

Village of Lansing
Planning Board Meeting
Minutes of Tuesday
May 13, 2019

The meeting of the Village of Lansing Planning Board was called to order at 7:02 PM by Chair, Lisa Schleelein.

Present at the meeting: Planning Board Members; Lisa Schleelein, Mike Baker, Carolyn Greenwald, Monica Moll; Code Enforcement Officer, Mike Scott; Village Attorney, William Troy; Village Trustee Liaison, Ronny Hardaway; Planning Board Engineer, Brent Cross; Eric Goetzmann of Arrowhead Ventures; Rich John, Martha Robertson, and Laura Lewis of Tompkins County IDA; Deborah Dawson; David, Steven, and Beverly Beer; and approximately 5 additional people.

Absent: James McCauley

Schleelein appointed Tony Ingraffea as acting member for the meeting due to the absence of James McCauley.

Public Comment Period

Schleelein opened the public comment period at 7:03pm.

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

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

Continue Public Hearing for Special Permit #4233 Proposed by Finger Lakes Tram LLC.

The applicants are seeking approval for installing an approximately 200 ft. long Tram system which includes a hoist drum/frame and cabin to hold up to 4 people. The Tram, located at 1510 East Shore Drive (Tax Parcel #42.1-1-46.11), will run from the existing home down to the shore level of Cayuga Lake.

Scott stated that the applicant would not be in until the end of May or beginning of June because they need to make sure that the plants that are on the Cornell endangered list are not on their working site. Schleelein stated that the public hearing would remain open until then.

Continue Public Hearing for Special Permit #4242 Proposed by Maguire Nissan of Ithaca.

The proposed project will include development of 35 Cinema Drive (Tax Parcel # 46.-1-6-5.1) which is a 4 acre commercial property – consisting of an existing Chevrolet Cadillac dealership, and a presented new Nissan dealership. The proposed action includes: construction of a two story, 25,235 sq.ft. (Gross Floor Area) sales and service building with associated parking; public water, sewer and electrical services; pedestrian and vehicular circulation; site lighting and

44 signage; retaining wall; fence screening; landscaping; and improvements to existing curb cuts
45 along Cinema Drive and Uptown Road.

46

47 No one was present for this. Troy read the conditions that the Planning Board has come up with.
48 Schleelein read the mandates.

49

50 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR**
51 **SPECIAL PERMIT NO. 4242 ADOPTED ON SEPTEMBER 24, 2019**

52 Motion made by: Baker

53 Motion seconded by: Moll

54 **WHEREAS:**

55 A. This matter involves consideration of the following proposed action: Special Permit No.
56 4242, is a proposal by the Maguire Nissan of Ithaca to pursue a proposed project which will
57 include development of 35 Cinema Drive (Tax Parcel #46.-1-6-5-1) which is a 4-acre
58 commercial property consisting of an existing Chevrolet Cadillac dealership, and a presented
59 new Nissan dealership. The proposed action includes: construction of a two story, 25,235 sq.
60 ft. (gross floor area) sales and service building with associated parking; public water, sewer
61 and electrical services, pedestrian and vehicular circulation, site lighting and signage,
62 retaining wall, fence screening, landscaping and improvements to existing curb cuts along
63 Cinema Drive and Uptown Road; and

64 B. On January 29, 2019, February 11, 2019, February 26, 2019, March 11, 2019, March 26,
65 2019, April 8, 2019, April 30, 2019 and May 13, 2019, the Village of Lansing Planning
66 Board opened and continued a public hearing regarding this proposed action, and therein
67 thoroughly reviewed and analyzed (i) the materials and information presented by and on
68 behalf of the applicant in support of this proposed action, including information and materials
69 related to the environmental issues, if any, which the Board deemed necessary or appropriate
70 for its review, (ii) all other information and materials rightfully before the Board (including,
71 if applicable, comments and recommendations, if any, provided by the Tompkins County
72 Department of Planning in accordance with General Municipal Law Sections 239-1 and 239-
73 m), and (iii) all issues raised during the public hearing and/or otherwise raised in the course
74 of the Board's deliberations; and

