

**Village of Lansing  
Planning Board Meeting  
November 27, 2012**

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

3 Present at the meeting were Planning Board Members Richard Durst, Phil Dankert, and Maria  
4 Stycos; Alternate Member Jon Kanter; Code Enforcement Officer Marty Moseley; Village Attorney  
5 David Dubow; Marcy and Greg from the Flower Tent Sale; Eric Goetzmann from Arrowhead Ventures;  
6 and Community Observer Carla Marceau.

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

9

10 **Public Comment Period**

11 Tomei opened the public comment period.

12 With no one wishing to speak from the public, Durst moved to close the public comment period.  
13 Seconded by Stycos; Ayes: Tomei, Stycos, Kanter, Dankert, and Durst.

14

15 **Continued Discussion for the Requested Change to Existing Special Permits:** Special Permit #2485  
16 & # 2594 (BJ's Whole Sale and BJ's Gas Station respectively) proposed to alter landscaping for buffering  
17 requirements

18

19 Tomei noted that Goetzmann has handed out a new revised landscaping map and Moseley has  
20 provided the Board with the Special Permit amendment conditions as set at the November 14, 2012  
21 meeting.

22

23 Goetzmann indicated that he contacted Cayuga Landscape to discuss the type of grasses that he  
24 could plant on the west side of the property. Goetzmann noted that Cayuga Landscape suggested two  
25 types of Miscanthus Sinensis, which would grow between 3 and 5 feet and 4 and 7 feet tall.

26

27 Tomei asked if the grasses would need to be cut down every year.

28

29 Goetzmann noted that the grasses would not need to be cut down every year, and in fact it would  
30 allow the grass to appear fuller for the buffering if the grass is not cut down every year.

31

32 Stycos suggested that Goetzmann cut down the grass in the spring to allow for the new growth.

33

34 Dankert stated that there are mixed reviews on if the grasses should be cut down in the spring or  
35 in the fall.

36

37 Tomei noted that the plan showed approximately 37 independent plants, 5 foot on center, to make  
38 up the buffer on the west side of the BJ's building.

39

40 Stycos asked if there should be a taller grass as discussed at an earlier meeting.

41  
42 Goetzmann indicated that the grasses would be mixed with two species and would grow to a  
43 height of 3 to 6 feet and 4 to 7 feet tall.

44  
45 Tomei noted that he remembered the conversation about the taller grasses, but he did not  
46 remember requiring taller grasses than what is being proposed.

47  
48 Tomei read the conditions as provided in the November 14, 2012 Planning Board minutes.

49  
50 Kanter asked if there were any additional changes to the plans.

51  
52 Goetzmann indicated that the proposed grasses, on the west side of the property, are the only  
53 changes from what was submitted at the last Planning Board meeting.

54  
55 Having now seen the revised map, Dankert moved to reaffirm the 5 conditions as set at the  
56 November 14, 2012 Planning Board meeting. Seconded by Kanter; Ayes by Tomei, Stycos, Durst,  
57 Kanter, and Dankert.

58  
59

60 **Public Hearing to Consider:**

61 Tomei opened the public hearing for:

62  
63 Special Permit #2705 The Shops at Ithaca Mall, to operate a Temporary Outdoor Flower Sale, at  
64 40 Catherwood Road in the Commercial High Traffic District, Tax Parcel Number 47.1-1-22.  
65 Because the operation of the Temporary Outdoor Sale would occur within the Commercial High  
66 Traffic District, Special Permit review is required pursuant to Section 145-58(c) of the Village of  
67 Lansing Code.

68  
69 Durst asked when the event would take place.

70  
71 Marcy indicated that the sale would start in May of 2013 and would probably be operated between  
72 6 and 8 weeks. Marcy noted that typically by Father's Day weekend the sale is over.

73  
74 Dankert asked how this sale would differ from sales by Cayuga Landscape or Michaleen's.

75  
76 Marcy noted that the quality of the sale flowers is very good and the varieties of flowers are very  
77 unique. Marcy added that the prices are very competitive.

78  
79 Goetzmann indicated that this flower sale would provide for an additional shopping experience  
80 for the mall and would also allow the shopper to have one more additional item that they could shop for  
81 on the mall property.

