

Village of Lansing
Planning Board Meeting
April 11, 2016

The meeting of the Village of Lansing Planning Board was called to order at 7:04 PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, Deborah Dawson, John Gillott, and Lisa Schleelein; Code Enforcement Officer, Marty Moseley; Village Attorney, David Dubow; Frank Santelli, T. G. Miller; Carolyn and Jeremy Kilborn; Owen Speulstra, Bohler Engineering; Steve Williams, and Tom Colbert; and Carolyn Greenwald, Citizen Observer.

Absent: None

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 Gillott; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

Classification and Possible Consideration for Alteration to an Existing Special Permit:

Special Permit #2244 Cayuga Medical requested expansion of 14 parking spaces to the existing parking area for 16 Brentwood Drive.

Santelli presented the request letter and supporting documentation for expansion of the existing parking area at 16 Brentwood Drive to accommodate staff parking and thus free up parking closer to the facility for incoming patients. Discussion centered around impact on surrounding environment, increases to impervious surfaces and storm water runoff, required number of parking spaces, and any anticipated lighting changes.

Tomei reminded everyone that the Board must first determine whether the proposed amendment to the original special permit approval is classified as a minor or major amendment in accordance with the Village Code/Zoning Law Section 145-59F.

Based on the discussion, Dawson moved that the proposed change be classified as a minor change; Seconded by Baker; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

Tomei presented the following engineer's report from Brent Cross:

ENGINEER'S REPORT

DATE: April 11, 2016

TO: Village of Lansing Planning Board

FROM: Brent Cross, PE

RE: Cayuga Medical, 26 Brentwood Drive

I have reviewed the plans for the parking improvements proposed at the above referenced property, as required for an amendment to the existing Special Permit for this property. I have the following observations and comments:

52
53 *The layout of the new parking spaces (perpendicular to the driveway), should not create any negative*
54 *impact on the existing traffic flow.*
55

56 *The relatively small (but not insignificant) amount of new impervious area will generate a small*
57 *increment of surface run-off from the site. TG Miller has provided calculations to demonstrate that the*
58 *original stormwater facilities were constructed with “reserve” capacity, and therefore no modification is*
59 *necessary to accommodate the small increase in stormwater run-off. I assume that no formal NOI is*
60 *required to be sent to the NYSDEC.*
61

62 *A soil erosion and sedimentation control plan has been submitted to provide for protection of the site*
63 *during the construction phase.*
64

65 *There should be no impact to utilities on the site. An existing sanitary sewer manhole cover will need to*
66 *be re-installed to make the grades for the new pavement.*
67

68 *There will be no direct impact on garbage production or disposal facility.*
69

70 *No information was provided on lighting.*
71

72 *Based on the above observations, I recommend that the existing Special Permit be amended to allow the*
73 *proposed additional parking spaces.*
74

75 After review of the foregoing report and any other comments or input, Dawson moved to approve the
76 proposed Special Permit amendment; seconded by Gillott. Ayes by Tomei, Baker, Dawson, Gillott, and
77 Schleelein.
78

79 **Public Hearing to Consider:**

80 Tomei opened the public hearing to consider:

81 *Special Permit #3076, Carolyn Kilborn, to construct a two family house on Esty Drive in the Low*
82 *Density Residential District, Tax Parcel Number 43.1-1-4.3. Because the property includes land in*
83 *the Steep Slope Conservation Combining District and in the Unique Natural Area, Special Permit*
84 *review is required pursuant to Section 145-48 of the Village of Lansing Code.*
85

86 Carolyn Kilborn presented the special permit request and plans to build a two-family house and garage of
87 approximately 2,800 total square feet on Esty Drive for their retirement; construction to begin somewhere
88 between 4-8 years. The plan includes space for the Kilborns as well as an apartment for a future home
89 healthcare worker to allow the Kilborns to age in place. The Kilborns stressed their intent to construct an
90 environmentally friendly house and disturb the trees and site as little as possible. Brent Cross has
91 suggested that the septic system be placed on the south east property where it is fairly flat. Engineer Buhl
92 submitted a letter of opinion for the septic system design. The perk test was not available at the time of
93 the public hearing.
94

95 Code Officer, Moseley provided the report below to the Board with additional background information
96 and which answered many questions regarding the proposed project:
97

98 *To: Planning Board*

99 *From: Zoning Department*

100 *Subject: Tax Parcel 43.1-1-4.3 (Esty Dr.)*
101 *Date: March 25, 2016*

102
103 ***Appeal No. 2016-02:***

104 *Special Permit #3076, Carolyn Kilborn, to construct a two family house at on*
105 *Esty Drive in the Low Density Residential District, Tax Parcel Number 43.1-1-*
106 *4.3. Because the property includes land in the Steep Slope Conservation*
107 *Combining District and in the Unique Natural Area, Special Permit review is*
108 *required pursuant to Section 145-48 of the Village of Lansing Code.*

