

**Village of Lansing
Planning Board Meeting
September 12, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30P.M. by Chairman
2 Mario Tomei.

3 Present at the meeting were Planning Board Members Maria Stycos, Richard Durst, Phil Dankert. and
4 Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley; Village Attorney David
5 Dubow; Community Party Observer: Julie Baker; Dan Veaner from the Lansing Star; and Arrowhead
6 Ventures representatives Eric Goetzmann and Jim Bold.

7 Tomei appointed Kanter as an acting member for the meeting due to the absence of Planning Board
8 member Lisa Schleelein.

9 **Public Comment Period**

10 Tomei opened the public comment period. No public comment having been offered, Durst moved to close
11 the public comment period. Seconded by Dankert; Ayes: Tomei, Dankert, Stycos, Durst, and Kanter.
12

13 **Lansing Meadows Planned Development Area (PDA) Continued Discussion:**

14 Dubow noted that this presentation is an informal presentation prior to the formal public hearing
15 to be subsequently held in conjunction with the formal special permit review. Also, an application for a
16 special permit in reference to the fueling facility has been submitted.

17 Veaner asked if the PDA change has been approved.

18 Dubow indicated that it has not, and the intention is that both the amendment and the special
19 permit will be acted upon in tandem at a future joint meeting of the Board of Trustees and the Planning
20 Board. However, if the PDA amendment is not approved by the Trustees then there would be no public
21 hearing for a special permit.

22 Dubow indicated that all Planning Board members have “Proposed Local Law G (2011) “, which includes
23 a number of changes to the original local law for the Lansing Meadows PDA authorization. One of the
24 changes to the original local law is allowing a “fuel station” and a “members-only fuel station” use.
25 Dubow added that the Trustees are aware of the proposal for the “members-only fuel station” use to be
26 added to the uses allowed with a special permit under the Lansing Meadows PDA district regulations. He
27 added that the Trustees are not opposed to allowing this change to the PDA, and it was suggested that this
28 proposal be presented to the Planning Board. Dubow noted that the typical procedure in the PDA
29 regulations, as long as both Boards embrace the amendment, allows for the Trustees to send the idea of an
30 amendment to the Planning Board at which time the Planning Board would send a recommendation back
31 to the Trustees who could then potentially direct that the Village amend the PDA regulations. Dubow
32 added that the Trustees must also determine if the change to the PDA would be a minor or major change,
33 which determination would then establish the procedure for potentially changing the PDA provisions.
34 Dubow noted that the Trustees have indicated that they would consider this particular proposed change to

35 be a minor change as reflected in their meeting minutes. Dubow added that if approved by both Boards,
36 the applicant would then need to work through the special permit procedures that would allow the
37 Planning Board to voice concerns or attach conditions on the special permit. Dubow noted that the
38 Village Engineer would also evaluate any plans submitted.

39 Dubow added that if the Planning Board made a positive recommendation to the Trustees
40 regarding the proposed local law to amend the PDA use provisions, the Trustees could then schedule a
41 public hearing. If inclined to do so, the regularly scheduled September 27th Planning Board Meeting could
42 be made a joint Planning Board and Board of Trustees meeting. In anticipation of all of the items stated
43 above, Goetzmann has submitted a special permit application for the proposed “members-only fuel
44 station.” Dubow noted that this scheduling scenario would involve the typical procedures of the two
45 Boards overlapping a bit, but all of the procedures would be followed by both Boards.

46 Durst asked what the significance was between the “fuel station” and the “members-only fuel
47 station” use.

48 Dubow indicated that Goetzmann has specifically asked for a fueling station but it would be only
49 available for the members of the BJ’s Wholesale Club verses a “fuel station” that would be for the general
50 public.

51 Durst asked if the general public should be allowed to access the BJ’s fuel station instead of
52 members only.

53 Dubow indicated that changing the uses at this point in time might delay the process, but if the
54 Boards determined that the BJ’s fuel station should be open to the public, that change could be made and
55 action on the matter might then need to be delayed.

