

Village of Lansing
Planning Board Meeting
December 10, 2018

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The meeting of the Village of Lansing Planning Board was called to order at 7:00 PM by Chair, Lisa Schleelein.

Present at the meeting: Planning Board Members; Lisa Schleelein, Mike Baker, Carolyn Greenwald, Jim McCauley, Monica Moll, and Alternate Member, Anthony Ingraffea; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy; Village Trustee Liaison, Gerry Monaghan; and approximately 18-20 additional people including; Ralph Varn of Starland Builders, LLC, Crystal Fan, Howard and JoAnn Fuller, Thomas Hartshorne, Steve Beer, David Beer, Attorney for the Beers, Randy Marcus; Architect, George Breuhaus; Bob Miller, Lisa Bonniwell and Dan Veanor with the Lansing Star.

Absent: Village Engineer, Brent Cross and Zoning Officer Adviser, Marty Moseley.

Public Comment Period

Schleelein opened the public comment period and advised comments could be made other than what is on the agenda.

Gerry Monaghan commented he was in attendance on behalf of the Board of Trustees.

Schleelein congratulated Mario Tomei for being granted a Cornell Town Gown Award recognizing his achievement as a retired local leader.

With no one else wishing to speak, Greenwald moved to close the public comment period. Seconded by Moll.

Ayes by: Schleelein, Baker, Greenwald, McCauley, and Moll.

Public Hearing for the Application for Subdivision #4229 proposed by Starland Builders,LLC.

The applicants are seeking approval for a 3 parcel subdivision on 1510 East Shore Drive (Tax Parcel #42.1-1-46.11) in order to build (2) residential homes with walkout basement apartments The proposed 2 lots will be located on the eastern portion of the existing 11.851 acres. Lot 1 will be 6.986 acres (Existing house), Lot 2 will be 2.103 acres and Lot 3 will be 2.828 acres.

Schleelein read through the proposal for the subdivision #4229. She stated this proposal was deemed as a major subdivision at a previous meeting. Ralph Varn of Starland Builders, LLC stated this parcel of land is to be divided into three parcels with apartments in the basements, however the third lot will have a partial walkout with three bedrooms downstairs. He asked for approval to proceed. Scott advised he has all the mailings and the parcel identified in the plat are in compliance. He stated a small portion of lot 2 is within an unique natural area therefore it would need a special permit if this was to be approved for a building permit. Neighbors that live near this property, and present at the meeting, asked for a copy of the plan. Howard Fuller, of 55 Blackchin Boulevard, introduced himself and his wife, JoAnn, and stated they live nearby the proposed parcel. He stated they were here to express their concerns and also for neighbor,

45 Greg Hartz, who could not be in attendance due to a death in the family. He stated that their houses would
46 be impacted by the development if approved. He expressed concerns of an 80 ft. solar panel that he
47 commented, just showed up without any knowledge or notice to the neighbors. He stated he heard a
48 chainsaw one day so he went out to investigate and found trees were taken down to accommodate a fence
49 being installed by Whitmore Fence. Fuller also stated that he did not understand why this area would
50 need to be an income property and expressed concern if it would have an absentee landlord, however if
51 this is to go forward he would hope it would be owner occupied for privacy reasons. He asked if this
52 project had to be approved. Scott stated that this parcel is in a zone that allows two-family dwellings.
53 Fuller, again, expressed his concerns of the solar panels that had been installed and hoped that his
54 concerns would be taken into consideration. Vern said these houses would be for guests and explained
55 why the solar panels were put where they were. Crystal Fan explained that one house would be for her
56 parents and the others would be for her brothers when they visited. She did not intend them to be rentals.

57

58 Greenwald stated this proposal is for the subdivision but asked what the regulations are for solar panels.
59 Moll advised that the setbacks are 25 ft. There was continued discussion of the requirements of setbacks
60 and stakes. Scott explained what is required for setbacks and confirmed that the setbacks are to be 25 ft.
61 from the side as it is considered an “accessory building” in the Code.