109
110 **Report:**

111 *The applicants are requesting to build a two-unit residential building on a 1.37-acre parcel of land off of*
112 *Esty Dr. The applicants indicate that the proposed aesthetics of the project will be consistent with the*
113 *existing buildings, which is also consistent with the existing neighborhood. The applicants are proposing*
114 *to install a private septic system on the east side of the property and to install a water/utility lines from*
115 *Esty Dr. to the proposed two family house.*

116 *The site plan shows a double row of silt fence to be installed on the east side of the property, which would*
117 *appear to minimize the possibility of soil erosion during construction activities. The two-unit house is*
118 *proposed to be built mostly on a pier system, which may have less impact on the site than if a typical*
119 *basement/crawlspace were to be installed due to less soil being exposed for the foundation installation.*
120 *The installation of the utility lines and septic system may require the removal of some existing trees and*
121 *vegetation, but the applicants have indicated that they would like to keep the impact of the construction to*
122 *a minimum. The existing driveway, which grants access to 26 Esty Dr., is proposed to be extended. Since*
123 *there is only an extension proposed for the driveway, the impact to the site is less than would be expected*
124 *if a new driveway were to be installed.*

125 *This request has prompted a Special Permit, in accordance with section 145-48 of the Village Zoning*
126 *Law, due to the proposed project being located in a Steep Slope Combining District and a Unique*
127 *Natural Area. There appears to be existing dilapidated structures on the lot in question, which the*
128 *proposed building would replace and also have an accessory building utilized for a garage. The*
129 *applicants indicate that the proposed size of the two-unit building is 2,800 square feet at most, which*
130 *could be the same size as a typical one-unit residential building. The applicant is proposing to have 4-5*
131 *parking spaces at most, which appears to be consistent with the Village Zoning and other residential lots*
132 *developed in the Village.*

133 **SEORA:** *SEORA Review is not required as this is a two family residential house and therefore is exempt.*
134 *The applicant has provided the SEORA short form as additional information for the environmental*
135 *impacts of the construction on the site. As far as environmental impacts for the project, the applicants*
136 *have proposed a pier type foundation, a double row of silt fence, and an attempt to keep the construction*
137 *activates to a minimum on the project. Please also refer to the repost above, as that also provides some*
138 *additional information related to the environmental impacts on the site. Brent Cross, the Village*
139 *Engineer, will also provide his analysis of this project to the Board. Even though SEORA is not required,*
140 *the Board is still obligated to analyze the proposed construction and the environmental impacts.*

141 **Tompkins County Planning Department GML 239 -l and -m GML 239 -l -m and -nn:** : The GML
142 239 -l -m and -nn responses have been submitted to the Town of Lansing and Tompkins County
143 Planning Department, but the responses have not been received as of April 8, 2016.

144 **Flood Plains:** The proposed project is not shown within any flood plains.

145 **Board of Zoning Appeals:**

146 A variance has been granted for this project from the Board of Zoning Appeals, which would allow for a
147 2800 square foot two family residence to be built, with accessory buildings, subject to conditions that the
148 two-unit building be owner occupied and that proof be shown that there is an easement for vehicular
149 connectivity to the lot in question.

150 Tomei indicated that the Village has received the required review of the proposal from the Tompkins
151 County Planning Department, as required by General Municipal Law 239 -l, -m, and -n. The Department
152 reviewed the proposal as submitted and determined that it may have negative inter-community or county-
153 wide impacts and recommended modification to the proposal regarding the septic system design and
154 approval. A supermajority vote by the Village Planning Board is required if the Board does not comply
155 with the recommended modification. The Town of Lansing did not respond to the 239.

156
157 Moseley indicated that he has received proof of mailings from the applicant as required by the Village
158 Code.

159
160 Tomei explained the emails and paperwork from Buhl. He then read the following Engineer's Report
161 with conditions from Brent Cross:

162
163 ***ENGINEER'S REPORT***

164
165 **DATE:** April 8, 2016

166
167 **TO:** Village of Lansing Planning Board

168
169 **FROM:** Brent Cross, PE

170
171 **RE:** Kilborn Residence, Esty Drive

172
173 *I have reviewed the plans for the proposed new two-family residence at the above referenced property, as*
174 *required for approval of a Special Permit for this property. I have the following observations and*
175 *comments:*

176
177 *The driveway access to the property is thru a right-of-way across a neighboring property that has*
178 *frontage on Esty Glen Drive.*

179
180 *The new home is to be sited at the western side of the lot closest to the lake.*

181
182 *The house will be built in/on the steeped gradients on the site.*

183
184 *A double row of silt fence is proposed to be located on the downslope side of the new construction. This*
185 *will likely be adequate to protect the run-off from carrying silt/sediments to the land/lake below.*

186
187 *A new water service will be installed from the public main in Esty Drive, thereby eliminating the need for*
188 *a private well.*

