

Village of Lansing
Planning Board Meeting
June 28, 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, John Gillott, and Lisa Schleelein; Code Enforcement Officer, Marty Moseley; Village Trustee Liaison, Ronny Hardaway; Village Attorney, David Dubow; Carolyn Greenwald; Citizen Observer, Stu Grinnell.

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.

Continued Discussion on Senior Housing and Special Care Facility Densities

Tomei stated that the proposed document incorporates all changes and updates suggested in previous discussions. The definition of Area Median Income (AMI) has been changed. There were several additional minor corrections noted. It was suggested that there be a joint meeting with the Board of Trustees on July 11 or 18 to discuss the proposed language and address any questions they might have. The Trustees are aware that this language is being developed. The proposal is to remove the 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.

Schleelein moved to recommend the following document as amended to the Board of Trustees;

(145-3) A definition of affordable housing should be added to 145-3 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 Median Income). Monthly housing costs cannot exceed 30% of 50% of AMI.

Area median income (AMI). The midpoint in distribution of gross annual income in a specific area, Tompkins County in this case. AMI is determined by the US Department of Housing and Urban Development and used to determine eligible households for affordable units.

(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 does 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, while also adding Special care facility to the uses chart as well.

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

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

- 50 (a) *Mobile home.*
51 (b) *Home occupation.*
52 (c) *Commercial crop/ animal.*
53 (d) *Additional residential building on single lot.*
54 (e) *Senior housing*
55 (f) *Special care facility*
56

57 *A proposal to amended 145-60 (O) and (P), which would be amended and read as:*

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

68 (1) *Low Density Residential District:*

- 69 • *20,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*
70 *of the entire project is considered to be affordable housing.*
71 ○ *Parking spaces (Special care facility): 0.75 parking space per dwelling unit.*

72 (2) *Medium Density Residential District:*

- 73 • *13,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*
74 *of the entire project is considered to be affordable housing.*
75 ○ *Parking spaces (Special care facility): 0 .75 parking space per dwelling unit.*

76 (3) *High Density Residential District:*

- 77 • *6,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15% of*
78 *the entire project is considered to be affordable housing.*
79 ○ *Parking spaces (Special care facility): 0.75 parking space per dwelling unit.*

80

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

83 *Recreational Areas:*

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

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

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

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

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

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

112 (a) *Only in the event that the Planning Board, in its sole judgment, determines after due inquiry in accordance with*
113 *the terms of this Section, that the proposed development plan does not include (a) any area(s) suitable for*
114 *recreational purposes or (b) enough area to equal the Minimum Recreational Area suitable for recreational*
115 *purposes, whether on account of the topography, location or size of potential recreational area, or the proximity of*
116 *such area to existing or planned sections of the Village Greenway, or otherwise, then the Planning Board is*
117 *authorized to require that the applicant/developer pay a fee in accordance with the below provisions of Section*
118 *(4)(1). In such event, the applicant/developer must, at its expense, (a) file in Miscellaneous Records in the*
119 *Tompkins County Clerk's Offices a written notice of the requirement for the payment of such fee and the amount*
120 *to be paid, which notice is indexed to the deed to the proposed development; (b) deliver to the Village the filing*
121 *receipt therefor; (c) add to the final development plan a note confirming the requirement for payment of said fee*
122 *and the amount to be paid, and (d) once the fee has been paid, record in the Tompkins County Clerk's Office a*
123 *notice signed by the Village Mayor or Treasurer confirming receipt of such payment.*

124 (1) *The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100 Dollars (\$750.00)*
125 *multiplied by the total number of dwelling units permitted to be developed within the project as proposed by the*
126 *developer, minus the number of existing dwelling. The applicant/developer shall deliver payment in full of this fee*

127 prior to the issuance of the building permit for the construction of the proposed development. The Code
128 Enforcement Officer shall not issue a building permit for construction of any dwelling units within the development
129 until such fee has been paid as stated above.

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

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

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

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

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

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

157 *Open Space:*

158 A. *Open Space.* For the purposes of the provisions, open space ("Open Space") shall be defined as follows: Open Space is
159 intended to provide light and air, and is designated for either environmental, scenic or passive recreational purposes. Open
160 Space shall include land within the Conservation Combining District (if available) and land that is undevelopable. Open
161 Space shall not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel, nor shall it
162 include any land otherwise set aside for parks or other areas intended for active recreational purposes as permitted and/or
163 other areas intended for active recreational purposes as permitted and/or required under the laws of the State of New
164 York. In no event shall any area of a developable lot or any existing or future road right-of-way be deemed Open Space.
165 No less than 15% of the "developable area" of the subdivision plat shall be designated as Open Space. For the purposes
166 of these provisions, "developable area" shall be the gross area of the proposed project less (i) streets and/or other surfaces
167 designated on the proposed development plan for vehicular travel and (ii) any land designated on the development plan as
168 being set aside for parks or other areas intended for active recreational purposes as permitted and/or required under the
169 laws of the State of New York. The Open Space so created must be clearly labeled and noted on the development plan so