62

63 JoAnn Fuller asked if this request was in compliance with Code and asked for a copy of the existing
64 permit for the installation of the fence. Scott indicated she could stop in at the Village Office to get a
65 copy of the permit issued for both the fence and solar panel installations. It was asked if the houses
66 closest to the lake would be kept by the owners, or would they be sold. Varn stated they will initially be
67 kept by the owner but could be later sold.

68

69 Schleelein will keep this Public Hearing open until the next meeting scheduled for January 14, 2019.
70 Scott advised that if there are to be any changes to have them submitted to him by the next meeting. He
71 stated that everything in the subdivision proposal complied with Village Code but mentioned there were
72 Federal Wetlands on lot 3 and stated Federal Wetlands do not have setbacks but cannot be disturbed. Varn
73 commented lot 3 was made bigger to comply with non disturbance. Schleelein said if, at the next
74 meeting, this was to be approved it would have to go through Scott.

75

76 Baker asked how much clearing would need to be done. Varn answered he did not think any but would
77 find out.

78

79 Thomas Hartshorne asked if there were enough original acres that could be further subdivided in the
80 future. Scott answered yes. Howard Fuller commented on the walkout basement apartments in the legal
81 notice and expressed concern if they were ever sold could they be sold as 2-family homes. Scott stated
82 they could. Fuller asked Varn to please consider the neighbors when they decided the placement of the
83 houses. Varn said sure and explained the distances of the lot lines and spoke of the existing properties.
84 Hartshorne asked if the incoming driveway was a public drive. Schleelein stated it is private. There was
85 continued conversation regarding the property layout. Troy advised Fuller he could get on the website to

86 read the Code to better understand what is allowed. Schleelein thanked the people that came to discuss
87 this topic as they left the building.

88

89 Schleelein asked if the agenda item regarding the changes to the Lansing Trails 11 Subdivision conditions
90 could be re-ordered for discussion at this time. It was agreed upon.

91

92 **Discussion of Requested Changes to Lansing Trails II Subdivision Conditions**

93 This is a request from Lawrence Fabbroni, P.E.,L.S., Heights of Lansing Project Engineer to change the
94 conditions of the Final Plat approval for Lansing Trails II Subdivision as last amended by the Village of
95 Lansing on September 11, 2017.

96

97 *To: Lisa Schleelein Chair Village of Lansing Planning Board*

98 *From: Lawrence P. Fabbroni, P.E. L.S., Heights of Lansing Project Engineer*

99 *Date: November 12, 2018*

100 *Re: Requested Changes to Lansing Trails II Subdivision Conditions*

101

102 *This is a request to change the Conditions of Final Plat Approval For Lansing Trails II Subdivision as last*
103 *amended by the Village of Lansing on September 11, 2017 as follows:*

104

105 *1. Given the recently approved and constructed storm water retention dike for the 140 unit apartment*
106 *project immediately east and adjacent to the current 6 unit Height of Lansing townhouse on lots P11A*
107 *through P11F it is requested that the 632'+/- of walkways east of those units and units P13-A through P13-*
108 *D and between units P1 -F and P13-A be eliminated.*

109

110 *2. In recognition of the fact that the adjacent 140 unit apartment project will have a walkway east-*
111 *west along the south side of Bomax Drive ending at the Heights of Lansing east property line, it is proposed to*
112 *add 528'+/- walkways extending farther west down the south side of Bomax Drive north of units P11A and*
113 *P10-F to the existing walkway west of future units P10-A through P10-F and add a walkway from west of*
114 *Nor Way over the sewer main between units P13-D and P14-F.*

115

116 *3. Existing Condition 16 is requested to be altered to allow the street lighting south of Bomax Drive on*
117 *Nor Way to be extended in stages that coincide with the buildings being built and corresponding frontage*
118 *being developed. The requirement to light the full extent of the highway from Bomax Drive to the end of*
119 *Janivar Drive before obtaining Certificates of Occupancy (C of Os) is requested to be removed. In addition*
120 *the deadline for such extension of lighting for Nor Way the full length from Bomax Drive to Janivar Drive is*
121 *requested to be extended to November 2022.*

122

123 *4. The highway serving no current or future property address connecting Janivar Drive to Nor Way is requested*
124 *to be named Janivar's Way rather than the current two proposed names Lance Way south of Janivar and Village*
125 *Parkway north of Janivar Drive neither having any historical significance. Since it will require no change of a*

126 current home address, it is a small tribute to a man who spent half of his lifetime creating this major
127 Village neighborhood.