189
190 *Since there is no public sewer available at/near the site, an on-site wastewater treatment system (septic*
191 *system) will be needed. The preliminary layout shows the septic tank and the pump station being located*
192 *on the site at the house elevation. The effluent will then be pumped up to the high/east side of the lot. A*
193 *conventional leach field system is depicted on the drawing, but the Site Engineer has indicated an*
194 *intention to use a proprietary septic distribution device by Eljen. The reason for using a proprietary*
195 *designed system would be to reduce/minimize the footprint/impact of the system on the site. They have not*
196 *yet collected the information needed to make the final design of the system.*

197
198 *Based on the above observations, I recommend that the Special Permit be approved subject to the*
199 *following conditions:*

200
201 *-submittal of final septic system design to the Tompkins County Health Department, as well as the*
202 *Village, for review and approval.*

203
204 *-contractor to set-up pre-construction meeting at the site with the Village Engineer to verify details of*
205 *how to install stormwater management practices to best protect the downhill slope.*

206
207 Board members asked some general questions regarding the plan, including garage and driveway design,
208 and whether the Kilborns would be present during construction. There was also some discussion
209 regarding the septic system.

210
211 Because construction is not anticipated to begin for some time, Greenwald asked whether a special permit
212 is subject to expiration. Dubow explained that if a special permit is not completed within 3 years, the
213 applicant must return to the Planning Board for a review to ensure there have been no important changes
214 to the original request.

215
216 As Moseley's report indicated, although the Village Code does not require a formal SEQRA review, the
217 applicant submitted a Short EAF for Board review. The Board reviewed the EAF and noted that the
218 proposed plan will not result in any significant adverse environmental impacts.

219
220 Dawson moved to override the Tompkins County Planning Department recommendation for modification
221 to the proposed septic system design based on the additional documentation provided by the applicant;
222 Seconded by Schleelein. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein. The supermajority vote
223 requirement was met.

224
225 Tomei reviewed the rather extensive list of documentation received in regard to this special permit
226 request—application, SEQRA Short EAF, Code Officer's Report, Village Engineer's Report, site plan,
227 and applicant's engineer documents.

228
229 Tomei then read the general conditions for special permits, Section 145-59E. The Board evaluated the
230 special permit application against the required general conditions and determined that the general
231 conditions have been met.

232
233 Baker moved that all general conditions, in accordance with section 145-59E, have been met. Seconded
234 by Dawson; Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

235

236 There being no further input from the public, Schleelein moved to close the public hearing. Seconded by
237 Dawson. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

238
239 Tomei read the proposed Resolution for Special Permit #3076.

240
241 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT APPROVAL*
242 *ADOPTED ON APRIL 11, 2016*

243
244
245 *Motion made by: _____ Deborah Dawson _____*

246
247 *Motion seconded by: _____ Mike Baker _____*

248
249 **WHEREAS:**

250
251 *This matter involves consideration of the following proposed action: Special Permit #3076, Carolyn*
252 *Kilborn, to construct a two family house at on Esty Drive in the Low Density Residential District, Tax*
253 *Parcel Number 43.1-1-4.3. Because the property includes land in the Steep Slope Conservation*
254 *Combining District and in the Unique Natural Area, Special Permit review is required pursuant to*
255 *Section 145-48 of the Village of Lansing Code; and*

256
257 *The Village of Lansing Planning Board, in accordance with Article 8 of the New York State*
258 *Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), and 6*
259 *NYCRR Section 617.5, hereby determines that the approval of the proposed special permit is a Type II*
260 *action, and thus may be processed without further regard to SEQR; and*

261
262 *The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale*
263 *and therefore is not subject to a full and extensive environmental review under the Village of Lansing*
264 *Zoning Law; and*

265
266 *On April 11, 2016, the Village of Lansing Planning Board held a public hearing regarding this proposed*
267 *action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by*
268 *and on behalf of the applicant in support of this proposed action, including information and materials*
269 *related to the environmental issues, if any, which the Board deemed necessary or appropriate for its*
270 *review, (ii) all other information and materials rightfully before the Board (including, if applicable,*
271 *comments and recommendations, if any, provided by the Tompkins County Department of Planning in*
272 *accordance with General Municipal Law Sections 239-l, -m and nn), and (iii) all issues raised during the*
273 *public hearing and/or otherwise raised in the course of the Board's deliberations; and*

274
275 *On April 11, 2016, in accordance with Section 725-b of the Village Law of the State of New York and*
276 *Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing*
277 *Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the*
278 *general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any*
279 *applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60),*
280 *(iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code*
281 *Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;*

282
283
284
285

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

287
288 *The Village of Lansing Planning Board hereby (i) determines that the environmental information and*
289 *materials submitted by the applicant and the details thereof are reasonably related to the scope of the*
290 *proposed project; (ii) waives the necessity for any additional environmental information otherwise*
291 *required; and (iii) finds that the proposed project will not have a significant adverse impact on the*
292 *environment; and*

293
294 *The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any,*
295 *set forth below) that the proposed action meets (i) all general conditions required for all special permits*
296 *(Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special*
297 *permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for*
298 *uses within a Combining District (Village of Lansing Code Section 145-61); and*

