

Village of Lansing
Planning Board Meeting
July 25, 2017

The meeting of the Village of Lansing Planning Board was called to order at 7:03PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, Deborah Dawson, and John Gillott; Code Enforcement Officer, Adam Robbs; Consultant, Marty Moseley; Village Trustee Liaison, Ronny Hardaway; Village Attorney, David Dubow; Village Engineer, Brent Cross; Trustee Member Gerry Monaghan; Janet Johnson, Larry Fabroni, and Lisa Bonniwell of IJ Construction; Khandikile Sokoni, IJ Construction Attorney; Eric Goetzmann of Triax Management Group; Tom LaVigne and Andy Bodewes of Park Grove Realty; Matt Moore of Passero Associates, and Dan Veaner of The Lansing Star.

Absent: Lisa Schleelein and Carolyn Greenwald.

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.

Public Hearing to Consider:

Special Permit #4056 Park Grove Realty LLC Proposal to construct 14 10-unit townhome buildings for a total of 140 dwelling units with all associated road and utility infrastructure on tax parcel no. 45.1-1-51.12 which is approximately 19.46 acres and currently undeveloped special permit review is required pursuant to section 145-41 High Density Residential district of the Village of Lansing Code

Khandikile Sokoni presented comments regarding the proposal on behalf of her client, IJ Johnson.

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Date: July 25, 2017
From: Khandikile M. Sokoni
To: Planning Board of the Village of Lansing
Subject: Submission regarding Public Hearing for Proposed Bomax Road Apartments

Good Evening Ladies and Gentlemen,

I represent The Heights of Lansing Development, LLC (managed by Lisa Bonniwell), as well as IJ Construction II of Ithaca, LLC (managed by Janet Jonson). Ms. Bonniwell and her husband own a home in the Heights of Lansing development which is right next to the area which was recently re-zoned to allow this project.

On behalf of my clients I wish to place the following remarks in the record:

The Proposed Project is more than likely to have a significant adverse impact on the environment and must, therefore be subject to a full environmental assessment.

Throughout the process of re-zoning of the Bomax Parcel for this project the Village Board insisted this was merely a zoning change and not a change being implemented for a specific project. Here we are, it was for this project after all.

As the Planning Board is aware, my clients are still in court challenging the underlying re-zoning, but in the meantime the project is still proceeding. At a prior meeting, the Planning Board Chair indicated that in light of pending litigation no formal application was being entertained by the Board on this project and that all discussions are simply informal discussions. We are now aware that a Special Permit Application has been filed by the developer. In fact records received from the Village Clerk indicate that communications have been ongoing between the Village and the Developer for some time. According to email communications between Passero and the Code Enforcement Officer in March 2017, Passero indicated:

"We are still debating on how to approach the Bomax submission, but I believe that I have a managed to persuade Andy to wait until May, after elections, to submit. I will keep you updated when I hear anything new from him...".

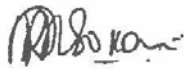
Communications from late April indicate that plans were under way to submit an application.

Our questions to the Board:

1. Has a formal application been accepted for filing from the developer on this project, and if so what is it's status?"
2. What environmental review has been performed up to this point on this project?
3. Correspondence obtained from the Village indicates that developer may have submitted a short form EAF. Has that in fact been submitted and if so when and where is it?
4. This Board cannot proceed with hearing this application before complying with SEQR. What SEQR review has been conducted thus far on this Special Use Permit?

There are significant environmental impacts including traffic, population, proximity to park land, water, and sewer issues that must be fully examined and which can only appropriately be addressed in a Long Form EAF. My clients have not granted certain sewer easements that would be essential to servicing this area. These impacts must be fully studied and addressed.

Respectfully submitted,



Khandikile M. Sokoni

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31
32 The Johnsons feel the development will have significant adverse impact and questioned why a full
33 environmental impact form (EAF) and SEQRA review has not been done. Sokoni wanted to know if the
34 formal special permit application had been filed and whether the application had been reviewed by the
35 Village.
36
37 Fabroni then spoke stating that the proposal "demands" a long form EAF and that the development should
38 be classified as a Type I action. He then went on to air grievances regarding past requirements made by the
39 Village of IJ Construction for road development and mandatory sewer hookup in the development of
40 Lansing Trails I and II.
41
42 Bonniwell expressed her feeling that the Village does not care, she is upset about the rezoning of the Bomax
43 property and the recent tax increase in the Village.
44
45 Tomei thanked the speakers for their comments.
46
47 Moore and Bodewes presented the site plan for the proposed Park Grove development including a rendering
48 of the Club House. They have spoken with the Fire Chief regarding access requirements for emergency
49 vehicles.
50
51 Gillott asked about Stormwater runoff downstream. Moore indicated most would go into the existing
52 Stormwater system.
53

54 There was discussion about how Park Grove will deal with the natural gas moratorium in the Village and
55 Town of Lansing. Moore indicated heat pumps with propane back up the most likely solution.

56
57 The Board indicated it would want any propane tanks to be buried.

58
59 Tomei reminded everyone that the pending appeal against the rezoning of the property being discussed must
60 be resolved before the Planning Board makes any final decisions about the proposal.

61
62 Moseley asked for a breakdown of the parking calculation as the proposal exceeds the parking plan of the
63 Village and asked about possible variance requirements

64
65 Tomei brought up the need for a formal lighting plan to be submitted to the Lighting Committee for
66 approval. Bodewes indicated that photometrics have been submitted.

67
68 Moseley expressed continued concern from last meeting about plastic water main pipes being used should it
69 be necessary to ever turn over the water system to the Village as Bolton Point does not allow plastic pipes.