82  
83 Stycos asked who the grower is.

84  
85 Marcy noted that 3 T's Nursery, in Pennsylvania and New Jersey, supply the flowers.

86  
87 Dankert asked if they would be selling mulch or fertilizer as well.

88

89 Marcy indicated that they would only be selling the flowers.

90

91 Tomei asked about water and electric supply for the tent area.

92

93 Marcy indicated that they would not need an electric supply, but would need a water supply that  
94 would be provided by the Shops at Ithaca Mall.

95

96 Tomei asked if there would be any waste water runoff.

97

98 Marcy indicated that they do not like to over water their plants, which would not allow for any  
99 runoff.

100

101 Tomei asked about the size of the tent.

102

103 Marcy noted that the tent is 30 feet wide by 60 feet long with some additional plants outside of  
104 the tent on display.

105

106 Tomei asked if there would be any additional lighting.

107

108 Marcy noted that there would be no additional lighting.

109

110 Tomei asked about the hours of operation for the sale.

111

112 Marcy noted that the hours of operation would be from 9AM-7PM.

113

114 Goetzmann asked that the hours of operation match the mall's hours of operation.

115

116 Kanter asked how many signs would be proposed for the sale.

117

118 Goetzmann noted that there would be 3 signs.

119

120 Durst asked if there would be other times during the year when the flower sale would occur.

121

122 Marcy indicated that they would only hold the sale in the spring.

123

124 Kanter asked how many parking spaces would be removed from the existing parking lot when the  
125 tent would be in place.

126

127 Goetzmann indicate that approximately 10-14 parking spaces would be temporarily removed, but  
128 the sale was placed where there is not a lot of demand for parking on a typical day.

129

130 Moseley asked what the sizes of the proposed signs were.

131

132 Goetzmann noted that they were 42 inches wide by 48 inches tall.

133

134 Dubow asked if there are any additional permits that would be required from any other agencies.

135

136 Goetzmann noted that he was not aware of any additional permits that are required.

137

138 With no one else wishing to speak, Stycos moved to close the public hearing. Seconded by Durst;  
139 Ayes by Tomei, Stycos, Durst, Kanter, and Dankert.

140  
141

142 Tomei indicated that the Village has received a response from the Tompkins County Planning  
143 Department for the required 239 –l and –m review which noted that there would not be any significant  
144 intercommunity or countywide impacts due to this particular project.

145

146 Tomei read what was filled in by the applicant on Part I of the SEQR Short Environmental  
147 Assessment Form (EAF). There were no revisions or additions required.

148 Part II of the Short EAF was answered as follows by the Planning Board: A: no; B: no; C1 –C7:  
149 no; D: no; and E: no.

150

151 Tomei read the following SEQRA resolution with the attached conditions, if any, from the Board

152

153

154 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF**  
155 **SPECIAL PERMIT NO. 2705 ADOPTED ON NOVEMBER 27, 2012**

156

157 *Motion made by:* \_\_\_\_\_ Jon Kanter

158

159 *Motion seconded by:* \_\_\_\_\_ Phil Dankert

160

161 **WHEREAS:**

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163

164 A. *This matter involves consideration of the following proposed action: Special Permit*  
165 *#2705, The Shops at Ithaca Mall, to operate a Temporary Outdoor Sale, at 40*  
166 *Catherwood Road in the Commercial High Traffic District, Tax Parcel Number 47.1-*  
167 *1-22. Because the operation of the Temporary Outdoor Sale would occur within the*  
168 *Commercial High Traffic District, Special Permit review is required pursuant to*  
169 *Section 145-58(c) of the Village of Lansing Code; and*

170

171 B. *The proposed action provided for herein is an Unlisted Action in accordance with*  
172 *SEQR for which the Village of Lansing Planning Board is an involved agency for the*  
173 *purposes of environmental review; and*

