

Village of Lansing
Planning Board Meeting
Minutes of
August 29, 2017

The meeting of the Village of Lansing Planning Board was called to order at 7:02 PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members:, Lisa Schleelein and Carolyn Greenwald; Code Enforcement Officer, Adam Robbs; Consultant, Marty Moseley; Village Trustee Liaison, Ronny Hardaway; Village Attorney, David Dubow; Janet Johnson, Lisa Bonniwell, and Larry Fabroni of IJ Construction; Jess Sudol and Tom LaVigne of Park Grove Realty; Matt Moore, Passero Assoc; Citizen Observer, Robert Schleelein; several Village residents, including Jim McCauley, a potential Planning Board Alternate.

Absent: Mike Baker and Deborah Dawson.

Tomei indicated that a quorum was present despite the absence of two members,. He indicated that Greenwald was appointed to the Planning Board on August 17, 2017 by the Board of Trustees to replace John Gillott who resigned effective July 26, 2017. The Board will be recruiting an alternate member.

Public Comment Period

Tomei opened the public comment period. Resident, John Wisor expressed his frustration with the lack of availability of the Planning Board minutes. He indicated the mayor referred him to the minutes for information, however, the Planning Board minutes are five months behind and not available on the Village website. Robbs indicated he can always ask for copies of the notes from the meetings if the official minutes are not available.

Greenwald moved to close the public comment period. Seconded by Schleelein; Ayes by Tomei, Greenwald, and Schleelein.

Continuation of 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.

EAF (Environmental Assessment Form) and SEQR Resolution

Tomei indicated that although not required, Park Grove has chosen to submit a Full EAF to the Board in order to address some of the concerns raised by citizens in prior meetings. The Full EAF replaces the previously submitted short EAF.

The Planning Board reviewed Part 1 of the Full EAF.

Changes were made to:

- Page 3 - C4c: From: Tompkins County Fire Control To: Lansing Fire Department
- Page 4 - D1g: Added Club House and Maintenance Shed.
- No changes for pages 1, 2, 5, 6-13.

Moseley advised Park Grove to submit a revised Full EAF reflecting the changes.

51 Parts 2 and 3 will be reviewed at the next Planning Board meeting on September 11, 2017. Tomei
52 indicated he would like other members of the Board to be involved with Parts 2 and 3. Dubow also
53 emphasized the importance of the whole Board being available to conclude Parts 2 and 3.

54
55 Sudol asked when the Public Hearing will be closed.

56
57 Dubow and Tomei said the Public Hearing will not be closed until the SEQRA review is finalized.
58 Moseley said that usually the Public Hearing remains open until the conclusion of the EAF form.

59
60 **Heights of Lansing Development, LLC.** - Consideration of amending Schedule A Agreement and
61 Resolution #6239, Items #16 and item #25. Consideration of request for building permits for a new 6 unit
62 townhouse grouping.

63
64 See excerpts below from:
65 Lansing Trails II Final Plat App – 5/9/05 (Amended on 10/23/2012) (Amended on 9/30/14)

66
67 *SCHEDULE A*
68 *CONDITIONS OF FINAL PLAT APPROVAL*
69 *FOR*
70 *LANSING TRAILS II SUBDIVISION*

71
72 *16. Approval as required of Street Lighting Plan. As of March 8, 2016, the Village Board of Trustees has*
73 *agreed to have seven thousand dollars (\$7,000) deposited into an escrow account (held by the Village) to*
74 *ensure the installment of the street lighting along Nor Way (south) in accordance with the Lighting*
75 *Commissions previous approval for the project. The developer shall be allowed to have three Certificates*
76 *of Compliance issued for new houses/town houses prior to being required to install said street lighting*
77 *along Nor Way (south). After three (3) Certificates of Compliance have been issued, no additional new*
78 *building permits shall be issued until such a time that the street lighting has been installed, in accordance*
79 *with the approved Street Lighting Plan, along Nor Way (south). Notwithstanding the above*
80 *requirements, the developer shall install the street lighting, in accordance with the approved Street*
81 *Lighting Plan, along Nor Way (south) on or before March 14, 2021.*

