
75 on the neighboring properties, but is specific to what is allowed to be disturbed on the parcel that is in
76 question. Kanter added that as a SEQRA (State Environmental Quality Review Act) issue, the Village
77 could require additional information pertaining to what kind of impact the developed land would have on
78 the neighboring parcels and their possible wetlands. Dirr noted that it would be the Storm Water
79 Management Plan that would dictate what the impact would be on the neighboring parcels of land. Garner

80 indicated that his concern is fragmentation of the review criteria and would hope that the Storm Water
81 Management engineers would take possible wetlands into consideration with their designs.

82 Mrs. Miller asked if the onus was ultimately on the developer to provide adequate ingress and
83 egress or would the Village assist in that process. Tomei indicated that the Village should not be solely
84 responsible for the location of the proposed development parcel and its access to public roads. Kanter
85 added that the problem is that the public road in the back, Coventry Walk, does not lead to another public
86 road without driving over private property. Tomei indicated that he agreed. Dubow noted that at this point
87 in time it is difficult to delineate the parties that may be involved in addressing the various access issues
88 and possible solutions. Dubow added that the Village has a vested interest in the long term land use
89 planning aspect of this project, which would include roads and their interconnectivity. Dubow indicated
90 that the PDA review process operates on the basis that there will be participation from all involved
91 parties. Dirr noted that the access issue was an existing situation that the Village is trying to find a remedy
92 for. Mrs. Miller, speaking on behalf of the Village residents, noted that they do not consider the access to
93 be a problem. Mrs. Miller added that they, Village residents, like the access at its current state. Mrs.
94 Miller stated that they consider the proposed development a problem, which she hopes the Village Board
95 will take into consideration. Dubow asked if Mrs. Miller was representing all of the Village residents.
96 Mrs. Miller indicated that she was not, but the Village Board cannot speak on behalf of the residents that
97 do not agree with the proposed PDA development. Mrs. Miller noted that she finds it difficult that the
98 Village Board would imply that “we the Village support this proposed project” when she and others, who
99 are Village residents, do not support this development. Dubow explained that the Village Trustees have
100 not stated that “we the Village support the proposed project”, but rather the Trustees agreed to move to
101 the next step in the PDA process to decide whether the proposed rezoning for the development should
102 continue. Klepack explained that the Village should keep in mind that the development is subject to
103 stream set back requirements, which may impact the number of units that would be allowed to be built on
104 the parcel. Dubow asked if the Board would want to submit a preliminary 239-1 and-m request to the
105 Tompkins County Planning Department. The Board agreed that a preliminary review would be in order.

106

107 **Temporary Commercial Activity (TCA) Discussion**

108 Tomei noted that Moseley has checked with neighboring municipalities’ local laws to see how a
109 TCA is handled outside of the Village, but did not find too much language. Tomei noted that he would
110 like to see some leniency in this particular section of the Village Code, but still retain reasonable control
111 of the TCA’s. Durst suggested that the maximum TCA size could be based on a certain percentage of the
112 available parking spaces that are not being used. Durst added that not all businesses could have the same
113 TCA’s due to constraints on the size. Dubow indicated that if a TCA were required to work through a
114 special permit approval process, that would then allow the Planning Board to control each TCA and apply
115 conditions specific to that TCA. Dubow added that a TCA decreases the amount of parking, but also
116 creates a new demand for parking due to the operation of the TCA. Stycos asked about what the intention
117 was for excluding regulation of outdoor sales of 120 square feet or less for the current stores in the
118 Village. Moseley indicated that, for example, if Kinney Drugs wanted to put out some lawn chairs for sale
119 this would not need a permit and would be already associated with their use. Kanter noted that all of the

120 TCA categories listed might not need special permit approval, but the temporary outdoor sales should
121 definitely work through a special permit approval. Schleelein asked what category Doug's Fish Fry would
122 fall under. Moseley indicated that they would be a stationary food vendor. Kanter asked if the TCA was
123 currently working well for a vendor like Doug's Fish Fry. Moseley noted that a couple of times Doug's
124 wanted to stay longer but could not due to the limits under the current Village Code provisions for TCA's.
125 Kanter noted that there could be an issue with barbeques, which would fall under the TCA section, mainly
126 because of the smoke. Moseley indicated that the performance guarantee section of the code does,
127 currently, deal with any issue arising because of odors and/or smoke traveling over to other parcels of
128 land in the Village. Dubow asked if a chicken barbeque would be allowed. Moseley indicated that it
129 would be difficult because the smoke could potentially create a problem. Dubow noted that some of the
130 language will need to be tweaked to more specifically describe the intended allowed uses. Stycos raised
131 concern for multiple TCA uses being allowed to operate at one business. Dubow asked if sidewalk sales
132 should be regulated.

133 Kanter indicated that 120 days for a temporary outdoor sale seems too long. Dubow pointed out
134 that the more laws and regulations that are created, the more "policing" needs to take place by the Code
135 and Zoning Officer. Garner asked if the Village only has an interest in the exterior TCA's. Garner asked if
136 the malls wanted to have multiple kiosks, would that be allowed. Moseley indicated that it would be, but
137 it would be subject to the New York State Building Code's regulations. Kanter noted that setback
138 requirements should apply to TCA's as well. Garner asked if the newly proposed TCA law would be
139 applicable for restaurants that would like to have outdoor seating, or for all businesses regardless of size.
140 Moseley indicated that the proposed law would not apply to the outdoor seating for restaurants. Dankert
141 added that these proposed laws would be applicable to all businesses in the Village. Kanter indicated that
142 trash also could become an issue with TCA's. Vaczek asked what the original request was regarding the
143 TCA section. Tomei explained that the Shops at Ithaca mall would like to have an opportunity to have
144 some extended outdoor sales for a maximum of 120 days.

145 It was generally concluded that this TCA issue is a work in progress and that further Board
146 discussion would be appropriate.

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148 **Reports**

149 *Trustees- Stycos reported on the June 6th Board of Trustees meeting; for an accurate report of the*
150 *Trustees meeting please see the minutes from that meeting.*

151

152 **Other Business**

153

154 **Adjournment**

155 Durst moved to adjourn at 9:30P.M. Seconded by Dankert; Ayes by Tomei, Durst, Dankert,
156 Schleelein and Stycos.

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