

Village of Lansing
Planning Board Meeting
June 13, 2016

The meeting of the Village of Lansing Planning Board was called to order at 7:00PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, Deborah Dawson, and John Gillott; Code Enforcement Officer, Marty Moseley; Village Trustee Liaison Pat O'Rourke ; and Village Attorney, David Dubow.

Absent: 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 Gillott; Ayes by Tomei, Baker, Dawson, and Gillott.

Continued Discussion on Senior Housing and Special Care Facility Densities.

Moseley presented the following document, which has been modified since the original presentation on March 14, 2016. Moseley added that the highlighted areas are all new language that was not in the original.

Currently the proposal is to remove assisted living term in chapter 145-82 and incorporate that use in with special care facility, because assisted living is similar in nature to that of a congregate care facility, nursing home etc. and to separate out the senior housing to define it. There would also be additional conditions associated with each use.

(143-3) A definition of affordable housing should be added to 143-3 and should read as follows:

Affordable Housing. The affordable unit at the time of sale or rental can cost no more than what is affordable to an individual whose income is 50% of AMI (Area Medium Income). Monthly housing costs cannot exceed 30% of 50% of AMI.

(145-82) Special care facility and Senior housing would be amended and now read as:

Special care facility: Convalescent, progressive care, assisted living, or nursing home, adolescent or outpatient housing. A supportive housing facility designed for those who need or require extra help in their day-to-day lives. Typically, these facilities combine housing, personal care services, and medical care in an atmosphere of safety and privacy. Based on a monthly fee, basic services typically include meals, laundry, housekeeping, recreation and transportation.

Senior housing: households where at least one person over the age of 55, who do not require assistance with daily activities or 24/7 skilled nursing but may benefit from convenient services, senior-friendly surroundings, and increased social opportunities that independent senior living communities offer.

An amendment to the chart of uses, in section 145-81 would be needed to eliminate Assisted living from the chart of uses and replace it with Senior housing.

45 Also as a side note, the uses, as identified in the various zoning districts, would need to be corrected to
46 eliminate the assisted living use. For instance section 145-39 (Low Density Residential district) D.(2)
47 would be amended as follows:

48 (2) General and additional conditions for certain special permits (see section 145-60)

- 49 (a) Mobile home.
- 50 (b) Home occupation.
- 51 (c) Commercial crop/animal.
- 52 (d) Additional residential building on single lot.
- 53 (e) Senior housing
- 54 (f) Special care facility
- 55

56 The third proposal is to amended 145-60 (O) and (P), which would be amended and read as:

57 145-60(O)- Special care facility. Permitted upon determination by the Planning Board that the design,
58 scale, exterior appearance, projected traffic volume and pattern, lights and noise level are compatible
59 with the character of the neighborhood or immediate area surrounding the proposed development.
60 Special care facility shall be located all on one building and is permitted only in sewerred areas.
61 Additional facilities, such as community centers, fitness centers, etc., shall be permitted as long as they
62 are compatible with the character of the neighborhood and approved by the Planning Board. Recreation
63 land and open spaces shall be provided in accordance with the below provisions. Public or Private Roads
64 shall be designed and constructed in accordance with the provisions below. Application review fees and
65 inspection fees shall be assessed and paid in accordance with the provisions below. Residential density
66 and parking standards for Special care facilities shall be designed in accordance with the below
67 provisions. A variable buffer strip shall be incorporated with the project, in accordance with section 145-
68 24, in the event that the Planning Board determines that it is necessary.

69 (1) Low Density Residential district:

- 70 • 20,000 square foot per dwelling unit with a 20% increase in density in the event that a
71 minimum of 15% of the entire project is considered to be affordable housing.
 - 72 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

73 (2) Medium Density Residential district:

- 74 • 13,000 square foot per dwelling unit with a 20% increase in density in the event that a
75 minimum of 15% of the entire project is considered to be affordable housing.
 - 76 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

77 (3) High Density Residential district:

- 78 • 6,000 square foot per dwelling unit with a 20% increase in density in the event that a
79 minimum of 15% of the entire project is considered to be affordable housing.
 - 80 ○ Parking spaces (Special care facility): .75 parking space per dwelling unit.