170 as to confirm (i) the use and rights in the Open Space of the property owners in the development, (ii) the entity to which the
171 Open Space is to be dedicated, and (iii) the conditions of such dedication, all of which shall be approved by the Planning
172 Board. The details as to the use and ownership of the Open Space are to be further set out in a declaration or other
173 written instrument, approved by the Planning Board and recorded by the developer in the Office of the County Clerk.
174 Such Open Space, or a portion thereof (not less than the minimum 15% provided for above) designated by the Planning
175 Board, shall be preserved in perpetuity, and the Planning Board, as a condition of its approval, may require an Open
176 Space easement or other written instrument running in favor of the Planning Board. Any such easement or other written
177 instrument running in favor of the Village shall also be subject to the approval of the Village Board of Trustees.

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

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184 *Private or Public Roads:*

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

187 *Fees:*

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

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

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

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

- 211 (4) *If an escrow account is established hereunder, it shall be a segregated account, and no funds other than those required*
212 *to be deposited in such account shall be commingled with the funds in such account.*
- 213 (5) *Notwithstanding any provision herein that might be construed to the contrary, all application review fees and*
214 *inspection fees paid to the Village in accordance with this section shall be nonrefundable unless miscalculated. The*
215 *Village shall return, to the applicant, any part of an application review fee and inspection fee that was overpaid to the*
216 *Village.*
- 217 (6) *The fees payable in accordance with this section shall compensate the Village for costs incurred for the application*
218 *review and inspections performed by the Village as required by and in accordance with applicable laws and*
219 *regulations. Such costs shall include only those incurred in the Village's performance of such administration, review*
220 *and inspection as is necessary or customarily undertaken by the Village, acting through its officers, boards,*
221 *commissions, contractors, consultants or employees, taking into account the nature, scope, costliness, size and impacts*
222 *of the project.*

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225 *145-60(P)Senior housing. Permitted upon determination by the Planning Board that the design, scale, exterior appearance,*
226 *projected traffic volume and pattern, lighting, and noise level are compatible with the character of the neighborhood or immediate*
227 *area surrounding the proposed development. Senior housing is permitted only in severed areas. Additional facilities, such as*
228 *community centers, fitness centers, etc., shall be permitted as long as they are compatible with the character of the neighborhood*
229 *and approved by the Planning Board. Recreation land and open spaces shall be provided in accordance with the provisions below.*
230 *Public or Private Roads shall be designed and constructed in accordance with the provisions below. Application review fees and*
231 *inspection fees shall be assessed and paid in accordance with the provisions below. Residential density and parking standards for*
232 *Senior housing shall be designed in accordance with the provisions below. A variable buffer strip shall be incorporated with the*
233 *project, in accordance with section 145-24, in the event that the Planning Board determines that it is necessary.*

234
235 (4) Low Density Residential District:

- 236 • *25,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*
237 *of the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the*
238 *event that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1*
239 *unit is required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in*
240 *the event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be*
241 *achieved if all density bonuses have been applied).*
- 242 ○ *Parking spaces: See Article V.*

243 (5) Medium Density Residential District:

- 244 • *15,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*
245 *of the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the*
246 *event that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1*
247 *unit is required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in*
248 *the event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be*
249 *achieved if all density bonuses have been applied).*
- 250 ○ *Parking spaces: See Article V*

251 (6) High Density Residential District:

- 252 • *6,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15% of*
253 *the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the event*

254 *that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1 unit is*
255 *required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in the*
256 *event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be*
257 *achieved if all density bonuses have been applied).*

258 *○ Parking spaces: See Article V.*

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

261 *Recreational Areas:*

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

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

273 *In the event that (I) a proposed development does not include any park, playground, trail, path, route, or other recreational*
274 *area shown on the Village Greenway Plan, or (II) the development Greenway Area is less than the Minimum Recreational*
275 *Area (as defined in Section 3 below), or (III) the Planning Board determines in the course of its review of the proposed*
276 *project, that the Greenway Area is either (a) not suitable for recreational land within the Village and/ or (b) not suitably*
277 *located for recreational purposes within the Village, then the Planning Board may require the proposed development plan to*
278 *show proposed alternative recreational areas. These alternative or additional recreational areas shall be referred to as the*
279 *"Alternative Recreational Area." The Planning Board may require that such an Alternative Recreational Area be shown*
280 *as a recreational area on the development plan provided that the Planning Board has made a finding in the course of its*
281 *review of the proposed development that (a) such an Alternative Recreational Area is suitable for recreational land within*
282 *the Village and that (b) present and anticipated future needs for park and recreational facilities within the Village, based on*
283 *projected population growth to which the project shall contribute, indicate that such an Alternative Recreational Area is*
284 *suitably located for recreational purposes within the Village.*