75 C. On February 26, 2019, the Village of Lansing Planning Board, in accordance with (i) Article
76 8 of the New York State Environmental Conservation Law - the State Environmental Quality
77 Review Act ("SEQR"), and 6 NYCRR Section 617.5; and (ii) Section 123.2 of the Village of
78 Lansing Code, and amended on environmental review and adopted a Resolution for SEQR
79 Review in connection with Special Permit No. 4242;

80 D. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
81 2019-01, concerning a requirement for a 150 foot residential buffer strip setback and

- 82 requesting that the proposed distance be reduced to 80 feet and following hearing and
83 consideration the Board of Zoning Appeals granted and approved said appeal to reduce the
84 residential buffer strip setback from 150 feet to 80 feet with the following conditions: there
85 must be plantings on the fence with ivy on it to shield the adjacent apartment complex to the
86 satisfaction of the Village of Lansing Planning Board;
- 87 E. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
88 2019-02, concerning a 75 foot front yard setback and following hearing and consideration the
89 Board of Zoning Appeals granted and approved said appeal to reduce the front yard setback
90 from 150 feet to 67 feet;
- 91 F. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
92 2019-03, concerning a Customer and Service Entrance Drive for a 24 foot two-way traffic
93 width needed for drive aisles within parking lots and following hearing and consideration the
94 Board of Zoning Appeals granted and approved said appeal to reduce the two-way traffic for
95 a 22 foot two-way drive aisle width within the service and display parking lots with the
96 following condition: to ensure that access to all hydrants is protected at all times;
- 97 G. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
98 2019-04, concerning minimum 100 square feet signage area for new car sales outlet allowed
99 and following hearing and consideration the Board of Zoning Appeals granted and approved
100 said appeal is denied;
- 101 H. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
102 2019-05, concerning a minimum of 25 feet from the front property line to the road right of
103 way and following hearing and consideration the Board of Zoning Appeals granted and
104 approved to reduce the front yard parking setback 25 feet from the front property line to the
105 road right of way with the following condition: install wheel stops along the parking area;
- 106 I. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
107 2019-06, concerning a 15 foot side yard parking setback from the said property line and
108 following hearing and consideration the Board of Zoning Appeals granted and approved to
109 reduce the side yard parking setback from 15 feet to 2 feet;
- 110 J. On March 13, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no.
111 2019-07, concerning a 15 foot rear year parking setback from the rear property line and
112 following hearing and consideration the Board of Zoning Appeals granted and approved to
113 reduce the rear yard parking setback from 15 feet from to 5 feet;
- 114 K. On April 10, 2019, the Village of Lansing Board of Zoning Appeals took up appeal no. 2019-
115 08, concerning total proposed square foot area of signage of 611 square feet and following
116 hearing and consideration the Board of Zoning Appeals granted and approved 380.5 square
117 feet of signage to be comprised of six signs excluding the way-finder sign;

118 L. On May 13, 2019, in accordance with Section 725-b of the Village Law of the State of New
119 York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the
120 Village of Lansing Planning Board, in the course of its further deliberations, reviewed and
121 took into consideration (i) the general conditions required for all special permits (Village of
122 Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special
123 permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions
124 required for uses within a Combining District (Village of Lansing Code Section 145-61), and
125 (iv) any environmental issues deemed necessary and/or appropriate.

126 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

127 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and
128 requirements, if any, set forth below and the provisions provided for in paragraph "D" above)
129 that the proposed action meets (i) all general conditions required for all special permits
130 (Village of Lansing Code Section 145-59E); (ii) any applicable conditions required for
131 certain special permit uses (Village of Lansing Code Section 145-60); and (iii) any applicable
132 conditions required for uses within a Combining District (Village of Lansing Code Section
133 14561); and

134 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No.
135 4242 is **GRANTED AND APPROVED**, subject to the following conditions and
136 requirements:

137 A. Soil and Erosion control measures and water quality techniques shall be implemented and
138 coordinated as required and approved by the Village of Lansing Code Enforcement
139 Officer and/or the Village of Lansing Engineer.