81

82 Recreational land, open space, private or public roads, and application review/inspection fees shall be
83 provided in accordance with the following:

84 *Recreational Areas:*

85 (1) *In the event that a park, playground, trail, path, route or other recreational area is shown on the*
86 *Village Greenway Plan, and all or any portion of such recreational area is located within a property*
87 *proposed to be developed for recreational purposes, the project must show either (a) such*
88 *recreational areas or (b) an area or areas that do not currently appear on the Village Greenway*
89 *Plan but, if substituted for the areas within the property shown on the Village's Greenway Plan,*
90 *would be comparable in total area and would be likely to accomplish the goals and purposes of the*
91 *Village's Greenway Plan. The Planning Board may require that the developers Greenway Area be*
92 *reserved for recreational purposes (at least to the extent of the Minimum Recreational Area, as*
93 *defined in Section 3 below), provided that the Planning Board has made a finding in the course of its*
94 *review of the proposed project that a proper case exists for requiring such area for recreational*
95 *purposes. which investigation shall include, but may not be limited to, an on-site visit by a member of*
96 *either the Planning Board or Greenway Committee.*

97 (2) *Recreational Areas Not Shown on the Village Greenway Plan.*

98 *In the event that (I) a proposed development does not include any park, playground, trail, path, route*
99 *or other recreational area shown on the Village Greenway Plan, or (II) the developments Greenway*
100 *Area is less than the Minimum Recreational Area (as defined in Section 3 below), or (III) the*
101 *Planning Board determines in the course of its review of the proposed project, that the Greenway*
102 *Area is either (a) not suitable for recreational land within the Village and/or (b) not suitably located*
103 *for recreational purposes within the Village, then the Planning Board may require that the proposed*
104 *development plan to show proposed alternative recreational areas. These alternative or additional*
105 *recreational areas shall be referred to as the "Alternative Recreational Area." The Planning Board*
106 *may require that such an Alternative Recreational Area be shown as a recreational area on the*
107 *development plan provided that the Planning Board has made a finding in the course of its review of*
108 *the proposed development that (a) such an Alternative Recreational Area is suitable for recreational*
109 *land within the Village and that (b) present and anticipated future needs for park and recreational*
110 *facilities within the Village, based on projected population growth to which the project shall*
111 *contribute, indicate that such an Alternative Recreational Area is suitably located for recreational*
112 *purposes within the Village.*

113 (3) *Calculation of Amount of Property to be Identified as Recreational Areas.*

114 (a) *Proposed developments are required to show recreational area having a total acreage of*
115 *not less than one (1) acre for every thirty (30) dwelling units, or six (6%) percent of the total*
116 *acreage of the entire property to be developed, whichever result is greater.*

117 (4) *Fees in Lieu of Recreational Area(s).*

118 (a) *Only in the event that the Planning Board, in its sole judgment, determines after due inquiry*
119 *in accordance with the terms of this Section, that the proposed development plan does not*
120 *include (a) any area(s) suitable for recreational purposes or (b) enough area to equal the*
121 *Minimum Recreational Area suitable for recreational purposes, whether on account of the*
122 *topography, location or size of potential recreational area, or the proximity of such area to*
123 *existing or planned sections of the Village Greenway, or otherwise, then the Planning*
124 *Board is authorized to require that the applicant/developer pay a fee in accordance with*
125 *the below provisions of Section (4)(1). In such event, the applicant/developer must, at its*
126 *expense, (a) file in Miscellaneous Records in the Tompkins County Clerk's Offices a written*

127 notice of the requirement for the payment of such fee and the amount to be paid, which
128 notice is indexed to the deed to the proposed development; (b) deliver to the Village the
129 filing receipt therefor; (c) add to the final development plan a note confirming the
130 requirement for payment of said fee and the amount to be paid, and (d) once the fee has been
131 paid, record in the Tompkins County Clerk's Office a notice signed by the Village Mayor or
132 Treasurer confirming receipt of such payment.

133 (1) The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100
134 (\$750.00) Dollars multiplied by the total number of dwelling units permitted to be developed
135 within the project as proposed by the developer, minus the number of existing dwelling. The
136 applicant/developer shall deliver payment in full of this fee prior to the issuance of the
137 building permit for the construction of the proposed development. The Code Enforcement
138 Officer shall not issue a building permit for construction of any dwelling units within the
139 development until such fee has been paid as stated above.