56 Leopold indicated that traffic might be an issue if the BJ’s fuel station was open to the public.

57 Dubow noted that Proposed Local Law G (2011) addresses both the fuel stations and the residential
58 housing issue. Dubow explained that the purpose and intent of Proposed Local Law G (2011) is to (i) amend and
59 expand the uses permitted with Special Permit, general conditions, in Area A (the designated commercial area) of
60 the Lansing Meadows PDA so as to include the new use “Members-only fuel station;” (ii) amend and expand the
61 uses permitted with Special Permit, general and additional conditions, in Area B (the designated residential area) of
62 the Lansing Meadows PDA so as to include the new use “Planned Development Area clustered housing;” and (iii)
63 amend accordingly Section 145-3 [entitled “Terms defined”], Section 145-42.1 [entitled “Lansing Meadows PDA”],
64 Section 145-60 [entitled “Additional conditions for certain Special Permit uses”], and Section 145-82 [entitled
65 “Typical uses; category of use”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code

66

67 Goetzmann proposed to have both an electric and gas fueling station incorporated with the BJ’s
68 Wholesale Club. Goetzmann noted that this would be a members-only amenity. This would mean that a
69 person would need to be a member of BJ’s Wholesale Club in order to be able to buy the electric or gas to
70 re-fuel their vehicles. Goetzmann noted that the issues for the potential project are screening, light
71 pollution, and gas spills. Goetzmann indicated that the electric charging stations would be located at the

72 northern most end of the parking lot, and the gas pumps would be located directly east of the “Tire Sales
73 and Service” area. Goetzmann added that they would not be connected in any way. Goetzmann proposed
74 that a six-foot privacy fence be installed in front of the tree line on the northern side of the parking lot
75 stretching from the YMCA property line/corner to past the most western parking spaces. This would help
76 with both the screening and potential sound spillage from the fuel station. Goetzmann also proposed to
77 increase the tree plantings, stretching in the same fashion as the privacy fence, on the northern side of the
78 BJ’s parking lots and in the residential area. The residential increase in plantings would be along the
79 eastern stormwater detention pond and along the western property line thus increasing the buffer in-
80 between the residential component of the PDA and the Lansing Fire Station. Goetzmann indicated that the
81 parking lot for BJ’s has also been dug into the earth, which will also allow for some extra screening.

82 Leopold noted that deer will eat arborvitae trees, but most likely will not bother blue spruce trees.

83 Bold indicated that the arborvitae will be fenced in to protect against deer damage.

84 Goetzmann indicated that he was trying to set up a meeting with the Lighting Commission to
85 discuss the lighting plan. He added that the lights will be recessed in the canopy of the gas station portion
86 of the fuel station. Goetzmann indicated that the gas will be stored in underground double-walled tanks.

87 Durst asked if the wetland water could flow into the BJ’s parking lot since it is a lower elevation
88 than the wetland.

89 Bold indicated that the wetland is similar to a large swale where the water would flow to the
90 middle and then possibly flow out.

91 Stycos asked the height of the proposed new tree plantings in the buffer, and who would be
92 responsible for maintenance of the new plantings.

93 Bold indicated that the height would match the rest of the trees when they are installed, which he
94 believed to be approximately eight to ten feet in height at the time of installation. Bold added that since
95 the trees would be outside of the designated wetland area, they would be considered part of the buffer that
96 would be maintained in accordance with the original special permit provisions and agreements.

97 Veaner asked where the electric charging station would be located.

98 Goetzmann noted that they would like to propose two charging stations located directly across
99 from the northeast corner of the building with the possibility to expand in the future. Goetzmann showed
100 a video on how the charging stations worked.

101 Bold noted that there are a total of eight charging stations being added to the Carousel Mall in
102 Syracuse. Goetzmann noted the charging stations would be a phase III charging station, which would
103 allow a car to be charged to 80% in 30 minutes. Goetzmann pointed out that the new car models would
104 enable owners to drive from about an hour away, charge their cars, shop, and then drive back home.

105 Leopold asked what the cost would be to charge a vehicle.

106 Goetzmann was not sure and would need to investigate the rates of other competitors before
107 disclosing that information.

108 Dubow asked if Goetzmann's special permit application was for two charging stations or for
109 seven charging stations. Dubow suggested that if the intent is to have seven, it might make sense to apply
110 for all seven so they would not be required to apply for a special permit each time they wanted to add an
111 additional charging station. Dubow asked Moseley if there were enough parking spaces with the addition
112 of the fueling station.

113 Moseley indicated that BJ's would still have approximately 12 extra parking spaces with the 38
114 that have been removed for the proposed gas pumps, kiosk, and two electric charging stations.

115 Goetzmann indicated that the gas station canopy would stand about 17 feet tall to the top of the
116 structure to the ground.

117 Dubow asked the hours of operation for the fuel station

118 Goetzmann indicated that they would probably operate when the BJ's Wholesale Club is open.

119 Tomei asked if the charging stations would be accessible after hours, by way of credit card, to
120 charge their car.