128

129 5. As a return gesture for granting 3 and 4 above it is proposed that the disagreement with the Village over
130 the ownership of the sewer main and easement from Nor way to the Heights of Lansing east property line
131 between units P13-D and P14-F be ended and both dedicated to the Village.

132 We hope for your positive consideration and action on the above proposals.

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134 Lisa Bonniwell stated she was here to discuss the requested changes in the memo and paperwork that had
135 previously been handed out. Schleelein explained the reasons for the request to re-locate trails and
136 walkways as well as the lighting changes and stated that they seem to be reasonable. Scott spoke stating
137 the view for the tenants are a concern regarding the settling ponds and the walkways of where the new
138 buildings are being built. He explained what would be eliminated and that IJ Construction would install
139 sidewalks on the south side of Bomax extending across Nor Way to connect with the nature trail. He
140 stated that the walkways and sewer lines would be dedicated to the Village. Schleelein expressed the
141 previous concerns regarding the lighting. She noted the short roadway that connects Janivar Drive to Nor
142 Way is being requested to be named to Ivar's Way but it will not impact anyone's address. Schleelein
143 then asked about any sidewalks in front of the houses and Bonniwell said there will be no sidewalks.

144

145 Schleelein confirmed that the sewer main and easement would be dedicated to the Village and essentially
146 would be in exchange for the changes to the street lighting and the renaming of the roadway. Troy stated
147 this agreement needs to come from the Trustees. Bonniwell agreed and stated her understanding from the
148 Board of Trustees meeting the previous week was the Trustees wanted this proposal to be presented to the
149 Planning Board so everyone was on the same page. Troy stated once the Planning Board is notified by the
150 Board of Trustees that the dedication of the sewer main and easement is complete and the agreement is
151 finalized by the attorneys the Planning Board can proceed with changing the conditions if they agree.

152

153 Baker expressed concern regarding the request to install street lighting in stages as he lives in the area that
154 would be affected and has noted some safety issues. Bonniwell stated there will be lighting when the one
155 lot is sold as they plan to continue to build and finish the road.

156

157 **Continuation of the Developer's Conference for the proposal by Hunt Engineering and Beer**
158 **Properties LLC.**

159 This proposal consists of a possible consideration for a cluster style development of property Parcel #
160 45.2-1-47.2, which consists of approximately 40 acres of vacant land. The proposed PDA was referred to
161 the Planning Board by the Board of Trustees to conduct an in-depth review and consideration for the
162 purpose of providing the Board of Trustees with its input and possible recommendation. The Planning
163 Board has determined, according to Appendix A-2 of the Village Code, that the applicant has met the
164 criteria to justify a Developers Conference.

165

166 Schleelein apologized for an error on the description of the next agenda item as this is not a continuation
167 of the Developers Conference as the Developers Conference was closed last month and this is now for
168 consideration. She stated this in not a public hearing therefore no public comments or comments from the
169 developer will be heard.

170

171 Schleelein explained the preliminary proposal started back in July of this year and it is now where the
172 Planning Board would provide a recommendation of further action to the Board of Trustees. She stated
173 the Planning Board has had considerable amount of time to review the materials and it is time to vote a
174 recommendation to the Board of Trustees.