140 (2) The Village shall deposit all fees received in accordance with the terms of this Section into a
141 trust fund to be used by the Village exclusively for park, playground or other recreational
142 purposes anywhere within the Village, including the acquisition of property for recreational
143 purposes, the improvement and maintenance of property for recreational purposes, the
144 improvement of existing recreational areas in the Village and the development of the Village
145 Greenway.

146 (5) *Reservation of Recreational Area by Dedication or Other Means.*

147 (a) In the event that the applicant/developer shall convey to the Village fee title to the
148 recreational area depicted on the proposed development plan, title shall be conveyed in
149 unencumbered, marketable condition. Prior to conveyance, the applicant/developer shall
150 deliver such title and other documentation, including an updated title abstract, certified
151 survey map, draft deed and tax searches, as may be required by the Village attorney. Such
152 requirements shall not exceed those imposed in connection with the dedication of a road to
153 the Village.

154 (b) The applicant/developer may, in lieu of conveyance of fee title and with the Planning
155 Board's consent, convey to the Village an easement, right-of-way, or other interest approved
156 by the Planning Board, to the required recreational area, in form and substance satisfactory
157 to the Village attorney. In such event, the applicant/developer's conveyance of an easement,
158 right-of-way or other interest shall, among other things, be unencumbered or delivered
159 together with the consent of any mortgagee or other party having a prior interest in such
160 property, shall be permanent and shall enable the development, use, maintenance and repair
161 of the recreational area substantially in the same manner as if fee title to the recreational
162 area had been conveyed to the Village.

163 (c) Prior to the applicant/developer's conveyance to the Village of either fee title or an
164 easement, right-of-way or other interest in or to the recreational area, the
165 applicant/developer shall, at its expense, remove from the area to be conveyed all man-made
166 structures or items, including, but not limited to, all construction debris, as well as any
167 fallen trees, unless directed otherwise by the Planning Board. This requirement shall not
168 obligate the applicant/developer to clear any living trees or other growth from the
169 recreational area, or to grade, cut or fill the recreational area.

170 (d) *Whether the applicant/developer conveys to the Village fee title to the recreational area, or*
171 *an easement, right-of-way or other interest in such area, such conveyance shall be*
172 *completed, to the satisfaction of the Village's attorney, prior to the issuance of the first*
173 *building permit for the construction of any dwelling unit within the subdivision.*

174 *Open Space:*

175 A. *Open Space. For the purposes of the provisions, open space ("Open Space") shall be defined as*
176 *follows: Open Space is intended to provide light and air, and is designated for either*
177 *environmental, scenic or passive recreational purposes. Open Space shall include land within the*
178 *Conservation Combining District (if available) and land that is undevelopable. Open Space shall*
179 *not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel,*
180 *nor shall it include any land otherwise set aside for parks or other areas intended for active*
181 *recreational purposes as permitted and/or other areas intended for active recreational purposes as*
182 *permitted and/or required under the laws of the State of New York. In no event shall any area of a*
183 *developable lot or any existing or future road right-of-way be deemed Open Space. No less than*
184 *15% of the "developable area" of the subdivision plat shall be designated as Open Space. For the*
185 *purposes of these provisions, "developable area" shall be the gross area of the proposed project*
186 *less (I) streets and/or other surfaces designated on the proposed development plan for vehicular*
187 *travel and (ii) any land designated on the development plan as being set aside for parks or other*
188 *areas intended for active recreational purposes as permitted and/or required under the laws of the*
189 *State of New York. The Open Space so created must be clearly labeled and noted on the*
190 *development plan so as to confirm (i) the use and rights in the Open Space of the property owners*
191 *in the development, (ii) the entity to which the Open Space is to be dedicated, and (iii) the*
192 *conditions of such dedication, all of which shall be approved by the Planning Board. The details*
193 *as to the use and ownership of the Open Space are to be further set out in a declaration or other*
194 *written instrument, approved by the Planning Board and recorded by the developer in the Office of*
195 *the County Clerk. Such open Space, or a portion thereof (not less than the minimum 15% provided*
196 *for above) designated by the Planning Board, shall be preserved in perpetuity, and the Planning*
197 *Board, as a condition of its approval, may require an Open Space easement or other written*
198 *instrument running in favor of the Planning Board. Any such easement or other written instrument*
199 *running in favor of the Village shall also be subject to the approval of the Village Board of*
200 *Trustees.*

