

Village of Lansing
Planning Board Meeting
November 11, 2013

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

Present at the meeting were Planning Board Members Maria Stycos, Phil Dankert, Jon Kanter; Alternate Member, Deborah Dawson; Code Enforcement Officer, Marty Moseley; Village Trustee, Liaison Lynn Leopold; Village Attorney, David Dubow; and Village Engineer, Brent Cross.

Absent: Lisa Schleelein

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

Public Comment Period

Tomei opened the public comment period. With no one wishing to speak, Dawson moved to close the public comment period. Seconded by Stycos; Ayes by Tomei, Dawson, Dankert, Kanter, and Stycos

Approval of Temporary Banner for Shops at Ithaca Mall

Tomei opened the public hearing for the following:

a 250' banner for The Shops at Ithaca Mall. This banner needs Board approval because it exceeds 50'. The temporary banner will hang on the south facing side of the building closest to Route 13 because there is no signage on that side. It will be framed and mounted on a board. If the banner is approved it will go up November 12 and will be taken down November 30, 2013.

Moseley explained that the Board has approved temporary signs of this size in the past. This sign falls within the total allowed square footage of the sign area of the mall.

Dankert moved to accept the temporary banner for the period November 12-November 30, 2013.

Seconded by Kanter; Ayes by Tomei, Dawson, Dankert, Kanter, and Stycos.

Public Hearing to Consider Special Permit #2808

Tomei opened the public hearing for the following:

Special Permit #2808, Dairy One Cooperative Inc., to construct approximate 17,600 square foot office/laboratory building at 730 Warren Road in the High Density Residential District, Tax Parcel Nos. 46.1-1-4.2, 46.1-1-3.6, and 46.1-1-3.7. Special Permit review is required pursuant to Section 145-41D(2)(d) of the Village of Lansing Code.

Dairy One is proposing a new one-story building to be constructed in the high density residential parcel that they currently own on Warren Road. It will be a separate building that expands their current facility. The parcel is in a bio-retention, storm-water flood area. The plans incorporate a zero-impact on wetlands. However, a white oak tree will have to be removed in the construction of the new building. Dairy One brought a full set of updated plans although there were no significant changes to the earlier plans. The neighbors impacted by this proposal have been notified by certified mail. The Dairy One plan provides for 33 parking spaces with 38 spaces that could be added in the future, providing a combined 80% of the statutory parking requirements.

A neighbor questioned the impact the new building would have on the ditch line that separates the two properties.

52 Village Engineer , Cross, read and commented on his report.

53 **VILLAGE OF LANSING**
54 **ENGINEER'S REPORT**
55

56 *DATE: November 11, 2013*

57 *TO: Planning Board*

58 *FROM : Brent Cross, Village Engineer*

59 *RE: Dairy One, Warren Road*

60 *I have reviewed the Site Plans prepared by Napierala Consulting Engineers, dated 10/1/13, for the above*
61 *referenced project. I have the following observations and comments:*

62 *The new building is proposed to be constructed on a site directly to the south of the existing*
63 *building/parking lot.*

64 *The lot is not currently cleared with various types of forestation.*

65 *The survey map indicates that there are a total of 4 tax parcels under the current ownership. It appears*
66 *that lots 46.1-7-4.3 (building/parking) and 46.1-7-3.7 (vacant) will remain without additional*
67 *construction, while all new construction will occur on lots 46.1-7-3.6 and 46.1-7-4.2.*

68 *Two wetlands are identified on the survey map and detailed in the report by Terrestrial Environmental*
69 *Specialists, dated 5/17/13. The proposed construction will not occur within either of the delineated*
70 *wetland areas. Therefore, no separate approval from the US Army Corp of Engineers is needed.*

71 *The primary entrance/exit from the property is to be aligned at the existing intersection of Warren Road*
72 *and Brown Road. There is an existing traffic light (owned by Tompkins County Highway Dept.) that will*
73 *need to be modified. This work will be coordinated with TC Highway Dept.*

74 *The vehicle circulation and parking lot layout provides for adequate aisle widths and ample turning radii.*
75 *There traffic flow is continuous around the building with two separate exit locations: one at the signaled*
76 *entrance, and another "exit only" at the south end of the lot.*

77 *Since the project will disturb more than one acre of soil, a full Stormwater Pollution Prevention Plan is*
78 *required. An draft engineer's report has been prepared to address the major aspects of the SWPPP,*
79 *which includes provisions for construction related and post construction related practices. In general, the*
80 *plan limits the soil disturbance to area between the two delineated wetlands, with a collection system for*
81 *run-off from impervious surfaces to be treated for quality in a bioretention basin and quantity to be*
82 *treated in a stormwater basin at the west side of the property. The outlet from the stormwater facilities*
83 *will discharge into an existing "interceptor ditch" between this lot and the adjacent apartment building*
84 *parking lot. Final details will need to be reviewed, but all necessary calculations have been provided.*