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

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

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

290 *(a) Only in the event that the Planning Board, in its sole judgment, determines after due inquiry in accordance with*
291 *the terms of this Section, that the proposed development plan does not include (a) any area(s) suitable for*
292 *recreational purposes or (b) enough area to equal the Minimum Recreational Area suitable for recreational*
293 *purposes, whether on account of the topography, location or size of potential recreational area, or the proximity of*
294 *such area to existing or planned sections of the Village Greenway, or otherwise, then the Planning Board is*
295 *authorized to require that the applicant/ developer pay a fee in accordance with the below provisions of Section*

296 (4)(1). In such event, the applicant/developer must, at its expense, (a) file in Miscellaneous Records in the
297 Tompkins County Clerk's Offices a written notice of the requirement for the payment of such fee and the amount
298 to be paid, which notice is indexed to the deed to the proposed development; (b) deliver to the Village the filing
299 receipt therefor; (c) add to the final development plan a note confirming the requirement for payment of said fee
300 and the amount to be paid, and (d) once the fee has been paid, record in the Tompkins County Clerk's Office a
301 notice signed by the Village Mayor or Treasurer confirming receipt of such payment.

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

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

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

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

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

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

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

335 Open Space:

336 A. Open Space. For the purposes of the provisions, open space ("Open Space") shall be defined as follows: Open Space is
337 intended to provide light and air, and is designated for either environmental, scenic or passive recreational purposes. Open
338 Space shall include land within the Conservation Combining District (if available) and land that is undevelopable. Open

339 *Space shall not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel, nor shall it*
340 *include any land otherwise set aside for parks or other areas intended for active recreational purposes as permitted and/or*
341 *other areas intended for active recreational purposes as permitted and/or required under the laws of the State of New*
342 *York. In no event shall any area of a developable lot or any existing or future road right-of-way be deemed Open Space.*
343 *No less than 15% of the “developable area” of the subdivision plat shall be designated as Open Space. For the purposes*
344 *of these provisions, “developable area” shall be the gross area of the proposed project less (i) streets and/or other surfaces*
345 *designated on the proposed development plan for vehicular travel and (ii) any land designated on the development plan as*
346 *being set aside for parks or other areas intended for active recreational purposes as permitted and/or required under the*
347 *laws of the State of New York. The Open Space so created must be clearly labeled and noted on the development plan so*
348 *as to confirm (i) the use and rights in the Open Space of the property owners in the development, (ii) the entity to which the*
349 *Open Space is to be dedicated, and (iii) the conditions of such dedication, all of which shall be approved by the Planning*
350 *Board. The details as to the use and ownership of the Open Space are to be further set out in a declaration or other*
351 *written instrument, approved by the Planning Board and recorded by the developer in the Office of the County Clerk.*
352 *Such Open Space, or a portion thereof (not less than the minimum 15% provided for above) designated by the Planning*
353 *Board, shall be preserved in perpetuity, and the Planning Board, as a condition of its approval, may require an Open*
354 *Space easement or other written instrument running in favor of the Planning Board. Any such easement or other written*
355 *instrument running in favor of the Village shall also be subject to the approval of the Village Board of Trustees.*

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

361
362 *Private or Public Roads:*

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

365 *Fees:*

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

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

377 (2) *A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be established and maintained by*
378 *the applicant with the Village of Lansing for any application review fees and inspection review fees or expenses*
379 *incurred by the Village as a result of or in connection with the review, consideration, administration, analysis and*

- 380 *granting or denial of the proposed development; such review fees and expenses shall include, but shall not be limited*
381 *to, any compensation payable by the Village for time devoted to the application/plan review and inspections by the*
382 *Village Code Enforcement Officer, the Village Attorney, the Village Engineer or any other employee of or*
383 *consultant retained by the Village throughout the planning and development process.*
- 384 (3) *The escrow account shall be established, and any necessary escrow agreement prepared, in a manner satisfactory to the*
385 *Village Clerk, to the Village Attorney and to the Village Engineer. Notwithstanding the foregoing, the applicant*
386 *may, at any time, elect to make payment in full to the Village of all sums required to be placed in escrow in lieu of*
387 *establishing the escrow account. In any case that fees are not required to be placed in escrow, such fees shall be paid by*
388 *the applicant to the Village in full in accordance with all terms of these regulations.*
- 389 (4) *If an escrow account is established hereunder, it shall be a segregated account, and no funds other than those required*
390 *to be deposited in such account shall be commingled with the funds in such account.*
- 391 (5) *Notwithstanding any provision herein that might be construed to the contrary, all application review fees and*
392 *inspection fees paid to the Village in accordance with this section shall be nonrefundable unless miscalculated. The*
393 *Village shall return, to the applicant, any part of an application review fee and inspection fee that was overpaid to the*
394 *Village.*
- 395 (6) *The fees payable in accordance with this section shall compensate the Village for costs incurred for the application*
396 *review and inspections performed by the Village as required by and in accordance with applicable laws and*
397 *regulations. Such costs shall include only those incurred in the Village's performance of such administration, review*
398 *and inspection as is necessary or customarily undertaken by the Village, acting through its officers, boards,*
399 *commissions, contractors, consultants or employees, taking into account the nature, scope, costliness, size and impacts*
400 *of the project.*