201 B. *Prior any building permit(s) for construction of any dwelling units within the development, the*
202 *developer shall provide its organizational documents and shall otherwise satisfy the Planning*
203 *Board as to all other matters associated with the ownership and upkeep of the Open Space and the*
204 *governance of such entity. In addition, thereto, such entity and its governance shall at all times be*
205 *in compliance with all laws and regulations of the State of New York, including, but not limited to,*
206 *all rules and regulations of the New York State Attorney General's Office.*

207
208 *Private or Public Roads:*

209 A. *Private or public roads shall be designed and constructed in accordance with section 125-21,*
210 *125-22, and 125-23 of the Village of Lansing Subdivision Law.*

212 Fees:

213 A. Any applicable fees for building permits shall be subject to and in accordance with section 145-
214 57 of the Village of Lansing Zoning Law. Any security deposits or review fees shall be subject to
215 and in accordance with the following:

- 216 (1) The Planning Board shall hold no public hearing nor take any action on, or in connection
217 with, the consideration, review, analysis, inspection, endorsement or approval of any
218 application made pursuant to these regulations unless and until all applicable application
219 review fees and inspection fees have been paid in full to the Village with receipt therefor
220 provided to the Planning Board. Notwithstanding the foregoing, if at any point during the
221 review or inspection process either the amount paid or the amount deposited in escrow, as the
222 case may be, is determined by the Village to be inadequate, the applicant may pay, or deposit
223 in escrow, as the case may be, the amount necessary to eliminate the inadequacy. In the event
224 that the applicant fails to so pay or replenish the escrow account, further action by the
225 Planning Board shall be suspended until the applicant has either paid the necessary amount
226 or deposited the necessary amount in the escrow account.
- 227 (2) A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be
228 established and maintained by the applicant with the Village of Lansing for any application
229 review fees and inspection review fees or expenses incurred by the Village as a result of or in
230 connection with the review, consideration, administration, analysis and granting or denial of
231 the proposed development; such review fees and expenses shall include, but shall not be
232 limited to, any compensation payable by the Village for time devoted to the application/plan
233 review and inspections by the Village Code Enforcement Officer, the Village Attorney, the
234 Village Engineer or any other employee of or consultant retained by the Village throughout
235 the planning and development process.
- 236 (3) The account shall be established, and any necessary escrow agreement prepared, in a manner
237 satisfactory to the Village Clerk, to the Village Attorney and to the Village Engineer.
238 Notwithstanding the foregoing, the applicant may, at any time, elect to make payment in full to
239 the Village of all sums required to be placed in escrow in lieu of establishing the escrow
240 account. In any case that fees are not required to be placed in escrow, such fees shall be paid
241 by the applicant to the Village in full in accordance with all terms of these regulations.
- 242 (4) If an escrow account is established hereunder, it shall be a segregated account, and no funds
243 other than those required to be deposited in such account shall be commingled with the funds
244 in such account.
- 245 (5) Notwithstanding any provision herein that might be construed to the contrary, all application
246 review fees and inspection fees paid to the Village in accordance with this section shall be
247 nonrefundable unless miscalculated. The Village shall return, to the applicant, any part of an
248 application review fee and inspection fee that was overpaid to the Village.
- 249 (6) The fees payable in accordance with this section shall compensate the Village for costs
250 incurred for the application review and inspections performed by, the Village as required by
251 and in accordance with applicable laws and regulations. Such costs shall include only those
252 incurred in the Village's performance of such administration, review and inspection as is
253 necessary or customarily undertaken by the Village, acting through its officers, boards,

254 commissions, contractors, consultants or employees, taking into account the nature, scope,
255 costliness, size and impacts of the project.