85 *I recommend the reduction of asphalt paving by installing a landscape island in the parking lot near the*
86 *loading dock. This will still allow for large delivery vehicles to use the proposed exit at the south end of*
87 *the lot.*

88 *Based on the above observations, I recommend that the this project be approved with condition(s) for*
89 *final SWPPP to be reviewed by the Village Engineer prior to commencement of work.*

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104 The Board discussed the Stormwater Pollution Prevention Plan submitted by Dairy One. Kanter stated
105 that a storm water management plan needs on-going maintenance. He asked if the developers are
106 responsible for maintenance, or if the Village is responsible to maintain it on a regular basis. Dubow
107 stated that the Village has previously handled in either of two ways – either the Village undertakes the
108 maintenance obligation by way of an easement granted to the Village or an extensive and comprehensive
109 agreement pursuant to which the developer will be required to maintain the facilities and provide periodic
110 inspections. It was decided that Dairy One should take responsibility for maintenance. Further discussion
111 centered around traffic, landscaping, lighting plans, and parking. Additional conditions were identified to
112 be included in the resolution.

113
114 The Planning Board worked through the Short Environmental Assessment Form (EAF). After discussion,
115 the Board filled in the appropriate areas prior to determining that the proposed action will not result in any
116 significant adverse environmental impacts.

117 Tomei indicated that the Village has received the required review of the proposal from the Tompkins
118 County Planning Department, as required by General Municipal Law 239 –l, -m, and –n. The Department
119 has reviewed the proposal as submitted and has determined that it has no negative inter-community or
120 county-wide impacts.

121
122 Jon Kanter moved the following SEQR resolution, seconded by Deborah Dawson:

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124 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR REVIEW OF SPECIAL*
125 *PERMIT NO. 2808 ADOPTED ON NOVEMBER 11, 2013*
126

127 *Motion made by:* _____ *Jon Kanter* _____

128
129 *Motion seconded by:* _____ *Deborah Dawson* _____
130

131 **WHEREAS:**

- 132
133 A. *This matter involves consideration of the following proposed action: Special Permit 2808, Dairy*
134 *One Cooperative Inc., to construct approximate 17,600 square foot office/laboratory building at*
135 *730 Warren Road in the High Density Residential District, Tax Parcel Nos. 46.1-1-4.2, 46.1-1-*
136 *3.6, & 46.1-1-3.7. Special Permit review is required pursuant to Section 145-41D(2)(d) of the*
137 *Village of Lansing Code; and*
138 B. *On November 11, 2013 the Village of Lansing Planning Board, in performing the lead agency*
139 *function for its independent and uncoordinated environmental review in accordance with Article*
140 *8 of the New York State Environmental Conservation Law - the State Environmental Quality*
141 *Review Act (“SEQR”), (i) determined that the proposed action provided for herein is an Unlisted*
142 *Action in accordance with SEQR; (ii) thoroughly reviewed the Short Environmental Assessment*
143 *Form (the “Short EAF”), Part I, and any and all other documents prepared and submitted with*
144 *respect to this proposed action and its environmental review [including any Visual*
145 *Environmental Assessment Form deemed required, and comments and recommendations, if any,*
146 *provided by the Tompkins County Department of Planning in accordance with General Municipal*
147 *Law Sections 239-l and –m]; (iii) completed its thorough analysis of the potential relevant areas*
148 *of environmental concern to determine if the proposed action may have a significant adverse*
149 *impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and*
150 *(iv) completed the Short EAF, Part II); and*
151

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

- 153 1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF,
154 Part I, and any and all other documents prepared and submitted with respect to this proposed action and
155 its environmental review [including any Visual Environmental Assessment Form deemed required, and
156 comments and recommendations, if any, provided by the Tompkins County Department of Planning in
157 accordance with General Municipal Law Sections 239-l and -m], (ii) its thorough review of the potential
158 relevant areas of environmental concern to determine if the proposed action may have a significant
159 adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and
160 (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are
161 incorporated herein as if set forth at length), hereby makes a negative determination of environmental
162 significance (“**NEGATIVE DECLARATION**”) in accordance with SEQOR for the above referenced
163 proposed action, and determines that an Environmental Impact Statement will not be required; and
164
165 2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and
166 directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE**
167 **DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of
168 this Resolution.

169
170 The vote on the foregoing motion was as follows:

171 AYES: Mario Tomei, Jon Kanter, Deborah Dawson, Maria Stycos, and Phil Dankert

172 NAYS: None

173 The motion was declared to be carried.

174

175 There being no further input from the public, Dankert moved to close the public hearing. Seconded by
176 Stycos. Ayes by Tomei, Dawson, Dankert, Kanter, and Stycos. Nays: None.