121 Bold asked if the Village would limit the electric charging stations to members only.

122 The Planning Board was in agreement that this would be a members-only fuel station, so one
123 would need to be a member of BJ's in order to charge their electric vehicle. If that were to change, that
124 potentially could impact the traffic flow.

125 Durst asked if there would be approximately the same amount of space for vehicular movement,
126 around the fueling station as the Tops gas station.

127 Bold indicated that there would be more space than at the Tops gas station.

128 Kanter expressed concern with the arborvitae tree plantings. He suggested something more deer
129 resistant like a spruce.

130 Moseley asked if Goetzmann brought any proposed sign elevations for the fueling station.

131 Goetzmann noted that they are proposing two signs with one facing south and the other facing
132 west, which will be located on the canopy over the gas pumps. There was no specified square footage
133 with respect to the proposed signs.

134 Tomei asked if there would be any signage associated with the charging stations so individuals
135 know where to charge their vehicles.

136 Goetzmann noted that he had not thought of that, but one is needed. He will give some thought to
137 how best to install a sign in that area.

138 Tomei asked if the fuel station kiosk would be selling any items.

139 Bold indicated that could be a possibility.

140 Kanter asked to see the fencing details (illustrations) and proposed material for the deer damage
141 protection.

142 Bold indicated that they could provide all of the information that Kanter has requested.

143 Tomei explained where in the Village Code certain provisions in Proposed Local Law G would
144 be located. Tomei read sections of the proposed local law as follows:

145 PROPOSED LOCAL LAW G (2011)

146

147 AMENDMENT TO VILLAGE OF LANSING CODE – ZONING LAW – LANSING

148 MEADOWS PDA

149

150 Be it enacted by the Board of Trustees of the Village of Lansing as follows:

151

152 SECTION I. PURPOSE & INTENT.

153

154 It is the purpose and intent of this local law to (i) amend and expand the uses permitted with Special Permit, general
155 conditions, in Area A (the designated commercial area) of the Lansing Meadows PDA so as to include the new use
156 “Members only fuel station;” (ii) amend and expand the uses permitted with Special Permit, general and additional
157 conditions, in Area B (the designated residential area) of the Lansing Meadows PDA so as to include the new use
158 “Planned Development Area clustered housing;” and (iii) amend accordingly Section 145-3 [entitled “Terms
159 defined”], Section 145-42.1 [entitled “Lansing Meadows PDA”], Section 145-60 [entitled “Additional conditions for
160 certain Special Permit uses”], and Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145 [entitled
161 “Zoning”] of the Village of Lansing Code.

162

163 SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

164

165 A. Section 145-3 [entitled “Terms defined”] of the Village of Lansing Code is hereby amended so
166 as to add a new listed defined term as follows:

167

168 **Fuel station -- Fueling facilities for vehicles, including gasoline, diesel,**
169 **ethanol, methanol, liquid petroleum gas, compressed natural gas, electric**
170 **charging and similar fuel products.**

171
172 B. Subclause “(1)” [entitled “General conditions”] of Subsection “D” [entitled “Permitted with
173 Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145
174 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a new listed
175 use (permitted with Special Permit, general conditions) in Area A of the Lansing Meadows PDA,
176 such new use being identified as “(1)” and reading in its entirety as follows:

177
178 **(1) Members only fuel station.**

179
180 C. Subclause “(2)” [entitled “General and additional conditions”] of Subsection “D” [entitled
181 “Permitted with Special Permit”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of
182 Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add a
183 new listed use (permitted with Special Permit, general and additional conditions) in Area B of the
184 Lansing Meadows PDA, such new use identified as “(e)” and reading in its entirety as follows:

185
186 **(e) Planned Development Area clustered housing (see subsection O under § 145-60).**

187
188 D. Subsection “O” of § 145-60 [entitled “Additional conditions for certain Special Permit uses”]
189 shall be amended to reflect the addition of the “Planned Development Area clustered housing”
190 use in Area B of the Lansing Meadows PDA, such amended subsection to read in its entirety as
191 follows:

192
193 **O. One-unit residential building, two-unit residential building, multiunit**
194 **residential building and Planned Development Area clustered housing in**
195 **Lansing Meadows PDA Area B.**

196 **(1) Housing units in Lansing Meadows PDA Area B shall**
197 **meet Fair Housing Act definition of “housing for older**
198 **persons.”**

199

200 E. Subclause “(30)” of subsection “A” of Section 145-82 [entitled “Typical uses; category of use”]
201 of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to
202 delete the reference to “gas station” and to substitute therefor the revised term “**fuel station (see**
203 **definitions, § 145-3)**”