256
257
258 *145-60(P)Senior housing. Permitted upon determination by the Planning Board that the design, scale,*
259 *exterior appearance, projected traffic volume and pattern, lights and noise level are compatible with the*
260 *character of the neighborhood or immediate area surrounding the proposed development. Senior housing*
261 *is permitted only in sewerred areas. Additional facilities, such as community centers, fitness centers, etc.,*
262 *shall be permitted as long as they are compatible with the character of the neighborhood and approved*
263 *by the Planning Board. Recreation land and open spaces shall be provided in accordance with the below*
264 *provisions. Public or Private Roads shall be designed and constructed in accordance with the provisions*
265 *below. Application review fees and inspection fees shall be assessed and paid in accordance with the*
266 *provisions below. Residential density and parking standards for Senior housing shall be designed in*
267 *accordance with the below provisions. A variable buffer strip shall be incorporated with the project, in*
268 *accordance with section 145-24, in the event that the Planning Board determines that it is necessary.*

269
270 (4) Low Density Residential district:
271 • 25,000 square foot per dwelling unit with a 20% increase in density in the event that a
272 minimum of 15% of the entire project is considered to be affordable housing, with a
273 minimum of 1 unit [for example in the event that there is a 5-unit proposal, .75 of 1 unit
274 would be required to be affordable, but a minimum of 1 unit is required to be provided
275 to achieve the density bonus]. A 10% increase in density shall be allowed in the event
276 the housing is clustered with 3 or more units per building (a total of 30% increase in
277 density can be achieved if all density bonuses have been applied).

278 ○ Parking spaces: See Article V.

279 (5) Medium Density Residential district:
280 • 15,000 square foot per dwelling unit with a 20% increase in density in the event that a
281 minimum of 15% of the entire project is considered to be affordable housing, with a
282 minimum of 1 unit [for example in the event that there is a 5-unit proposal, .75 of 1 unit
283 would be required to be affordable, but a minimum of 1 unit is required to be provided
284 to achieve the density bonus]. A 10% increase in density shall be allowed in the event
285 the housing is clustered with 3 or more units per building (a total of 30% increase in
286 density can be achieved if all density bonuses have been applied).

287 ○ Parking spaces: See Article V

288 (6) High Density Residential district:
289 • 6,000 square foot per dwelling unit with a 20% increase in density in the event that a
290 minimum of 15% of the entire project is considered to be affordable housing, with a
291 minimum of 1 unit [for example in the event that there is a 5-unit proposal, .75 of 1 unit
292 would be required to be affordable, but a minimum of 1 unit is required to be provided
293 to achieve the density bonus]. A 10% increase in density shall be allowed in the event
294 the housing is clustered with 3 or more units per building (a total of 30% increase in
295 density can be achieved if all density bonuses have been applied).

296 ○ Parking spaces: See Article V.

297

298 *Recreational land, open space, private or public roads, and application review/inspection fees shall be*
299 *provided in accordance with the following:*

300 *Recreational Areas:*

301 *(1) In the event that a park, playground, trail, path, route or other recreational area is shown on the*
302 *Village Greenway Plan, and all or any portion of such recreational area is located within a property*
303 *proposed to be developed for recreational purposes, the project must show either (a) such*
304 *recreational areas or (b) an area or areas that do not currently appear on the Village Greenway*
305 *Plan but, if substituted for the areas within the property shown on the Village's Greenway Plan,*
306 *would be comparable in total area and would be likely to accomplish the goals and purposes of the*
307 *Village's Greenway Plan. The Planning Board may require that the developers Greenway Area be*
308 *reserved for recreational purposes (at least to the extent of the Minimum Recreational Area, as*
309 *defined in Section 3 below), provided that the Planning Board has made a finding in the course of its*
310 *review of the proposed project that a proper case exists for requiring such area for recreational*
311 *purposes. which investigation shall include, but may not be limited to, an on-site visit by a member of*
312 *either the Planning Board or Greenway Committee.*

313 *(2) Recreational Areas Not Shown on the Village Greenway Plan.*

314 *In the event that (I) a proposed development does not include any park, playground, trail, path, route*
315 *or other recreational area shown on the Village Greenway Plan, or (II) the developments Greenway*
316 *Area is less than the Minimum Recreational Area (as defined in Section 3 below), or (III) the*
317 *Planning Board determines in the course of its review of the proposed project, that the Greenway*
318 *Area is either (a) not suitable for recreational land within the Village and/or (b) not suitably located*
319 *for recreational purposes within the Village, then the Planning Board may require that the proposed*
320 *development plan to show proposed alternative recreational areas. These alternative or additional*
321 *recreational areas shall be referred to as the "Alternative Recreational Area." The Planning Board*
322 *may require that such an Alternative Recreational Area be shown as a recreational area on the*
323 *development plan provided that the Planning Board has made a finding in the course of its review of*
324 *the proposed development that (a) such an Alternative Recreational Area is suitable for recreational*
325 *land within the Village and that (b) present and anticipated future needs for park and recreational*
326 *facilities within the Village, based on projected population growth to which the project shall*
327 *contribute, indicate that such an Alternative Recreational Area is suitably located for recreational*
328 *purposes within the Village.*