140 B. A detailed plan indicating final site plan, including but not limited to, defined curbing and
141 material to be approved by the Village of Lansing Engineer.

142 C. Any exterior lighting that will be installed shall be submitted to and require approval
143 from the Village of Lansing Lighting Commission prior to installation.

144 D. A landscaping plan shall be submitted to and require approval from the Village of
145 Lansing Planning Board prior to the installation of any plantings prior to the issuance of
146 the Certificate of Compliance.

147 E. Letter from Nissan to Tompkins County addressing recommendations expressed in the
148 General Municipal Law Sections 239 must be received by the Village.

149 F. All Sewer and water consumption calculations must be submitted to the Village
150 Engineer.

151 G. Parking lot fire access approved by the Village Fire Chief.

152 H. The total amount of signage permitted on the new construction will be 380.5 square feet.

153 The vote on the foregoing motion was as follows:

154 AYES: Baker, Greenwald, Ingraffea, Moll and Schleelein

155 NAYS: None

156 The motion was declared to be carried.

157

158 **Public Hearing for Special Permit #4258**

159 Eric Goetzmann, representing Arrowhead Ventures, is proposing a change to the Residential
160 Units of Area B in the Lansing Meadows PDA located on Oakcrest Road (Tax Parcel #47.1-1-
161 17.21). The Planning Board will review this proposal (Special Permit #4258) to determine
162 whether it is a major or minor change from the approved site plan.

163 Goetzmann, from Arrowhead Ventures stated that he submitted the amended changes to the
164 Planning Board changing the duplexes to the triplexes. He handed out a print of what it will look
165 like and the changes to the plantings in plan 2 in front of each home.

166 Schleelein concerns are the original plan of 12 units went to 20 and now to a proposed amended
167 plan of 30.

168 Greenwald asked Goetzmann to explain the percent of total change in sq. footage. Goetzmann
169 didn't know the answer. Greenwald asked if it is a minor or major change of the foot print. The
170 Board has not decided if these changes are minor or major yet. Schleelein stated the original plan
171 of 12 units to 30 is a 250% change and Greenwald stated that to her this sounds like a major
172 change. Schleelein stated the construction deadlines are looming but does not want that pressure
173 to result in the wrong decision.

174 Schleelein is concerned about the tax abatement that was granted by the IDA for this project as
175 the deadline for completion of the project is July 2020. If there is a delay, there could be possible
176 ramifications and this is a concern for everyone involved. Rich John from IDA stated the
177 Planning Board may not be aware of the issues with the tax abatement and that BJ's has been
178 paying the taxes. John stated the IDA has supported these units but, the timing is now a huge
179 concern. John wants to know if these units are still scheduled for completion in 2020 because
180 time is running out.

181 Schleelein has reviewed the last 10-years of Planning Board minutes and a total of 160 meetings.
182 At 57 of them, Arrowhead has come with some issue and changes related to this project.
183 Schleelein stated there is still time to meet the deadline of 2020 and for the project to be
184 completed. Goetzmann commented only if the contractors are still available.

185 Rich John, Chair of the IDA, asked why the units have not been started yet. Goetzmann stated he
186 has been working on the wetland management issues and amendment plans. Goetzmann also
187 stated the triplex units are a better plan and are more cost effective than the 20 units when it went
188 out to bid.

189 Deborah Dawson stated if the problem is expense, it would not meet the needs of the IDA and
190 the 30 units are a very different project proposal then the original 20.

191 Greenwald asked Goetzmann if these housing units are designated for 55 and older and if they
192 will be affordable in that market. Goetzmann stated they are fair market value.

193 Cross stated the Village loses control of the wetlands whenever the Army Core of Engineers
194 identifies wetland areas. Cross stated it is unclear of what is in the wetlands modifications and
195 how it has come to the point of what it is now. Going forward, you need to include the Village
196 engineer in these changes. Schleelein asked if the wetland piece has been completed and
197 Goetzmann stated no, it's just on paper at this point until they sit down with Cross. Goetzmann
198 stated he has increased the size of the residential portion of the property by mitigating the
199 wetlands. Greenwald asked if there is potential to convert the commercial property, Area A-1,
200 back to residential.