299
300 *It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 3076 is*
301 ***GRANTED AND APPROVED***, *subject to the following conditions and requirements:*

302
303 *Required permits, approvals, consents and other authorizations from all applicable Federal, State,*
304 *County and local governmental and regulatory agencies shall be obtained, maintained and complied with*
305 *for all permitted improvements, operations and activities as authorized by this special permit approval,*
306 *and such improvements, operations and activities shall at all times comply with all applicable Federal,*
307 *State, County and local laws, codes, rules and regulations. Final septic system design shall be submitted*
308 *to and approved by the Tompkins County Health Department, as well as the Village of Lansing Engineer*
309 *and Code Enforcement Officer, for review and approval.*

310
311 *Soil and Erosion control measures shall be implemented, coordinated, and approved by either the Village*
312 *of Lansing Code Enforcement Officer and/or the Village of Lansing Engineer. The contractor shall set-up*
313 *a pre-construction meeting at the site with the Village Engineer and Code Enforcement Officer to verify*
314 *details of how to install stormwater management practices to best protect the downhill slope. An*
315 *additional double row of silt fencing shall be installed around the disturbance area for the leach field*
316 *area.*

317
318 *If more than three (3) years have elapsed between the date that the Planning Board approves the issuance*
319 *of a Special Permit/building permit and the date that the applicant satisfies the conditions for the*
320 *issuance of the Special Permit/building permit, the Code Enforcement Officer may not issue that Special*
321 *Permit/building permit until the Planning Board has reviewed that Special Permit/building permit and*
322 *reaffirmed its approval with any additional conditions or modifications to existing conditions that may be*
323 *required by changes in circumstances.*

324
325 *The vote on the foregoing motion was as follows:*

326
327 *AYES: Mario Tomei, Lisa Schleelein, Mike Baker, Deborah Dawson, and John Gillott*
328 *NAYS: None*

329
330 *The motion was declared to be carried.*

331
332
333 **Classification and Possible Consideration for Alteration to an Existing Special Permit:**
334 *Special Permit #1501 for the McDonalds Cooperation to allow for bus parking in the existing*
335 *parking lot.*

336
337 Speulstra presented an updated and revised McDonald's parking lot plan to the Board for consideration.
338 McDonald's request to the BZA for a variance to allow bus parking along the southern part of the parking
339 lot was denied because it was contested by the abutter. The current plan reverts to the original plan of
340 having bus parking at the northern end of the parking lot. The plan also makes additional improvements
341 as to access by pedestrians and disabled patrons. After discussion regarding some of the changes to
342 striping, any impervious pavement increases, and the proposed storm water system maintenance
343 agreement, Tomei read the Engineer's Report.

344
345 *ENGINEER'S REPORT*

346
347 *DATE: April 7, 2016*

348
349 *TO: Village of Lansing Planning Board*

350
351 *FROM: Brent Cross, PE*

352
353 *RE: McDonalds Restaurant, N. Triphammer Road*

354
355 *I have reviewed the plans for the proposed parking modifications at the above referenced property, as*
356 *required for amendment of the existing Special Permit for this property. I have the following observations*
357 *and comments:*

358
359 *The site plan has been revised from previous submittal. The current version has the bus parking proposed*
360 *on the north end of the site instead of the south end of the site.*

361
362 *The latest layout moves some of the existing parking spaces away from the entrance of the building.*

363
364 *The traffic movement as a result of moving parking spaces away from the entrance may result in a better*
365 *traffic flow and improved vehicle queing/stacking on the site.*

366
367 *Other aspects of the previous site plan have been retained such as the angled parking, improved*
368 *crosswalk, and dedicated left and right turning lanes for the exit.*

369
370 *Based on the above observations, I recommend that the Special Permit be approved.*

371
372
373 Schleelein moved to classify the request as a minor change; Seconded by Gillott. Ayes by Tomei, Baker,
374 Dawson, Gillott, and Schleelein.

375
376 Baker moved to accept the alteration and approve the plan to allow bus parking at the northern end of the
377 lot; Seconded by Gillott. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

378
379
380 **Consideration for Approving Condition "m." of the Cayuga View Senior Living/C.U. Suites**
381 **Special Permit.**

382 *Consideration of the documentation for the age and timeframe of the senior housing for the 16*
383 *Cinema Drive.*

384

385 To date, additional condition “m” of the following resolution remains unfulfilled. See previously
386 approved resolution below:

387

388 *VILLAGE OF LANSING PLANNING BOARD PROPOSED AMENDED APPROVAL*
389 *RESOLUTION ADOPTED ON JULY 28, 2015 FOR SPECIAL PERMIT NO. 2689 PREVIOUSLY*
390 *ADOPTED ON OCTOBER 23, 2012 AND REAFFIRMED ON JANUARY 14, 2013*