70
71 There was discussion about possibility of a trail/sidewalk along Bomax Drive. Park Grove indicated it is
72 not in the plans at this time.

73
74 Dawson returned to the issue of how the Park Grove proposal is viewed by the public. There is a perception
75 by some that the Planning Board is pushing this project. She stated that the Planning Board is following the
76 law and to date the submitted paperwork covers only administrative issues. This is all that can be done until
77 the litigation is concluded. Tomei supported Dawson's comments.

78
79 Dubow explained that the developer has the opportunity and right to pursue the special permit application at
80 their own risk for continued discussion but that the Planning Board cannot make any declarations until a
81 judgement is rendered on the appeal as far as he is aware at this time.

82
83 Tomei said that the Public Hearing will remain open.

84
85 **Formal Presentation of Proposal for Lansing Meadows Planned Development Area**
86 Formal Presentation by Eric Goetzmann Triax Management Group, L.L.C. Proposal for Lansing Meadows
87 Planned Development Area consideration to amend special permit # 2505. Residential component of
88 Lansing Meadows PDA. for proposed construction of residential housing structure on Tax Map # 47.1-1-
89 17.21

90 Goetzmann indicated he has submitted an application to amend special permit #2505 proposing to increase
91 the density from the original 12 units proposed. He presented some preliminary plans showing a single
92 multistory building commercial mixed use possibility, proposed parking, buffering fencing between the
93 residential housing and BJ's.

94
95 Moseley questioned the plantings and natural buffering. Goetzmann said the plan matches the prior permit
96 on the western side of the property and adds buffering on the road-side of the building.

97
98 Dawson noted the orientation of the building does not place the front of the building toward Oakcrest.

99
100 Goetzmann stated this was done because of the grading of the site and to keep within the height restrictions.

101

102 Dawson said it seemed that it simply was a way to leave space on the site for an additional building at a
103 later time. She further expressed that she reviewed all past minutes regarding the PDA and is not happy
104 with all of the changes made by Goetzmann since the original PDA proposal. To date nothing originally
105 promised has happened—no bird habitat, no wetlands, no green space—nor does the current proposal meet
106 the goals of the Comprehensive Plan or the vision of the Village.

107
108 Tomei brought up that this is the fourth change to the original plan and that the residential portion of the
109 PDA has gone from residential to institutional in appearance and is not at all attractive. The Board wants
110 more—including more green space as originally presented.

111
112 Baker agreed that the proposed amendment does not fit the nearby residential community and is not
113 attractive. It was suggested that Goetzmann consider a more appealing approach that still increases density
114 perhaps something more like the design of the Park Grove housing.

115
116 Gillott weighed in as well stating the design shown is not acceptable.

117
118 In her absence, Tomei read written concerns and objections about the proposed amendment submitted by
119 Schleelein.

120
121 Goetzmann again stated his goal to increase density and presented a second rendering of the building with
122 minor façade modifications.

123
124 The Board again underscored the fact that the new propose design is aesthetically unacceptable and not in
125 keeping with the intent of the PDA and differs widely from previous iterations presented.

126
127 Goetzmann cited some obstacles such as underground obstructions, grade of the site and that the new design
128 is to increase density to 30 units and nothing else.

129
130 Board members questioned how these could be new considerations and want to see a plan that shows how
131 the entire site will be designed, including the open space near the fire station.

132
133 Monaghan weighed in stating that the public would not allow the proposed big building. Gillott agreed.

134
135 There was continued discussion regarding the uses defined in the PDA and whether the proposed change is
136 a major or minor change, SEQR segmentation (145.59f).

137
138 Dawson and Tomei asked again what happened to the original design concept.

139
140 Although all board members find the proposed design unacceptable, the issue to be decided is whether the
141 proposed change is major or minor.

142
143 Dubow referred the board to the provisions of the Village Code:

- 144 • 145-42.1. Lansing Meadows PDA
 - 145 ○ Area B Permitted Uses
- 146 • 145-59 E. General Conditions Required for all Special Permits
- 147 • 145-60. Additional conditions for certain Special Permit uses
 - 148 ○ Section N (1)
- 149 • 145-59 F. Amendments to Previously Approved Special Permits.

150 ○ Subsection (2)

151

152 Robbs indicated the application is complete and that no 239 is required.

153 Tomei summarized that the board wants to see green space/park land and a more appealing building in
154 keeping with the residential look and intent of the original PDA plan.

155

156 Dawson and Tomei both indicated they feel the change is major.

157

158 Based on the discussion, Gillott moved that the proposed change be classified as major amendment.

159 Seconded by Dawson. Ayes by Tomei, Baker, Dawson, and Gillott. Nays: None.

160

161 Moseley stated that a major change classification means that Goetzmann will be governed as if this is a new
162 project and he can proceed with a public hearing if he chooses.

163

164 **Approval of Minutes:**

165 None

166

167 **Trustee Report:**

168 Baker reported on the Trustee meeting of July 17, 2017. For a complete report of the meeting please see the
169 Trustee minutes.

170

171 **Other Business**

172 In light of the public comments regarding the Park Grove Bomax development, Dawson asked about the
173 thoughts of other board members regarding the environmental impact study for the Bomax proposal as well
174 as whether a full and independent traffic study is required.

175

176 Discussion followed about the actions of a short versus full EAF for the Park Grove project. Although not
177 required in this case it could be helpful to have a full EAF and is something the board will consider.

178

179 **Adjournment**

180 Tomei moved to adjourn at 9:32 PM. Seconded by Baker; Ayes by Tomei, Baker, Dawson, and Gillott.