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176 Schleelein presented a list of considerations:

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178 *Brief History and Background of PDA Proposal*

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- *Original application and prelim proposal: July 16, 2018.*
- *After review of the proposal, the Board of Trustees (BoT) referred the proposed PDA to the Planning Board (PB) for more in-depth review and consideration for the purpose of the PB providing the BoT with input and recommendations as to any further action.*
- *We have been in discussion and review of the PDA proposal for almost 6 months. I believe there has been a full and fair hearing of the proposal and that the PB has given the Developer every opportunity to be heard and there has been sufficient time devoted to discussing the proposal and digesting the materials submitted.*
- *The Planning Board members have had adequate time to deliberate and consider the proposal and are ready to take a vote as to the recommendation to be made to the Board of Trustees.*
- *To that end we have before us 2 resolutions to consider*
 - *One recommending further action be taken to proceed with the PDA proposal and*
 - *One recommending no further action be taken*

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Let me start the consideration of these two options with the following:

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II. Seriousness of a PDA

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The Village of Lansing was created founded on a desire for the protections provided by establishing a zoning code. Village history underscores the seriousness of creating a PDA --in the 40+ years since the Village was founded, there have been numerous requests for PDAs, but only 2 have been approved. There is a reason for this:

A PDA is:

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- a law change, a creation of a new Zone and District
 - There must be a clear and compelling reason demonstrated for creating a PDA; once created it cannot be revoked and the Village no longer has control
- It is a new Zone created to allow a desirable situation not achievable by the application of current Village Code over what would be permitted by an established basic district of which there are 9 in the Village
 - It should not be used to bypass the current Code unless there is sufficient reason to do so that benefits the Village residents and the general public in return
- not a right or a given guarantee of increased density although that is historically a common motivating factor for developers for proposing a PDA

212

213 III Appendix A-2 vis a vis the Proposal

214 The Planning Board is charged with determining whether the proposed PDA justifies creating a new Zone replacing
215 the MDR zone currently established for the subject parcel. As everyone sitting here has, I have thought about this
216 proposal long and hard-It is not whether we as individuals like or dislike the proposal or particular aspects of the
217 proposal, **it is about whether the proposal we have before us meets Section 1. Purpose and Intent and Section 2.**
218 **Objectives of Appendix A-2 of the Village Code.**

219

220 Let me start by saying that I do not believe that the proposal strongly addresses and meets Section 1.

221 Purpose and Intent as indicated by the Developer **over what might be achieved by applying the current**
222 **Village Code for the MDR right-to-build and our cluster subdivision provision.**

223 Specifically I reference Section 1. A. Purpose and Intent (ii)...

224 ensuring efficient investment in public improvements, a more suitable environment and protection
225 of community interest. This Appendix A-2 is primarily relation to achieving innovations in residential
226 development and mixed development so that the demand for housing at all economic levels can be
227 met by greater variety in type, design and siting of dwelling units and nonresidential facilities and so
228 that the conservation and more effective use of limited land can be achieved.

229 ○ Section 2. Objectives

230 Here the language is very clear and more straightforward, "In order to carry out the purpose and intent of
231 this Appendix A-2, a PDA **must** achieve the following objectives:"

232 • There are 8 objectives and I do not believe that the proposal achieves objectives A, C, F, H (Read
233 from Code)

234

235 IV. Some Additional Points Discussed

236 A. Rental Housing

237 Village has demonstrated it is not opposed to rental housing.

238 • Census data 2010:

239 ○ Owner Occupied: 526 (31.49%) Rental: 1144 (68.50%)

240 • Census Estimate 2018:

241 ○ Owner Occupied: 502 (30.85%) Rental: 1125 (69.15%)

242 Roughly 2/3s of Village are rental units.

243

244 B. Infrastructure Concerns

245 Have been raised but as the MDR right-to-build would raise the same concerns it is not clear the PDA will create
246 more pressure and constraints on the community as a whole compared to a right-to-build situation. However, this
247 proposal has highlighted the need for the Village to look at traffic, sewer and utility demands in a more
248 comprehensive way not just as applies to individual projects, something I have discussed with our Mayor.

249

250 Lastly

251 C. Risk Potential to the Village

252 Market demand for proposed housing is not clear; Developer indicated that a formal market research study has
253 not been done to ascertain the demand for the cottages —anecdotal only—exposes Village and developer to
254 uncertainty as to success.