201 Schleelein stated numerous concessions to Arrowhead have been approved over the past 10
202 years. Martha Robertson, Vice Chair of IDA, stated the IDA has concerns with so many changes
203 and delays and wants to know what has happened to the money that was paid for the BJ's project
204 and asked Goetzmann for the amount he has been paid to date. Goetzmann stated the tax
205 abatement is for the infrastructure. Moll also wanted to know where that money is as well.
206 Goetzmann stated that is not the subject of the meeting. The meeting was to get the Planning
207 Boards to approve his amendment and to move forward with the project and construction of the
208 triplexes. Moll wants financial numbers and Schleelein thinks there is supposed to be a financial
209 list and accountability of this project and asked Goetzmann to provide the information.

210 Ingraffea wanted to understand why the project has not been started since the tax abatement is in
211 an escrow account and the accruing interest and the money should be enough to help with the
212 costs of construction for the project to begin. Ingraffea wants Goetzmann to supply them with
213 numbers before proceeding. Baker stated he is not comfortable going forward until all of these
214 questions have been met.

215

216 **Informal Presentation for Proposed Cluster Development**

217 Beer Properties LLC, in collaboration with Hunt Engineers, Architects and Surveyors, proposes
218 to develop a residential cluster subdivision in the Village of Lansing under the provisions of
219 Village Code, Chapter 125-17, with the approval of the Lansing Village Planning Board. The
220 proposed site currently is owned by the Millcroft Trust (Tax parcel # 45.2-1-47.2) and it consists
221 of 41.2 acres, all of which is zoned Medium Density Residential (MDR).

222

223 "Developer's ¹Conference" for
224 . Consideration by the Village of Lansing Planning Board of a
225 Cluster Subdivision on the Millcroft Trust Property

226 May 13, 2019

Developer:
Beer Properties LLC

David, Beverly and Steven Beer

211 Hudson Street
Ithaca NY 14850

Legal Counsel:

Randall B. Marcus,
Esq.

200 East Buffalo
Street

Suite 402

Ithaca, NY 14850

227

228 INTRODUCTION

229 Beer Properties LLC, a family partnership based in Ithaca NY, has developed and operated residential
230 real estate for more than two decades. The firm, in collaboration with Hunt Engineers, Architects and
231 Surveyors, proposes to develop a residential cluster subdivision in the Village of Lansing under the
232 provisions of Village Code, Chapter 125-17, with the approval of the Lansing Village Planning Board. The
233 proposed site currently is owned by the Millcroft Trust, and it consists of 41.2 acres, all of which is
234 zoned Medium Density Residential ¹(MDR), hereinafter referred to as "The Property". Both the
235 Tompkins County Planning Commissioner²and the then Village Planning Board Chair³ previously
236 recommended that The Property should become a cluster subdivision. The Property abuts an existing
237 cluster subdivision to the south, "Lansing Trails II".

238 DETAILED DESCRIPTION

¹ Terms so indicated are defined in the NY State Village Law or in the Village of Lansing Code.

² Letter dated July 11, 2003 from Tompkins County Commissioner of Planning, Edward C. Marx, to Ben Curtis, Code Enforcement Officer, Village of Lansing. Mr. Marx suggested that the Millcroft Trust Property would be better used as a cluster subdivision located southwest of the heavily wooded section on the property as a buffer from the noise of the Tompkins County Airport and nearby airplane flights.

³ Suggestion made orally by Ned Hickey to Robert Miller sometime in 2003 during an preliminary discussion of possible development schemes for the Millcroft Trust property.

239 The proposal will include the same number of units as would be permitted in a "by rights" subdivision
240 of The Property under Village law. The developer requests that the cluster subdivision provisions of the
241 Village Code, Chapter 125-17, be applied to its proposal.