82
83 *25. All park areas, trail areas and drainage areas (together with infrastructure improvements thereon, if*
84 *any) identified in Phase 1 and Phase 2 on the Final Subdivision Plat, including, but not limited to, Lots 17,*
85 *18 and 19 shall be offered for dedication and conveyance to the Village of Lansing by fee interest (or by*
86 *easement, if so indicated) prior to the issuance by the Village of Lansing of certificates of occupancy for*
87 *any dwelling in phase 2.; provided, however, that the identification of such park areas, trail areas and*
88 *drainage areas and any offer of conveyance and dedication thereof shall not constitute acceptance*
89 *thereof by the Village of Lansing (see Section 313.02 of the Village of Lansing Land Subdivision*
90 *Regulations). Such offer of dedication and conveyance shall be completed notwithstanding the fact that*
91 *the initial signing of this Final Subdivision Plat by the Chairperson of the Village Planning Board to*
92 *confirm final approval thereof (see section 312.01 of the Village of Lansing Land Subdivision Regulations)*
93 *may be limited to Phases 1&2 only.*

94

95 Fabroni presented the following request for clarification regarding Schedule A Conditions of Final Plat
96 Approval for Lansing Trails II Subdivision, specifically sections 16 and 25 as regards the limit of the
97 number of certificates of compliance aka certificates of occupancy (CoO).
98

99 *To: Mario Tomei, Chairman Village of Lansing Planning Board*
100 *From: Lisa Boniwell, Managing Member of The Heights of Lansing Development, LLC*
101 *Date: August 20,2017*
102 *Re: Interpretation & Alteration to "SCHEDULE A, CONDITIONS OF FINAL PLAT APPROVAL FOR*
103 *LANSING TRAILS II SUBDIVISION" as amended 3/15/16 by Village of Lansing Planning Board*
104

105 *If possible, I request that the following matters be considered for clarification or action of change at your*
106 *upcoming meeting August 29,2017*

- 107 1. *As a part of amending the above referenced SCHEDULE A item 16 in part reads "The*
108 *subdivider/developer shall be allowed to obtain three (3) Certificates of Compliance issued for*
109 *new houses/town houses prior to being requested to install said designated street lighting along*
110 *Nor Way (south) . After three (3) Certificates of Compliance have been issued, no new and*
111 *additional permits shall be issued to the subdivider/developer or any other party until such time*
112 *that the street lighting has been installed by the subdivider/developer as required and in*
113 *accordance with the approved Street Lighting Plan for Nor Way (south)."*

114
115 *At the time two houses were left to complete by the death of my father, Ivar Johnson, and lots 8*
116 *and 10, and the townhouses were all included in phase 2 and the possibility for building permits*
117 *and Certificates of Compliance. It was anticipated that building permits could be issued for more*
118 *than three dwellings but the burden would be on the subdivider/developer to install the street*
119 *lighting before Certificates of Compliance could be issued for the 4th dwelling and that no further*
120 *building permits could be issued after the 3rd Certificate of Compliance is issued.*

121
122 *As of now the two (2) homes at 6 and 8 Jon Stone have received Certificates of Compliance and*
123 *been sold. We have applied for 6 building permits to build the first attached town house building*
124 *at the southeast corner of Bomax Drive-Jon Stone-Nor Way intersection and been denied based*
125 *on the above quoted section of item 16. until further clarification or action by the Planning*
126 *Board. We do not believe this is in keeping with the understanding at the time and therefore*
127 *appeal to the Board to affirm our right to an unspecified number of building permits before the*
128 *3rd Certificate of Compliance is issued with the understanding that we are obligated to install the*
129 *street lighting prior to the 4th Certificate of Compliance being issued. You can decide if you need*
130 *to restate item 16 differently to make it clearer to all concerned that it was not meant to*
131 *instantly demand the street lighting before issuing additional building permits.*

132
133 *The whole purpose of this lag was to give time (approximately one year) during the construction*
134 *of any home or townhouse that would require the 4th Certificate of Compliance to install the*
135 *lighting. This installation of street lighting was complicated by the soft pace of sales from 2008*
136 *forward, the demand for the connector road (Nor Way and Village Parkway) from Bomax Drive*
137 *to Janivar Drive)and the late linking of street lighting to same, the continuing NYSEG moratorium*
138 *on natural gas hookups north of NYS Route 13 preventing the logical extension of electric lines*
139 *with gas lines along Nor Way (south), and the continuing discussion of Village officials about the*
140 *most effective and efficient street lamp. These were all reasons the drop-dead date was*

141 *established as March 14,2021 as everyone was correctly skeptical that NYSEG would act*
142 *responsibly after 20 years of planning ineptitude.*