329 *(3) Calculation of Amount of Property to be Identified as Recreational Areas.*

330 *(a) Proposed developments are required to show recreational area having a total acreage of*
331 *not less than one (1) acre for every thirty (30) dwelling units, or six (6%) percent of the total*
332 *acreage of the entire property to be developed, whichever result is greater.*

333 *(4) Fees in Lieu of Recreational Area(s).*

334 *(a) Only in the event that the Planning Board, in its sole judgment, determines after due inquiry*
335 *in accordance with the terms of this Section, that the proposed development plan does not*
336 *include (a) any area(s) suitable for recreational purposes or (b) enough area to equal the*
337 *Minimum Recreational Area suitable for recreational purposes, whether on account of the*
338 *topography, location or size of potential recreational area, or the proximity of such area to*

339 existing or planned sections of the Village Greenway, or otherwise, then the Planning
340 Board is authorized to require that the applicant/developer pay a fee in accordance with
341 the below provisions of Section (4)(1). In such event, the applicant/developer must, at its
342 expense, (a) file in Miscellaneous Records in the Tompkins County Clerk's Offices a written
343 notice of the requirement for the payment of such fee and the amount to be paid, which
344 notice is indexed to the deed to the proposed development; (b) deliver to the Village the
345 filing receipt therefor; (c) add to the final development plan a note confirming the
346 requirement for payment of said fee and the amount to be paid, and (d) once the fee has been
347 paid, record in the Tompkins County Clerk's Office a notice signed by the Village Mayor or
348 Treasurer confirming receipt of such payment.

349 (3) The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100
350 (\$750.00) Dollars multiplied by the total number of dwelling units permitted to be developed
351 within the project as proposed by the developer, minus the number of existing dwelling. The
352 applicant/developer shall deliver payment in full of this fee prior to the issuance of the
353 building permit for the construction of the proposed development. The Code Enforcement
354 Officer shall not issue a building permit for construction of any dwelling units within the
355 development until such fee has been paid as stated above.

356 (4) The Village shall deposit all fees received in accordance with the terms of this Section into a
357 trust fund to be used by the Village exclusively for park, playground or other recreational
358 purposes anywhere within the Village, including the acquisition of property for recreational
359 purposes, the improvement and maintenance of property for recreational purposes, the
360 improvement of existing recreational areas in the Village and the development of the Village
361 Greenway.

362 (5) Reservation of Recreational Area by Dedication or Other Means.

363 (a) In the event that the applicant/developer shall convey to the Village fee title to the
364 recreational area depicted on the proposed development plan, title shall be conveyed in
365 unencumbered, marketable condition. Prior to conveyance, the applicant/developer shall
366 deliver such title and other documentation, including an updated title abstract, certified
367 survey map, draft deed and tax searches, as may be required by the Village attorney. Such
368 requirements shall not exceed those imposed in connection with the dedication of a road to
369 the Village.

370 (b) The applicant/developer may, in lieu of conveyance of fee title and with the Planning
371 Board's consent, convey to the Village an easement, right-of-way, or other interest approved
372 by the Planning Board, to the required recreational area, in form and substance satisfactory
373 to the Village attorney. In such event, the applicant/developer's conveyance of an easement,
374 right-of-way or other interest shall, among other things, be unencumbered or delivered
375 together with the consent of any mortgagee or other party having a prior interest in such
376 property, shall be permanent and shall enable the development, use, maintenance and repair
377 of the recreational area substantially in the same manner as if fee title to the recreational
378 area had been conveyed to the Village.

379 (c) Prior to the applicant/developer's conveyance to the Village of either fee title or an
380 easement, right-of-way or other interest in or to the recreational area, the
381 applicant/developer shall, at its expense, remove from the area to be conveyed all man-made

382 structures or items, including, but not limited to, all construction debris, as well as any
383 fallen trees, unless directed otherwise by the Planning Board. This requirement shall not
384 obligate the applicant/developer to clear any living trees or other growth from the
385 recreational area, or to grade, cut or fill the recreational area.