177

178 Moseley confirmed that he has received proof of mailings from the applicant as required by the Village
179 Code.

180

181 Tomei read the general conditions for special permits, section 145-59E. The Board evaluated the special
182 permit application against the required general conditions.

183

184 The Board determined that the general conditions have been met. Stycos moved that all general
185 conditions, in accordance with section 145-59E, have been met. Seconded by Dawson; Ayes by Tomei,
186 Dawson, Dankert, Kanter, and Stycos. Nays: None.

187

188 Tomei read the Resolution for Special Permit #2808.

189

190 Deborah Dawson moved the following special permit resolution, seconded by Phil Dankert:

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192 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT NO. 2808*
193 *ADOPTED ON NOVEMBER 11, 2013*

194

195 Motion made by: Deborah Dawson

196 Motion seconded by: Phil Dankert

197

198 **WHEREAS:**

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200 A. *This matter involves consideration of the following proposed action: Special Permit*
201 *2808, Dairy One Cooperative Inc., to construct approximate 17,600 square foot*
202 *office/laboratory building at 730 Warren Road in the High Density Residential District,*
203 *Tax Parcel Nos. 46.1-1-4.2, 46.1-1-3.6, & 46.1-1-3.7. Special Permit review is required*
204 *pursuant to Section 145-41D(2)(d) of the Village of Lansing Code; and*
205

206 B. *On October 29, 2013, the application materials for the proposed action were presented*
207 *by the applicant and its consultants for preliminary review by the Village of Lansing*
208 *Planning Board, at which time such materials were preliminarily evaluated, questions*
209 *were posed and responses offered, and public comments were permitted, after which the*
210 *Board determined that a public hearing thereon should be scheduled; and*
211

212 C. *On November 11, 2013, the Village of Lansing Planning Board opened a public hearing*
213 *for the initial purpose of (i) eliciting public comment on environmental issues regarding*
214 *this proposed action, and (ii) reviewing and evaluating the materials and information*
215 *presented by and on behalf of the applicant in support of this proposed action; and*
216

217 D. *On November 11, 2013, the Village of Lansing Planning Board, in performing the lead*
218 *agency function for its independent and uncoordinated environmental review in*
219 *accordance with Article 8 of the New York State Environmental Conservation Law - the*
220 *State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short*
221 *Environmental Assessment Form (the “Short EAF”), Part I, any and all other documents*
222 *prepared and submitted with respect to the proposed action and its environmental review*
223 *[including any Visual Environmental Assessment Form deemed required, comments and*
224 *recommendations, if any, provided by the Tompkins County Department of Planning in*
225 *accordance with General Municipal Law Sections 239-l and -m]; (ii) reviewed*
226 *environmental related comments from the public; (iii) completed its thorough analysis of*
227 *the potential relevant areas of environmental concern to determine if the proposed action*
228 *may have a significant adverse impact on the environment, including the criteria*
229 *identified in 6 NYCRR Section 617.7(c); (iv) completed the Short EAF, Part 2; and (v)*
230 *made a negative determination of environmental significance (“Negative Declaration”)*
231 *in accordance with SEQR for the proposed action and determined that an Environmental*
232 *Impact Statement would not be required; whereupon, having completed the SEQR review*
233 *and having made its SEQR determination, it was established that the special permit*
234 *application was complete; and*
235

236 E. *On November 11, 2013, the Village of Lansing Planning Board thereafter continued the*
237 *public hearing on the proposed action and further reviewed and analyzed (i) the*
238 *materials and information presented by and on behalf of the applicant in support of the*
239 *proposed action, including any additional information and materials related to*
240 *environmental issues, if any, which the Board deemed necessary or appropriate for its*
241 *review, (ii) all other information and materials rightfully before the Board [including*
242 *comments and recommendations, if any, provided by the Tompkins County Department of*
243 *Planning in accordance with General Municipal Law Sections 239-l and -m], (iii) all*
244 *issues raised during the public hearing and/or otherwise raised in the course of the*

245 *Board's deliberations, and (iv) possible modifications and/or conditions that might be*
246 *imposed in conjunction with any special permit approval to be granted, whereupon, the*
247 *public hearing was closed; and*
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249 *F. On November 11, 2013, in accordance with Section 7-725-b of the Village Law of the*
250 *State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of*
251 *Lansing Code, the Village of Lansing Planning Board, in the course of its further*
252 *deliberations, reviewed and took into consideration (i) the general conditions required*
253 *for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable*
254 *conditions required for certain special permit uses (Village of Lansing Code Section 145-*
255 *60, and (iii) any applicable conditions required for uses within a Combining District*
256 *(Village of Lansing Code Section 145-61);*
257