143
144 *As it is, if we are able to move forward with the six unit townhouse construction and possibly the*
145 *last home on Jon Stone the street lighting will actually be in by the Spring of 2018.*

146 2. *We ask that the timing Item 25 of the above referenced Schedule A for dedication be*
147 *reconsidered for the following reasons.*

148 a. *The developer/subdivider has responsibly built and maintained the infrastructure (drainage*
149 *features and pathways) that logically benefit the adjacent dwelling units developed and sold*
150 *to date.*

151 b. *The dedication to the Village of areas yet to be developed with pathways and basic grading*
152 *and landscaping would seem to create an untenable situation of liability for both the*
153 *developer/subdivider and the Village going forward whereby the developer/subdivider would*
154 *be working on Village lands, a juxtaposition unnecessary to date.*

155 c. *A close inspection of the parkland parcels would indicate that it covers almost all the*
156 *pathway areas yet to be developed in phase 2.*

157 d. *Any dedication of park land that might need to be changed in the future would require an*
158 *action of the Village board and State legislature to alienate that portion to be eliminated.*

159 *For all these reasons it is suggested that in the interim a general easement offered over all*
160 *completed pathways be dedicated to the Village by October 31,2017 for use by the general*
161 *public until the completion of phase 2 at which time all park land indicated on the Subdivision*
162 *Plat for Lansing Trails II will be dedicated fee simple to the Village.*

163
164 *Your earliest consideration of these matters necessary to proceed with our 2017 building*
165 *program would be most appreciated.*

166
167 Fabroni explained to the Board that Heights of Lansing Development (HoLD)/IJ Construction (IJC) has
168 changed their plans to complete the houses on Jon Stone Circle before proceeding to the town houses on
169 Nor Way. The original intent was to install the gas and electric lines at the same time as the town houses,
170 however, the natural gas moratorium caused a delay of almost 3 years. Construction is now moving
171 forward without natural gas and HoLD wants to build six town houses on Nor Way so now needs
172 additional building permits before proceeding.

173
174 Fabroni indicated that the Code Officer being new is not comfortable issuing additional permits until the
175 lighting is installed along Nor Way per lines 6 & 7 of section #16 of Schedule A.

176
177 There was discussion about the meaning and intent of Section #16.

178
179 Robbs indicated he has carefully read Schedule A and has also found provisions in Section #25 to be tied
180 to limits on additional CoOs being issued. He is specifically concerned about paths being built and
181 conveyed to the Village while there is ongoing construction of the town houses nearby and the possible
182 liability to the Village. He said the paths currently in place are being used daily.

183
184 Tomei agreed and confirmed he notes people using the paths on a regular basis. He indicated that Robbs
185 had put together a list for the Planning Board to take into consideration while discussing the HoLD
186 request for additional building permits. He also stated that the Planning Board wants to see Lansing
187 Trails II succeed and wants to work together to ensure that happens.

188

189 *A Robbs Memo to Planning Board*

190 *Considerations for the Planning board meeting 8-29-17*

191

192 1. *Immediate turn over /dedication of sewer easement prior to any building permits being issued.*

193 2. *Norway lighting plan to be updated.*

194 3. *New photometrics plan.*

195 4. *Lighting commission approval of lights*

196 5. *Time frame of installation of light not to exceed 18 months.*

197 6. *Lighting to be installed prior to any C of O being issued.*

198 7. ~~*Possible traffic study to be completed as this will add more traffic to the area.*~~

199 8. *7 building permits issued under this agreement as good faith.*

200 9. *More permits issued after this amendment and all items under it are completed to satisfaction of*
201 *code officer and C of O's are issued.*

202 *Items to consider under Schedule section # 25*

203 1. *The village superintendent is interested in the owner maintaining the pathways and park areas*
204 *until construction is complete.*

205 2. *Owners to maintain/mow/clear the paths and park area because the village keeps getting*
206 *blamed for not maintaining it to expectations of residents*

207 3. *Pathways adjacent to construction areas to be maintained and base course completed during*
208 *construction*

209 4. *Pathways adjacent to construction areas must be protected by construction fence to limit*
210 *entrance from public.*

211 5. *Pathways to be base course of crushed stone or gravel until black top can be installed.*

212 6. *Pathways to be completed prior to dedication to village.*

213 7. *Mowing and maintenance of roadsides 20 feet from road edge until lighting is installed for*
214 *safety.*

215 Tomei addressed Item #1, formal dedication of the sewer line. He noted that in the past Fabroni
216 mentioned the possibility of shutting the sewer connection down and the Board would like to put this
217 issue to rest.