386 (d) Whether the applicant/developer conveys to the Village fee title to the recreational area, or
387 an easement, right-of-way or other interest in such area, such conveyance shall be
388 completed, to the satisfaction of the Village's attorney, prior to the issuance of the first
389 building permit for the construction of any dwelling unit within the subdivision.

390 *Open Space:*

391 C. *Open Space.* For the purposes of the provisions, open space ("Open Space") shall be defined as
392 follows: Open Space is intended to provide light and air, and is designated for either
393 environmental, scenic or passive recreational purposes. Open Space shall include land within the
394 Conservation Combining District (if available) and land that is undevelopable. Open Space shall
395 not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel,
396 nor shall it include any land otherwise set aside for parks or other areas intended for active
397 recreational purposes as permitted and/or other areas intended for active recreational purposes as
398 permitted and/or required under the laws of the State of New York. In no event shall any area of a
399 developable lot or any existing or future road right-of-way be deemed Open Space. No less than
400 15% of the "developable area" of the subdivision plat shall be designated as Open Space. For the
401 purposes of these provisions, "developable area" shall be the gross area of the proposed project
402 less (i) streets and/or other surfaces designated on the proposed development plan for vehicular
403 travel and (ii) any land designated on the development plan as being set aside for parks or other
404 areas intended for active recreational purposes as permitted and/or required under the laws of the
405 State of New York. The Open Space so created must be clearly labeled and noted on the
406 development plan so as to confirm (i) the use and rights in the Open Space of the property owners
407 in the development, (ii) the entity to which the Open Space is to be dedicated, and (iii) the
408 conditions of such dedication, all of which shall be approved by the Planning Board. The details
409 as to the use and ownership of the Open Space are to be further set out in a declaration or other
410 written instrument, approved by the Planning Board and recorded by the developer in the Office of
411 the County Clerk. Such open Space, or a portion thereof (not less than the minimum 15% provided
412 for above) designated by the Planning Board, shall be preserved in perpetuity, and the Planning
413 Board, as a condition of its approval, may require an Open Space easement or other written
414 instrument running in favor of the Planning Board. Any such easement or other written instrument
415 running in favor of the Village shall also be subject to the approval of the Village Board of
416 Trustees.

417 D. Prior any building permit(s) for construction of any dwelling units within the development, the
418 developer shall provide its organizational documents and shall otherwise satisfy the Planning
419 Board as to all other matters associated with the ownership and upkeep of the Open Space and the
420 governance of such entity. In addition, thereto, such entity and its governance shall at all times be
421 in compliance with all laws and regulations of the State of New York, including, but not limited to,
422 all rules and regulations of the New York State Attorney General's Office.

423
424

425 *Private or Public Roads:*

426 *B. Private or public roads shall be designed and constructed in accordance with section 125-21,*
427 *125-22, and 125-23 of the Village of Lansing Subdivision Law.*

428 *Fees:*

429 *B. Any applicable fees for building permits shall be subject to and in accordance with section 145-*
430 *57 of the Village of Lansing Zoning Law. Any security deposits or review fees shall be subject to*
431 *and in accordance with the following:*

432 *(1) The Planning Board shall hold no public hearing nor take any action on, or in connection*
433 *with, the consideration, review, analysis, inspection, endorsement or approval of any*
434 *application made pursuant to these regulations unless and until all applicable application*
435 *review fees and inspection fees have been paid in full to the Village with receipt therefor*
436 *provided to the Planning Board. Notwithstanding the foregoing, if at any point during the*
437 *review or inspection process either the amount paid or the amount deposited in escrow, as the*
438 *case may be, is determined by the Village to be inadequate, the applicant may pay, or deposit*
439 *in escrow, as the case may be, the amount necessary to eliminate the inadequacy. In the event*
440 *that the applicant fails to so pay or replenish the escrow account, further action by the*
441 *Planning Board shall be suspended until the applicant has either paid the necessary amount*
442 *or deposited the necessary amount in the escrow account.*