174

175 C. *On November 27, 2012, the Village of Lansing Planning Board, in performing the*  
176 *lead agency function for its independent and uncoordinated environmental review in*  
177 *accordance with Article 8 of the New York State Environmental Conservation Law -*  
178 *the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the*  
179 *Short Environmental Assessment Form (the “Short EAF”), Part I, and any and all*  
180 *other documents prepared and submitted with respect to this proposed action and its*  
181 *environmental review, (ii) thoroughly analyzed the potential relevant areas of*

182 *environmental concern to determine if the proposed action may have a significant*  
183 *adverse impact on the environment, including the criteria identified in 6 NYCRR*  
184 *Section 617.7(c), and (iii) completed the Short EAF, Part II;*  
185

186 ***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***  
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188

- 189 1. *The Village of Lansing Planning Board, based upon (i) its thorough review of the*  
190 *Short EAF, Part I, and any and all other documents prepared and submitted with*  
191 *respect to this proposed action and its environmental review, (ii) its thorough review*  
192 *of the potential relevant areas of environmental concern to determine if the proposed*  
193 *action may have a significant adverse impact on the environment, including the*  
194 *criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short*  
195 *EAF, Part II, including the findings noted thereon (which findings are incorporated*  
196 *herein as if set forth at length), hereby makes a negative determination of*  
197 *environmental significance (“**NEGATIVE DECLARATION**”) in accordance with*  
198 *SEQR for the above referenced proposed action, and determines that an*  
199 *Environmental Impact Statement will not be required; and*  
200
- 201 2. *The Responsible Officer of the Village of Lansing Planning Board is hereby*  
202 *authorized and directed to complete and sign as required the Short EAF, Part III,*  
203 *confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and*  
204 *signed Short EAF shall be attached to and made a part of this Resolution.*  
205  
206  
207  
208  
209

210 *The vote on the foregoing motion was as follows:*  
211

212 *AYES: Mario Tomei, Phil Dankert, Maria Stycos, Richard Durst, and Jon Kanter.*  
213

214 *NAYS: None*  
215

216 Tomei read the required special permit general conditions as follows:

217 (1) *It will not be detrimental to or endanger the public health, safety or general welfare.*

218 (2) *It will not be injurious to the use and enjoyment of other property in the vicinity or*  
219 *neighborhood.*

220 (3) *It will not impede the orderly development of the vicinity or neighborhood and is*  
221 *appropriate in appearance and in harmony with the existing or intended character of the*  
222 *vicinity or neighborhood.*

223 (4) *The street system and off-street parking facilities can handle the expected traffic in a*  
224 *safe and efficient manner.*

225 (5) *Natural surface water drainageways are not adversely affected.*

226 (6) *Water and sewerage or waste disposal facilities are adequate.*

227 (7) *The general environmental quality of the proposal, in terms of site planning,*  
228 *architectural design and landscaping, is compatible with the character of the*  
229 *neighborhood.*

230 (8) *Lot area, access, parking and loading facilities are sufficient for the proposed use.*

231 (9) *The requested use or facility conforms in all other respects to the applicable*  
232 *regulations of the district in which it is located.*

233 (10) *The applicant has shown that steps will be taken where necessary to meet all*  
234 *performance standards and all other applicable general regulations.*

235 Tomei asked for a motion that all general conditions have been met subject to any conditions that  
236 the Board may impose on the applicant as part of any approval granted. Moved by Durst, seconded by  
237 Stycos; Ayes by: Tomei, Stycos, Durst, Kanter, and Dankert.

238  
239 Moseley indicated that the proof of mailings have been provided to the Village.

240 The Board members discussed what conditions should be attached to any approval of the special  
241 permit and Tomei read the following proposed special permit resolution:

242  
243 ***VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT***  
244 ***NO. 2705 ADOPTED ON NOVEMBER 27, 2012***  
245

246  
247 *Motion made by:* \_\_\_\_\_ *Phil Dankert*

248  
249 *Motion seconded by:* \_\_\_\_\_ *Jon Kanter*

250  
251 ***WHEREAS:***

252  
253 A. *This matter involves consideration of the following proposed action: Special Permit*  
254 *#2705, The Shops at Ithaca Mall, to operate a Temporary Outdoor Sale, at 40*  
255 *Catherwood Road in the Commercial High Traffic District, Tax Parcel Number 47.1-*  
256 *1-22. Because the operation of the Temporary Outdoor Sale would occur within the*  
257 *Commercial High Traffic District, Special Permit review is required pursuant to*  
258 *Section 145-58(c) of the Village of Lansing Code; and.*  
259