218

219 Fabroni said that the Village required IJC to build the road and then add the sewer service to the area.
220 He said that Bob Dean, who owned the land at the time, convinced Ivar Johnson that to add the sewer
221 service would benefit them both in the future. Bob Dean then died with the land deeded to Cornell and
222 left the Johnsons holding the bag.

223

224 Janet Johnson stated that Bomax could not have been completed without Ivar Johnson and that Ivar was
225 coerced.

226

227 Schleelein expressed concern with the impact on Transact should the sewer connection be shut down.

228

229 Fabroni continued with his strong objection to the suggestion of dedication of the sewer connection. He
230 indicated that to do so would take away any leverage for compensation that the Johnsons have and that if

231 necessary IJ Construction will walk away from the Lansing Trails II project, take out the sewer
232 connection, and shut it off.

233
234 Greenwald asked whether there was any agreement between Dean and Johnson.

235
236 Fabroni said the agreement was to build the sewer line and get paid for it; Ivar Johnson made the
237 agreement with Bob Dean.

238
239 Greenwald asked whether the agreement was verbal or written.

240
241 Janet Johnson stated that both Ivar Johnson and Dean are deceased and that HoLD/IJC was told that to
242 continue Phase II the sewer line had to be installed.

243
244 Dubow said he assumes the reference is on the map and it should therefore have a description.

245 Bonniwell asked why would IJC put it in if they didn't need it? She also indicated it was a Village
246 requirement not something IJC wanted.

247 Tomei suggested that Item 1 be tabled and asked that the discussion move ahead. Addressing Items 2-6
248 of Robbs memo: Tomei stated the need for an updated lighting plan and photometrics plan for Nor Way
249 (south) to be approved by the Lighting Committee, discussed the time frame for lighting installation, and
250 indicated the lighting would need to be installed prior to any CoOs being issued.

251 The discussion then moved to Section #25.

252 The path way around Ayla Way is overgrown and requires maintenance by HoLD/IJC. Safety is a real
253 concern because so many people use the trails. The line of sight around Nor Way curves needs to be
254 improved for walkers. It was suggested that mowing quarterly 15-20 feet from the shoulders would be
255 important.

256
257 There was no disagreement by the developer to Items 1-7 as per Robbs memo.

258
259 Dubow reminded everyone that if the Schedule A agreement is changed that it may be necessary to go
260 back to the Board of Trustees because both parties need to come to agreement. He suggested that perhaps
261 Tomei and the other parties involved could sit down with the Mayor to discuss the issues.

262
263 Moseley stated most of the issues discussed are amendments that can be decided by the Planning Board.

264
265 Tomei said that from the discussion it is his understanding that, with the exception of Section #16, Item 1
266 of Robbs memo, Fabroni has indicated that HoLD/IJC can live with the other considerations.

267
268 There was some continued discussion as to the interpretation of number of building permits that could be
269 issued under Schedule A, section 16.

270
271 Tomei said his interpretation was the same as Robbs', ie, only one more building permit could be issued;
272 Fabroni understood it to be that more building permits could be issued but that the CoOs would be limited
273 to three.

274

275 Greenwald agreed with Fabroni's interpretation and then asked how the agreement could be modified if
276 both parties agree.

277
278 Fabroni said that if they can get additional building permits, HoLD/IJC can agree to the other
279 considerations as outlined in the memo.

280
281 It was agreed that seven (7) building permits would be issued in good faith that the other considerations
282 (excluding the sewer easement dedication) would be met.

283
284 Robbs will put together a list and agreement for the next Planning Board meeting on September 11, 2017.

285
286 **Approval of Minutes**
287 None

288
289 **Trustee Report**
290 None

291
292 **Other Business**
293 Tomei introduced resident Jim McCauley, a potential candidate for the alternate member position
294 replacing Greenwald. McCauley has lived in the Village for almost three decades and as a renter, he
295 would bring a much needed perspective to the Board if he should be interested in joining as an alternate.

296
297 Brief discussion about continuing education requirements and opportunities for members.

298
299 **Adjournment**
300 Greenwald moved to adjourn at 9:00 PM. Seconded by Schleelein; Ayes by Tomei, Greenwald, and
301 Schleelein.

302
303
304 Submitted by Lisa Schleelein, Vice Chairman
305 Village of Lansing Planning Board
306 December 14, 2017
307
308