255

256 Large scope of the project also exposes Village to uncertainty.

257

258 Schleelein asked the Board, based on what she had stated, if they had any other comments to add. No one
259 from the Board had any additional comments.

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261 Schleelein asked the Planning Board members to entertain 1 of the following 2 resolutions:

262 1. That the Planning Board recommends that the Board of Trustees look favorably upon the
263 proposed PDA or

264 2. That the Planning Board recommends to the Board of Trustees that no further action be taken
265 on this proposed PDA.

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267 Baker motioned to recommend that no further action be taken by the Board of Trustees. Seconded by
268 McCauley.

269 Ayes by: Schleelein, Baker, Greenwald, McCauley, and Moll.

270

271 Schleelein read the resolution;

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273 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION CONCERNING*
274 *A REQUEST BY BEER PROPERTIES LLC FOR THE GRANT OF A*
275 *PLANNED DEVELOPMENT AREA ADOPTED ON DECEMBER 10, 2018*

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277 *Motion made by: Mike Baker*

278 *Seconded by: Jim McCauley*

279

280 **WHEREAS**, Beer Properties LLC ("Proposed Developer") has submitted to the Board of Trustees of the
281 Village of Lansing ("Board of Trustees") an application for the grant of a Proposed Development Area ("PDA"),
282 pursuant to Appendix A-2 of the Village of Lansing Code ("Appendix A-2"), relating to the property bearing Tax
283 Parcel #45.2-1-47.2, and the Board of Trustees having referred this application to the Village of Lansing Planning
284 Board ("Planning Board") for purposes of considering whether the application should be granted and on what
285 terms, and the Planning Board having considered the proposal at hearings conducted on August 28, 2018,
286 September 10, 2018, and September 25, 2018, at which the Proposed Developer and members of the public were
287 granted the opportunity to address the Planning Board, and the Developers Conference, as called for by Appendix
288 A-2, having been conducted on October 23, 2018, October 30, 2018, and November 12, 2018, and the matter
289 having been adjourned to December 10, 2018, after the Developers Conference was closed, so as to allow the
290 Planning Board to review the information provided to it by the public and the Proposed Developer, and proper
291 notice of the meeting of December 10, 2018 having been given, and the Planning Board having concluded as
292 follows:

293 (A) the Planning Board does not recommend that the Board of Trustees take any further action on
294 the proposal for the PDA upon the grounds that:

295 (i) the current zoning for the subject parcel already allows for the construction of housing to meet
296 housing needs; and

297 (ii) the Planning Board does not find any clear reasons supporting the creation of the proposed PDA;
298 and

299 (c) the PDA as proposed does not meet all of the objectives of Appendix A-2;

300 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Planning Board recommends to the Board of
301 Trustees that no further action be taken on this proposed PDA.

302 The vote on the foregoing motion was as follows:

303

304 *AYES: Schleelein, Baker, Greenwald, McCauley and Moll*

305

306 *NAYS: None*

307

308 *The motion was declared to be carried.*

309

310 **Minutes for Approval September 25, 2018**

311 Baker moved to accept the minutes of September 25, 2018, as amended. Seconded by Greenwald.

312 Ayes by: Schleelein, Baker, Greenwald, McCauley, and Moll.

313

314 **Other Business**

315 Schleelein stated the Planning Board Meeting for December 25, 2018 is canceled due to Christmas. She

316 asked the Board who would be in attendance at the January 14, 2019 meeting. Everyone stated they

317 would be in attendance.

318

319 Schleelein reminded everyone of the 2019 coverage as Liaison at the Board of Trustees meetings.

320 Monica advised that she would need to switch from covering the June meeting to May. McCauley stated

321 he would switch with her.

322

323 **Adjournment**

324 Baker moved to adjourn at 7:55 PM. Seconded by Greenwald.

325 Ayes by: Schleelein, Baker, Greenwald, McCauley, and Moll.

326

327 Minutes taken by: Tammy Milliman, PT Clerk