391 *Motion made by:* _____ *John Gillott* _____

392 *Motion seconded by:* _____ *Lisa Schleelein* _____

393 **WHEREAS:**

394 A. *This matter involves consideration of the following proposed action: Special Permit #2689, to*
395 *construct a multi-story, approximately 87,515 square feet, Mixed Use building, on the West*
396 *Side of Cinema Drive in between Homewood Suites LLC and CFCU Community Credit Union,*
397 *in the Commercial High Traffic District, Tax Parcel No. 46.1-6-4.2. Because the proposed*
398 *construction is located in the Commercial High Traffic District, special permit approval*
399 *required pursuant to Section 145-43D(2)[c] of the Village of Lansing Code, and is a requested*
400 *and proposed amendment to the previously granted special permit that was granted prior*
401 *hereto; and*
402

403 B. *On October 15, 2012, the Village of Lansing Planning Board, based upon the application*
404 *materials presented for the proposed action, determined that the applicant would need to seek*
405 *an area (height and buffer strip) variance from the Village of Lansing Board of Zoning*
406 *Appeals, and thereupon recommended that such variance application be submitted to the*
407 *Village of Lansing Board of Zoning Appeals for action concurrently with the pending special*
408 *permit review by the Village of Lansing Planning Board; and*
409

410 C. *On October 15, 2012, the Village of Lansing Planning Board, (i) determined that the proposed*
411 *action is an Unlisted Action for which the Village of Lansing Planning Board and the Village*
412 *of Lansing Board of Zoning Appeals are involved agencies in accordance with Article 8 of the*
413 *New York State Environmental Conservation Law - the State Environmental Quality Review*
414 *Act (“SEQR”) and 6 NYCRR Section 617.6; (ii) expressed its intention to perform the lead*
415 *agency function for the coordinated SEQR environmental review with the Village of Lansing*
416 *Board of Zoning Appeals; and (iii) provided notice thereof [including Part I of the SEQR*
417 *Short Environmental Assessment Form (the “Short EAF”)] to the Village of Lansing Board of*
418 *Zoning Appeals; whereupon thereafter the Village of Lansing Board of Zoning Appeals*
419 *concurred with the Village of Lansing Planning Board’s designation as the lead agency for*
420 *SEQR review of the proposed action; and*
421

422 D. *On October 23, 2012, the Village of Lansing Planning Board (i) thoroughly reviewed the*
423 *Short EAF, Part I, and any and all other documents prepared and submitted with respect to*
424 *this proposed action and its environmental review, (ii) thoroughly analyzed the potential*

425 relevant areas of environmental concern to determine if the proposed action may have a
426 significant adverse impact on the environment, including the criteria identified in 6 NYCRR
427 Section 617.7(c), (iii) completed the Short EAF, Part II; and (iv) made a negative
428 determination of environmental significance (“Negative Declaration”) in accordance with
429 SEQR for the above referenced proposed action and determined that an Environmental Impact
430 Statement would not be required, whereupon the special permit application was determined to
431 be complete; and
432

433 E. On October 23, 2012, the Village of Lansing Planning Board held a public hearing regarding
434 this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and
435 information presented by and on behalf of the applicant in support of this proposed action,
436 including information and materials related to the environmental issues, if any, which the
437 Board deemed necessary or appropriate for its review, (ii) all other information and materials
438 rightfully before the Board (including, if applicable, comments and recommendations, if any,
439 provided by the Tompkins County Department of Planning in accordance with General
440 Municipal Law Sections 239-l and -m), and (iii) all issues raised during the public hearing
441 and/or otherwise raised in the course of the Board’s deliberations; and
442

443 F. On October 23, 2012, the Village of Lansing Planning Board determined that Special Permit
444 No. 2689 was **GRANTED AND APPROVED**, subject to the following conditions and
445 requirements:

- 446
- 447 A. Approvals for the height of the structure, buffering of the project to adjacent
448 residential district, and parking for the project are subject to the Village of
449 Lansing Board of Zoning Appeals granting the required area variances as
450 applied for by the applicant.
 - 451 B. There shall be no type of drive-thru or similar amenity allowed as part of any
452 mixed use/commercial components of the project.
 - 453 C. A final lighting plan shall be submitted to and approved by Village of Lansing
454 Lighting Commission prior to installation.
 - 455 D. Landscaping plan shall be submitted to and approved by the Planning Board
456 prior to installation.
 - 457 E. Approval by the Village of Lansing Engineer and Village of Lansing Storm Water
458 Officer of, but not limited to, site work, storm water management and
459 infrastructure plans, and implementation thereof. Drainage easements for
460 potential impact from the stormwater management facilities on neighboring
461 parcels shall be obtained, provided to the Village for approval by the Village
462 Engineer, Stormwater Officer and Attorney, and thereafter recorded at the
463 Tompkins County Clerk’s Office.
 - 464 F. Approval by the Superintendent of Public Works for the proposed curb-cut on
465 Cinema Drive; and

466 thereafter, such Special Permit No. 2689 was reaffirmed by the Village of Lansing Planning
467 Board on January 15, 2013 following the completion of the required General Municipal Law
468 239 -l, -m, and nn review process; and
469