- 260 B. On November 27, 2012, the Village of Lansing Planning Board determined that the  
261 proposed action is an Unlisted Action for which the Board is an involved agency, and  
262 in performing the lead agency function for its independent and uncoordinated  
263 environmental review in accordance with Article 8 of the New York State  
264 Environmental Conservation Law - the State Environmental Quality Review Act  
265 ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment  
266 Form (the "Short EAF"), Part I, and any and all other documents prepared and  
267 submitted with respect to this proposed action and its environmental review, (ii)  
268 thoroughly analyzed the potential relevant areas of environmental concern to  
269 determine if the proposed action may have a significant adverse impact on the  
270 environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii)  
271 completed the Short EAF, Part II; and (iv) made a negative determination of  
272 environmental significance ("Negative Declaration") in accordance with SEQR for  
273 the above referenced proposed action and determined that an Environmental Impact  
274 Statement would not be required, whereupon the special permit application was  
275 determined to be complete; and  
276
- 277 C. On November 27, 2012, the Village of Lansing Planning Board held a public hearing  
278 regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i)  
279 the materials and information presented by and on behalf of the applicant in support  
280 of this proposed action, including information and materials related to the  
281 environmental issues, if any, which the Board deemed necessary or appropriate for  
282 its review, (ii) all other information and materials rightfully before the Board  
283 (including, if applicable, comments and recommendations, if any, provided by the  
284 Tompkins County Department of Planning in accordance with General Municipal  
285 Law Sections 239-l and -m), and (iii) all issues raised during the public hearing  
286 and/or otherwise raised in the course of the Board's deliberations; and  
287
- 288 D. On November 27, 2012, in accordance with Section 725-b of the Village Law of the  
289 State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village  
290 of Lansing Code, the Village of Lansing Planning Board, in the course of its further  
291 deliberations, reviewed and took into consideration (i) the general conditions  
292 required for all special permits (Village of Lansing Code Section 145-59E), (ii) any  
293 applicable conditions required for certain special permit uses (Village of Lansing  
294 Code Section 145-60), (iii) any applicable conditions required for uses within a  
295 Combining District (Village of Lansing Code Section 145-61), and (iv) any  
296 environmental issues deemed necessary and/or appropriate;  
297

298 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**  
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300

- 301 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and  
302 requirements, if any, set forth below) that the proposed action meets (i) all general  
303 conditions required for all special permits (Village of Lansing Code Section 145-  
304 59E), (ii) any applicable conditions required for certain special permit uses (Village

305 of Lansing Code Section 145-60), and (iii) any applicable conditions required for  
306 uses within a Combining District (Village of Lansing Code Section 145-61); and  
307

308 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit  
309 No. 2705 is **GRANTED AND APPROVED**, subject to the following conditions and  
310 requirements:

- 311  
312
- 313 a. Hours of operation shall match the current hours of operation for the Shops at  
314 Ithaca Mall and shall not be extended for any reason.
  - 315 b. The permit is valid for operation between the dates of April 30, 2013 and June 29,  
316 2013.
  - 317 c. There shall be no additional lighting for the event.
- 318  
319  
320  
321

322 *The vote on the foregoing motion was as follows:*

323  
324 *AYES: Mario Tomei, Phil Dankert, Maria Stycos, Richard Durst, and Jon Kanter.*

325  
326 *NAYS: None*

327  
328 *The motion was declared to be carried.*

329  
330 **Reports**

331 *Dankert reported on the November Board of Trustees meetings and for a report of the meetings*  
332 *please see the Trustee minutes.*

333  
334

335 **Other Business:**

336 None

337 **Approval of Minutes**

338 None

339  
340

341 **Adjournment**

342 Durst moved to adjourn at 8:27 PM. Seconded by Stycos; Ayes: Tomei, Stycos, Durst, Kanter, and  
343 Dankert.