443 *(2) A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be*
444 *established and maintained by the applicant with the Village of Lansing for any application*
445 *review fees and inspection review fees or expenses incurred by the Village as a result of or in*
446 *connection with the review, consideration, administration, analysis and granting or denial of*
447 *the proposed development; such review fees and expenses shall include, but shall not be*
448 *limited to, any compensation payable by the Village for time devoted to the application/plan*
449 *review and inspections by the Village Code Enforcement Officer, the Village Attorney, the*
450 *Village Engineer or any other employee of or consultant retained by the Village throughout*
451 *the planning and development process.*

452 *(3) The account shall be established, and any necessary escrow agreement prepared, in a manner*
453 *satisfactory to the Village Clerk, to the Village Attorney and to the Village Engineer.*
454 *Notwithstanding the foregoing, the applicant may, at any time, elect to make payment in full to*
455 *the Village of all sums required to be placed in escrow in lieu of establishing the escrow*
456 *account. In any case that fees are not required to be placed in escrow, such fees shall be paid*
457 *by the applicant to the Village in full in accordance with all terms of these regulations.*

458 *(4) If an escrow account is established hereunder, it shall be a segregated account, and no funds*
459 *other than those required to be deposited in such account shall be commingled with the funds*
460 *in such account.*

461 *(5) Notwithstanding any provision herein that might be construed to the contrary, all application*
462 *review fees and inspection fees paid to the Village in accordance with this section shall be*
463 *nonrefundable unless miscalculated. The Village shall return, to the applicant, any part of an*
464 *application review fee and inspection fee that was overpaid to the Village.*

465 *The fees payable in accordance with this section shall compensate the Village for costs incurred for the*
466 *application review and inspections performed by, the Village as required by and in accordance with*
467 *applicable laws and regulations. Such costs shall include only those incurred in the Village's performance of*
468 *such administration, review and inspection as is necessary or customarily undertaken by the Village, acting*
469 *through its officers, boards, commissions, contractors, consultants or employees, taking into account the*
470 *nature, scope, costliness, size and impacts of the project*

471
472 The Planning Board worked through the above document and proposed some minor changes, which
473 Moseley will provide for the next Planning Board meeting.

474
475 Dubow suggested a joint meeting with the Board of Trustees, so the Planning Board can explain the
476 proposed language and verify that the Board of Trustees finds the language acceptable.

477
478 Tomei indicated that he would work on setting up a joint meeting,

479
480 Dawson explained that she is supportive of the proposed changes as the senior housing and the special
481 care facilities are needed in the Village. Dawson asked how the calculations for density in each district
482 would work for the senior housing use. Dawson added that if this housing were to be added to the Village,
483 it would benefit the businesses, since history shows that seniors like to shop locally.

484
485 Gillott indicated that the seniors may not always shop locally if they goods or services were not offered
486 locally, then the seniors would travel to other destinations to shop.

487
488 Moseley explained how the calculations for density would work. For example, if an individual has a 5-
489 acre parcel, that parcel equates to 217,800 square feet. If that parcel is in the Low Density Residential
490 District, one dwelling unit would require 25,000 square feet. The 217,800 sf divided by 25,000 equals
491 8.712 units for that 5-acre parcel. If 15% of affordable housing were to be added to the project, a 20%
492 increase to density would be added, which would equate to 10.4544 units allowed to be built on the 5-acre
493 parcel. Moseley indicated that the language limits the total density bonuses to have an added 30% of
494 additional density for a project, which would not allow a developer to add 20% (for affordable housing)
495 come up with a total unit number and then add another 10% (for clustering).

496
497 **Approval of Minutes:**

498 None

499
500 **Trustee Report:**

501 Dawson reported on the Trustee meeting of June 6, 2016. For a complete report of the meeting please see
502 the Trustee minutes.

503
504 **Other Business**

505 Tomei noted that Lisa Schleelein indicated that Carolyn Greenwald has shown interest in being the
506 alternate for the Planning Board. Tomei added that it is a positive note since she lives in the southwest
507 portion of the Village and he would like representation from that area since Maria Stycos has left the
508 Board.

509
510 Dawson noted that Monica Moll also expressed interest as well and she lives on Dart Drive. Dawson
511 noted that Monica would be a great candidate as well, but understood why Tomei wanted to get a
512 representative from other areas of the Village which were not represented currently.

513
514 **Adjournment**

515 Baker moved to adjourn at 8:27 PM. Seconded by Dawson; Ayes by Tomei, Baker, Dawson, and Gillott.