- 470 G. *The applicant having not yet commenced work on the previously approved and reaffirmed*
471 *Special Permit, the applicant has requested of the Planning Board of the Village of Lansing*
472 *certain proposed amendments to be made in accordance with Village of Lansing Code/Zoning*
473 *Law Sections 145-57 and 145-59; and*
474
- 475 H. *On December 8, 2014, the Village of Lansing Planning Board determined that the proposed*
476 *amendments are deemed to be “major” in further accordance with Village of Lansing*
477 *Code/Zoning Law Sections 145-59; and*
478
- 479 I. *Thereafter, over the following recent months, additional review and preparation by the*
480 *applicant and Village of Lansing Planning Board has been undertaken regarding the*
481 *proposed amendments; and*
482
- 483 J. *On July 13, 2015, (i) additional review of the proposed Special Permit amendments was*
484 *undertaken by the Village of Lansing Planning Board; (ii) updated and additional SEQR*
485 *review was completed by the Village of Lansing Planning Board, whereupon it was*
486 *determined that the proposed amendments would not result in any negative environment*
487 *affects and the previous October 12, 2013 Negative Declaration would continue to be in*
488 *effect; (iii) a further current public hearing was held, kept open for possible further public*
489 *participation at the next regularly scheduled Village of Lansing Planning Board meeting on*
490 *July 28, 2015, and then closed; and (iv) it was acknowledged that the proposed amendments*
491 *were provided to the County Planning Department and neighboring municipalities for*
492 *General Municipal Law Sections 239-l, m and nn and the Planning Department on July 10,*
493 *2015 issued its response letter determining that the proposed action will not have any negative*
494 *inter-community or county-wide impacts; and*
495
- 496 K. *On July 28, 2015, in accordance with Section 725-b of the Village Law of the State of New*
497 *York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the*
498 *Village of Lansing Planning Board, in the course of its further deliberations, reviewed and*
499 *took into consideration (i) the general conditions required for all special permits (Village of*
500 *Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special*
501 *permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions*
502 *required for uses within a Combining District (Village of Lansing Code Section 145-61);*
503
504

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

- 506 1. *The Village of Lansing Planning Board hereby reaffirms (i) its prior October 23, 2012*
507 *special permit approval of the proposed action and (ii) its prior reaffirmed January 25, 2013*
508 *special permit approval of the proposed action, subject to and together with the amendments*
509 *approved hereby, and further finds (subject to the conditions and requirements set forth*
510 *below) that the proposed action meets (i) all general conditions required for all special*
511 *permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required*
512 *for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any*
513 *applicable conditions required for uses within a Combining District (Village of Lansing Code*
514 *Section 145-61); and*
515

- 516 2. *It is hereby determined by the Village of Lansing Planning Board that Special Permit No.*
517 *2689 is **REAFFIRMED, GRANTED AND APPROVED**, together with and subject to (i)*
518 *the prior reaffirmations of Special Permit No. 2689, (ii) new and additional amendments*
519 *approved hereby, (iii) the accompanying conditions and requirements previously set forth*
520 *below, (iv) any additional conditions and requirements further determined hereby set forth*
521 *below, and (v) any amended and/or required area variances as applied for by the applicant*
522 *and/or the as required by the Village of Lansing Board of Zoning Appeals:*
523
- 524 a. *Approvals for the height of the structure, buffering of the project to adjacent*
525 *residential district, and parking for the project are subject to the Village of Lansing*
526 *Board of Zoning Appeals granting the required area variances as applied for by the*
527 *applicant.*
- 528
- 529 b. *There shall be no type of drive-thru or similar amenity allowed as part of any mixed*
530 *use/commercial components of the project.*
- 531
- 532 c. *Prior to a building permit being issued, a final lighting plan shall be submitted to*
533 *and approved by Village of Lansing Lighting Commission prior to installation.*
- 534
- 535 d. *Landscaping plan shall be submitted to and approved by the Planning Board prior to*
536 *installation.*
- 537
- 538 e. *Prior to a building permit being issued, approval by the Village of Lansing Engineer*
539 *and Village of Lansing Storm Water Officer of, but not limited to, site work, storm*
540 *water management and infrastructure plans, and implementation thereof. Drainage*
541 *easements for potential impact from the stormwater management facilities on*
542 *neighboring parcels shall be obtained, provided to the Village for approval by the*
543 *Village Engineer, Stormwater Officer and Attorney, and thereafter recorded at the*
544 *Tompkins County Clerk's Office.*
- 545
- 546 f. *Prior to a building permit being issued, approval by the Superintendent of Public*
547 *Works for the proposed curb-cut and sidewalk connections on Cinema Drive.*
- 548
- 549 g. *Required permits, approvals, consents and other authorizations from all applicable*
550 *Federal, State, County and local governmental and regulatory agencies shall be*
551 *obtained, maintained and complied with for all permitted improvements, operations*
552 *and activities as authorized by this special permit approval, and such improvements,*
553 *operations and activities shall at all times comply with all applicable Federal, State,*
554 *County and local laws, codes, rules and regulations.*
- 555
- 556 h. *Soil and Erosion control measures shall be implemented and coordinated as*
557 *required, and approved by either the Village of Lansing Stormwater management*
558 *Officer and/or the Village of Lansing Engineer.*
- 559