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

259 *1. The Village of Lansing Planning Board hereby finds (subject to the conditions and*
260 *requirements, if any, set forth below) that the proposed action meets (i) all general conditions*
261 *required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*
262 *applicable conditions required for certain special permit uses (Village of Lansing Code*
263 *Section 145-60), and (iii) any applicable conditions required for uses within a Combining*
264 *District (Village of Lansing Code Section 145-61); and*

265 *2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.*
266 *2808 is **GRANTED AND APPROVED**, subject to the following conditions and*
267 *requirements:*

268 *a. Soil and Erosion control measures shall be implemented and coordinated as*
269 *required, and approved by either the Village of Lansing Stormwater management*
270 *Officer and/or the Village of Lansing Engineer.*

271 *b. All Proof of mailings to be provided to the Village of Lansing Code Enforcement*
272 *Officer.*

273 *c. Maintenance agreement, approved by the Village Attorney, pertaining to the*
274 *stormwater facilities.*

275 *d. Written verification that (i) the proposed newly installed traffic signal for the*
276 *entrance/exit at the Warren Road and Brown Road intersection and (ii) the newly*
277 *installed curb cuts have both been approved by the Tompkins County Highway*
278 *Department.*

279 *e. Water consumption proposed for the occupancy of the new building shall be*
280 *provided to the Village of Cayuga Heights and the Village of Lansing for the*
281 *issuance of the required sewer permit prior to the issuance of the building permit.*

282 *f. All finalized documentation to be submitted for the stormwater protection*
283 *prevention plan shall be and approved by the Village of Lansing Engineer and/or*
284 *the Village of Lansing Stormwater Management Officer prior to the issuance of the*
285 *building permit.*

286 *g. A lighting plan shall be submitted to and approved by the Village of Lansing*
287 *Lighting Commission prior to the installation of any exterior light fixtures.*

288 *h. A revised landscaping plan, including any signage for the occupancy, shall be*
289 *submitted to and approved by the Planning Board prior to the issuance of the*
290 *Certificate of Compliance.*

- 291 i. *Verification shall be provided to the Code Enforcement Officer that the*
292 *consolidation of the existing tax parcels have been accomplished as required by the*
293 *Tompkins County Assessment Department prior to the issuance of the building*
294 *permit.*
- 295 j. *Based upon past experiences and conditions related to existing Dairy One parking*
296 *associated with the current building and the proposed parking needs anticipated in*
297 *conjunction with the new additional building, the applicant shall provide a minimum*
298 *of 33 parking spaces for the new building site, with the appropriate set aside*
299 *parking area for possible spaces, all in accordance with section 145-55 of the*
300 *Village of Lansing Code.*
- 301 k. *There shall be no disturbance of the Army Corps of Engineer delineated wetland.*
302

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

304
305 *AYES: Mario Tomei, Jon Kanter, Deborah Dawson, Maria Stycos, and Phil Dankert*

306 *Nays: None.*

307 *The motion was declared to be carried.*
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309 Continued Discussion on Proposed Shopping Cart Removal Law

310 The Board discussed specific wording changes for the proposed law allowing the Village to remove
311 shopping carts from public property. The Board agreed that the Village should have the authority to
312 remove shopping carts, which are private property, from public property.
313

314 It was further agreed that business owners are responsible to retrieve their carts within a one-to two-day
315 period. The business owner should also compensate the Village for time and expense incurred in the
316 initial retrieval of the carts.
317

318 Dubow clarified that the shopping carts might also be a revenue source for the Village. The penalty of
319 \$500 per cart would give the business owners incentive to participate in the retrieval of their carts. If
320 business owners choose not to retrieve their carts, the Village could take the carts to the metal scrap yard
321 for additional revenue.
322

323 Tomei concluded that a business survey will be used to inform all the area businesses about the possible
324 new regulations. The Board also agreed that this current draft of the proposal be submitted to the Village
325 Attorney, David Dubow, so that the language can be formalized. The Planning Board will then make a
326 recommendation on the proposal.
327

328 Approval of Minutes

329 None
330

331 Reports

332 Schleelein being absent, Tomei commented on the October 21, 2013 Trustee meeting he attended . There
333 was discussion of the survey results of Town and Village of Lansing residents, being conducted for the
334 Comprehensive Plan--700 residents total were surveyed, 300+ being from the Village. There will be a
335 joint meeting with the Trustees in the future to discuss the Comprehensive Plan process. The new Village
336 building is nearing completion for occupancy.
337

338 Other Business

339 Kanter mentioned the unhealthy looking grasses behind BJ's that are the buffer between the PDA and the
340 wetlands.

341
342 The November 26, 2013 Planning Board meeting is cancelled.

343
344 Adjournment

345 Dawson moved to adjourn at 9:51 PM, seconded by Stycos. Ayes by Tomei, Dankert, Dawson, Kanter,
346 and Stycos.

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