401
402 Seconded by Dawson. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.
403

404 **Continued Discussion on Front-yard Setback for Commercial High Traffic and Commercial Low**
405 **Traffic Districts**

406 Moseley reviewed the proposed reduced front yard setback to 25 feet in both the Commercial High Traffic
407 (CHT) and Commercial Low Traffic (CLT) districts. Current zoning provisions dictate a 75-foot setback in
408 the CHT and CLT districts (except for CLT properties that have road frontage along North Triphammer).
409 Moseley explained that reducing the setback the road would provide a greater degree of flexibility for site
410 design and would allow for buildings to be placed closer to the streets and possibly placing the parking in the
411 rear or side yards of the lots. This would not be mandatory, but would be an option for developers, and
412 would hopefully encourage more aesthetically pleasing site designs for areas in the CHT and on the secondary
413 roads of the CLT.

414 This proposed change parallels the setbacks along the North Triphammer corridor made to create a more
415 Village-like feel by bringing buildings closer to the road. The Commercial Medium Traffic (CMT) district
416 already incorporates reduced front yard setbacks.

417
418 Gillott moved to recommended the CHT and CLT front yard setback change to the Board of Trustees as
419 follows:

420 *The current proposal is to allow for a reduced front yard setback of 25 feet, in both the Commercial High Traffic and the*
421 *Commercial Low Traffic districts (except this would not pertain to the front yard setback for Commercial Low Traffic district*
422 *properties that have road frontage along North Triphammer Road).*

423 *The current zoning provisions in the Commercial Low Traffic District require that the building adhere to a front yard setback of*
424 *75 feet from the road right of way, where the parcel does not front on North Triphammer Road. The current provisions in the*

425 *Commercial High Traffic district require that the building adhere to a front yard setback of 75 feet from the road right of way.*
426 *By allowing a building to be built closer to the road, it would provide for a greater degree of flexibility for site design and possibly*
427 *allow for parking lots to be placed in the side or rear areas of the site, which would be more aesthetically pleasing from a planning*
428 *perspective.*

429 Seconded by Dawson. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

430

431 **Approval of Minutes:**

432 Dawson moved to accept the minutes of March 14, 2016 as amended. Seconded by Baker; Ayes by Tomei,
433 Baker, Dawson, and Schleelein. Nays: None. Abstention by Gillott.

434

435 **Trustee Report:**

436 There were no Trustee meetings held during the month of June on which to report.

437

438 **Other Business**

439 Tomei indicated that Greenwald had expressed interest in serving as the Alternate Planning Board member
440 and came to tonight's meeting for an informal interview. Tomei noted that she has attended several meetings
441 throughout the year and is generally familiar with the Planning Board and how it operates and if appointed
442 would expand representation of a different part of the Village. He indicated that after the interview the Board
443 would go into Executive Session to discuss the Alternate Member position.

444

445 Dawson and Schleelein both indicated that they had previously spoken with Greenwald about the Alternate
446 position and her interest and encouraged her interest. Dawson indicated a younger member would be a
447 welcome addition.

448

449 Tomei asked both Greenwald and the board members if anyone had any questions for either party.

450 Greenwald said she is interested in serving the community and would like to participate to fulfill her civic
451 duty. She has served on boards before, but none of them have been governmental. There was some
452 additional discussion about the importance of all members voicing an opinion and it being healthy to
453 disagree. The Alternate is reappointed annually.

454 There being no additional questions from either side, Baker moved to go into Executive Session at 7:48PM;
455 Seconded by Dawson. Ayes by Tomei, Baker, Dawson, Gillott, and Schleelein.

456

457 Schleelein moved to come out of Executive Session at 7:59PM; Seconded by Gillott. Ayes by Tomei, Baker,
458 Dawson, Gillott, and Schleelein.

459

460 Schleelein moved to recommend the appointment of Carolyn Greenwald to the Board of Trustees to fill the
461 Alternate Planning Board Member position; Seconded by Dawson. Ayes by Tomei, Baker, Dawson, Gillott,
462 and Schleelein.

463

464 **Adjournment**

465 Dawson moved to adjourn at 8:01 PM. Seconded by Gillott. Ayes by Tomei, Baker, Dawson, Gillott, and
466 Schleelein.