- 560 i. *Prior to a building permit being issued, a maintenance agreement shall be submitted*
561 *to and approved by the Village Attorney, Village Engineer, and Village Stormwater*
562 *Management Officer pertaining to the stormwater facilities*
- 563
- 564 j. *Prior to a building permit being issued, water consumption proposed for the*
565 *occupancy of the new building shall be provided to the Village of Cayuga Heights*
566 *and the Village of Lansing for the issuance of the required sewer permits prior to the*
567 *issuance of the building permit.*
- 568
- 569 k. *Based upon documentation provided for proposed parking needs anticipated in*
570 *conjunction with the new building, the applicant shall provide a minimum of 100*
571 *parking spaces for the new building site, with the appropriate set aside parking area*
572 *for possible spaces on adjoining lots, all in accordance with section 145-55 of the*
573 *Village of Lansing Code.*
- 574
- 575 l. *Prior to a building permit being issued, a joint use agreement shall be provided to*
576 *and approved by the Village Attorney and Code Enforcement Officer for all*
577 *adjoining properties that shall serve as shared parking. These shared parking spaces*
578 *shall be required to be maintained and utilized by the C.U. Suites LLC project in so*
579 *long as the proposed project is utilized as a mixed use type development in*
580 *accordance with the approved 59 units of senior housing and two commercial*
581 *components totaling no more than 2,680 square feet.*
- 582
- 583 m. *Prior to a building permit being issued, an agreement and all necessary*
584 *documentation that is acceptable to and approved by the Planning Board, Code*
585 *Enforcement Officer and Village Attorney shall be executed as required to confirm*
586 *that that the property shall be encumbered such that it can only be utilized for senior*
587 *housing for no less than ten (10) years from the issuance of the necessary and*
588 *required Certificate of Compliance to be provided by the Village Code Enforcement*
589 *Officer, and all necessary documentation shall be filed and recorded at the Tompkins*
590 *County Clerk's Office; excepting, however, the permitted use for the proposed mixed*
591 *commercial use totaling no more than 2,680 square feet on the first floor of the*
592 *building. Such agreement shall further indicate that the minimum senior housing age*
593 *of 55 years is required in order to occupy the residential portion of the project.*
- 594
- 595 n. *A Clean set of revised plans shall be submitted to an approved by the Planning Board*
596 *and Code Enforcement Officer.*
- 597
- 598 o. *Prior to a building permit being issued for the use of the commercial components, a*
599 *parking plan and commercial use shall be approved by the Planning Board, unless*
600 *the applicant can provide proof that adequate parking is provided for the project and*
601 *is approved by the Planning Board.*

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

603 *AYES: Mario Tomei, Lisa Schleelein, John Gillott, and Maria Stycos*

604 *NAYS: Deborah Dawson*

605 *The motion was declared to be carried.*

606 *STATE OF NEW YORK)*
607 *COUNTY OF TOMPKINS) SS:*
608 *VILLAGE OF LANSING*

609 *I, Jodi Dake, Village Clerk of the Village of Lansing, do hereby certify that the attached*
610 *Resolution is an exact copy of the same adopted by the Village of Lansing Planning Board at a regular*
611 *meeting on July 28, 2015.*

612
613 Moseley presented an updated version of *Cayuga View Living Declaration of Restrictions and Covenants*,
614 submitted to fulfill condition “m.” of Special Permit No. 2689. The Board had reviewed a prior version
615 of the document, and while satisfied with most of the language requested revised language in item #3.
616 The requested revisions, along with some minor typographical corrections, are incorporated as per the
617 document below.

618
619

620 *CAYUGA VIEW LIVING*
621 *DECLARATION OF RESTRICTIONS AND COVENANTS*

622
623 *This Declaration is made this day ____ of _____, by Cayuga View Living L.L.C., a New*
624 *York Limited Liability Company, d/b/a Cayuga View Senior Living, with a business address of*
625 *_____ , referred to herein as the “Developer”.*

626
627 *WHEREAS, the Developer is the owner of real property known as Cayuga View, Senior Living,*
628 *Tompkins County, New York, and being the same premises described in a Deed to C.U. Suites, LLC from*
629 *Tripphammer Development Co., Inc., dated July 25, 2012 and recorded in the Tompkins County Clerk’s*
630 *Office as Instrument No. 594767-001 on July 25, 2012 and containing 1.456 acres of land shown on a*
631 *survey entitled “BOUNDARY & TOPOGRAPHIC MAP FOR TRIPHAMMER DEVELOPMENT CO.,*
632 *INC, located on Cinema Drive, Village of Lansing, Tompkins County, New York,” dated March 8, 2012*
633 *made by T.G. Miller, Edward Ripic, Jr., License No. 050823, a copy of which was filed concurrently in*
634 *said Clerk’s office with the above referenced Deed, and*