204
205 F. Subsection “A” of Section 145-82 [entitled “Typical uses; category of use”] of Chapter 145
206 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to add new and
207 additional subclauses “(42)” and “(43)”, reading respectively as follows:

208
209 (42) **Members Only Fuel Station. Fueling facilities for vehicles, including**
210 **gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed**
211 **natural gas, electric charging and similar fuel products, which facilities**
212 **are (i) associated with a specific shopping club (e.g., BJ’s Wholesale,**
213 **Sam’s Club, Costco, etc.); (ii) available only to the members of such**
214 **specific shopping club; and (iii) located on the same premises as the**
215 **building housing the specific shopping club.**

216
217 (43) **Planned Development Area clustered housing. Multiple residential**
218 **buildings for rental occupancy grouped on a single un-subdivided**
219 **parcel which is incorporated as part of an authorized Planned**
220 **Development Area and owned and controlled by a single entity; subject**
221 **to Special Permit additional condition set forth in subsection O of §**
222 **145-60; the density (including the number of buildings and residential**
223 **units), dimensions, setbacks and related requirements are to be**
224 **determined and established as part of required Special Permit review**
225 **and action; such density, dimensions, setbacks and related**
226 **requirements so authorized will supersede any inconsistent district**
227 **regulations and requirements otherwise applicable.**

228
229 Dubow noted that the local law, if adopted by the Trustees, is required to be filed with the NYS
230 Secretary of State which can take several days. Dubow added that a condition should be added to any
231 special permit that might be approved that the special permit is not effective until such time as the
232 Secretary of State has officially filed the local law.

233 Durst asked if the Village should limit the “members-only fuel station” use, or if they should just
234 allow a “fuel station” use for the BJ’s Wholesale Club.

235 Goetzmann indicated that they chose to only allow members to access the fuel station because
236 BJ’s is a members-only club.

237 Kanter indicated that with the club being “members only”, if the fuel station was allowed to be
238 accessed by the general public that might confuse customers as to whether a person does or does not need
239 to be a member for either the club or the fuel station. Kanter asked if there is a precedent for
240 municipalities to establish laws providing for member-only uses, and if so, have those provisions been
241 allowed.

242 Dubow indicated that he was unaware of any restrictions that would prohibit a municipality from
243 adopting a “members only” use as part of a PDA zoning authorization when such use is proposed by the
244 PDA developer. Dubow indicated that he could look further into the matter if the Village determined that
245 such further review is necessary. Dubow also indicated that he had some doubt as to how a person might
246 successfully challenge a specifically permitted “members only” land use designation as proposed in this
247 current context. Dubow noted that there is always a risk when adopting or changing zoning regulations
248 that the new regulations could be challenged, and he therefore could not assure the Village that the
249 adoption of this (or any other) local land use legislation would not be contested by a proper party.

250 The Planning Board came to the conclusion that they believe that the Village would be able to
251 apply the “members only” restricted use in the Lansing Meadows PDA because the use will, if adopted,
252 be specifically and only used within the PDA district regulations.

253 Tomei noted that if BJ’s Wholesale Club were to change its operation such that membership is
254 no longer required, they would then not be able to operate the “members-only fuel station”.

255 Tomei asked for a motion to recommend Proposed Local Law G (2011) to the Board of Trustees.
256 Moved by Dankert. Seconded by Durst; Ayes: Tomei, Dankert, Stycos, Durst and Kanter.

257 Based upon the assumption that Proposed Local Law G (2011) will be acted upon by the Board of
258 Trustees, after its required public hearing, at the anticipated joint meeting of the Planning Board and
259 Board of Trustees on September 27th, Tomei asked for a motion to schedule a public hearing for the
260 Planning Board for the purpose of considering the special permit application for a “members-only fuel
261 station” use in the Lansing Meadows PDA at that same September 27th joint meeting, which special
262 permit public hearing would be held only if Proposed Local Law G (2011) is adopted. Moved by Kanter.
263 Seconded by Stycos; Ayes: Tomei, Dankert, Stycos, Durst, and Kanter.

264

265 **Approval of Minutes**

266 *None*

267

268 **Reports**

269 *Trustees- Please refer to the minutes of the Trustees September 5th meeting for a full report.*

270

271 **Other Business**

272 *None*

273

274 **Adjournment**

275 Kanter moved to adjourn at 8:55PM. Seconded by Dankert: Ayes: Tomei, Dankert, Stycos, Durst,
276 and Kanter.