635
636 *WHEREAS, the Developer has requested the Village of Lansing, referred to herein as the*
637 *“Village”, approve the site plan for said premises, 16 Cinema Drive, (Tax Map Number 46.1-6-4.2) for*
638 *development and use as a Residential-Multi-Family-Senior, age 55 (fifty-five) and over, and*

639
640 *WHEREAS, the Village of Lansing has approved the site plan for Residential-Multifamily-Senior*
641 *living with the understanding that the Developer will construct 60 (sixty) apartments for occupancy by*
642 *said adults, age 55(fifty-five) and over, and*

643
644 *WHEREAS, the Village of Lansing and the Developer desire to memorialize their understandings*
645 *by signing and recording this Declaration.*

646
647 *NOW THEREFORE, in recognition of the growing need for housing specifically and exclusively*
648 *for senior citizens and in consideration of the Village of Lansing approving the site plan for the*
649 *Development, Developer, for itself, its successors and assigns, declares the following with respect to the*
650 *Development:*

651

652 *Each residential apartment within the Development shall be occupied by at least one senior citizen. The*
653 *term senior citizen shall mean an individual who has reached the age of 55 (fifty-five) years or older by*
654 *December 31st of the calendar year of first occupancy.*

655
656 *Children or grandchildren may reside with their parents or grandparents, provided however, at least one*
657 *senior citizen resides in the dwelling and such children or grandchildren are over the age of 18 (eighteen)*
658 *years by December 31st of the calendar year of first occupancy.*

659
660 *This Declaration shall run with the land and shall be binding for a period of 10 (ten) years. Provided,*
661 *however, the Village and Developer agree that the establishment of the Development for senior citizen*
662 *living is in recognition of a need for a variety of housing specifically and exclusively for senior citizens.*
663 *This declaration may be amended, at the request of applicant, in accordance with section 145-59(F) of*
664 *the Village of Lansing Zoning Law titled "Amendments to Previously Approved Special Permits". In the*
665 *event that an amendment is requested, in accordance with 145-59(F) of the Village of Lansing Zoning*
666 *Law, to reduce the timeframe of the senior citizen living, said amendment shall be determined to be a*
667 *major amendment and shall follow all applicable rules and regulations pertaining to a major amendment*
668 *to a previously approved special permit as set forth in section 145-59(F) of the Village of Lansing Zoning*
669 *Law.*

670
671 *This Declaration is recorded at the request and for the benefit of the Village of Lansing. In the event the*
672 *Developer, its successor and assigns, violates the terms and conditions of this Declaration, the Village of*
673 *Lansing shall have the right to commence litigation and apply for an injunction and the right to invoke*
674 *any remedy permitted in law or in equity.*

675
676 *In order for Developer to comply with the mixed use zoning provisions, as*
677 *Applicable, to the above reference premises there are as shown on the site plans filed with the Village by*
678 *Developer two commercial use spaces on the first floor of the building facing Cinema Drive.*

679
680
681 *The Village of Lansing executes this Declaration for the purpose of evidencing its approval and*
682 *consent to its terms and conditions.*

683
684 *IN WITNESS WHEREOF, the undersigned execute this Declaration as of the date first above written.*

THE VILLAGE OF LANSING

685
686
687 By: _____

688 Name: _____

689 Title: _____

690
691 *CAYUGA VIEW LIVING, LLC*

692
693 By: _____

694 Name: _____

695 *Its Managing Member*

696
697 *STATE OF NEW YORK)*
698 *) ss.:*
699 *COUNTY OF TOMPKINS)*

700

749 *2012, made by T.G. Miller, Edward Ripic, Jr., License No. 050823, a copy of which is filed concurrently*
750 *herewith.*

751
752 After review of the revised item 3 and a brief discussion, Dawson moved to accept the declaration and
753 covenants corrected, revised and amended; Seconded by Gillott. Ayes by Tomei, Baker, Dawson, Gillott,
754 and Schleelein.

755
756 Moseley will refer the document to Cayuga View for signing.

757
758 **Approval of Minutes:**
759 February 8, 2016: Schleelein moved to accept the minutes of February 8, 2016 as amended; Seconded by
760 Dawson. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

761
762 February 23, 2016: Gillott moved to accept the minutes of February 23, 2016 as amended; Seconded by
763 Schleelein. Ayes by Tomei, Gillott, and Schleelein. Abstentions by Baker and Dawson.

764
765 **Trustee Report:**
766 Baker reported on the Trustee meeting of April 4th. For a complete report of the meeting please see the
767 Trustee minutes.

768
769 **Other Business**
770 The April 27th Planning Board meeting is canceled due to Village elections.

771
772 **Adjournment**
773 Dawson moved to adjourn at 9:00 PM. Seconded by Gillott; Ayes by Tomei, Baker, Dawson, Gillott, and
774 Schleelein.