242 More specifically, we plan to subdivide the property into 42 lots, each of which could be developed
243 with a duplex structure. Each duplex structure will include two residences, and the 41.2 acres will
244 support a total of 84 residences when fully developed. Again, this total is equal to the number of
245 residential units that are permitted on The Property in accordance with the requirements of the
246 Village Code for the Village's MDR zoning district.

247 To satisfy the requirements of the Village's cluster subdivision law, the developer is required to
248 designate 20% of the "Developable Area" to "Open Space", absent any development or residential
249 use. Open Space requirements will be satisfied by designating as Open Space a contiguous parcel in the
250 northeast corner of The Property, bounded on the west by the Millcroft subdivision, on the north by
251 the Village/Town border, on the east by the Borg Warner property, and on the south by the boundary
252 of the stream that runs through The Property (10 feet south of the center line of the stream). The Open
253 Space parcel will transition from meadow in the northwest corner through thickets and undergrowth to
254 old-growth hardwood woodlands along The Property's eastern boundary. Together these lands will
255 provide important habitat for diverse flora and fauna. This entire parcel will be left undisturbed during
256 and forever after construction, resulting in no impact on erosion and land and greenway preservation.

257 In addition, "Public Space" shall be set aside equaling 6% or more of The Property in a north south
258 corridor connecting the trail through the Millcroft Subdivision with a trail through Lansing Trails I. The
259 developer intends to dedicate the Public Space to the Village as part of the Village's Greenway plan.

260 Additionally, the developer will set aside two "Common Space" parcels. The first in the northwest
261 corner of The Property and the second abutting and south of the Open Space for use by the residents
262 of this subdivision. Active use by the residents will be permitted in the Common Space, whereas only
263 passive use is permitted in the Open Space. It is contemplated that a residents' gathering place (not an
264 indoor recreational club) will be erected on one of the Common Space parcels. Open Space, Common
265 Space and Common Space improvements will be owned, maintained and managed by a homeowners'
266 association. Details of the homeowners' association shall be specified in a document to be prepared in
267 accordance with Village Code Chapter 125-17.

268 Within the developable area, the developer intends to sell 20% of the lots (on which a maximum of 16
269 residential units could be built) to new owners who may construct residences as they desire,
270 consistent with Village regulations. The residences to be constructed by lot purchasers may be either
271 single-family or duplexes. The developer intends that the remaining 80% of the lots (totaling 68 units)
272 would be developed with duplex structures and made available as rental residences. The developer
273 plans that all of the residences will meet ADA requirements for 55-plus-year-old potential residents.
274 Construction of the residences will proceed in phases, although most or all the roadways are likely to
275 be constructed at the outset of the project, to Village specifications.

276 PROVISIONS NEEDING APPROVAL

277 As stated in the Village's cluster subdivision law, the developer's set aside of the Open Space will result
278 in reduced Developable Area, and this reduced Developable Area would be subdivided into lots with
279 reduced lot sizes. The developer's plan reflects that each lot would consist of 20,000 square feet with
280 100 feet of road frontage and 15 feet side-yard setbacks. For comparison, the Village's MDR zoning
281 specifications for two-unit residential buildings call for 25,000 square feet lots, 125 feet of road
282 frontage, and side-yard setbacks of 20 feet. This comparison shows that the proposed lot area, road
283 frontage and setbacks will vary only minimally from the underlying dimensional requirements in the
284 Village's MDR zoning district. As final plans are developed, a few of the duplex lots may consist of
285 18,000-square-feet with corresponding 90-feet of road frontage. Reasonable efforts will be made to
286 retain mature trees within the 40-foot rear setbacks for the lots, particularly those lots bordering on
287 the easterly boundary of The Property. As intended by the New York State and the Village, cluster
288 subdivision requirements and clustering of residences will result in reduced infrastructure costs to the
289 developer as well as economic benefits to the potential future residents.

290 The developer hereby seeks feedback from the Planning Board as to the Board's likely acceptance of
291 this cluster subdivision proposal to facilitate the expeditious development of the developer's plans for
292 The Property. The developer respectfully requests that if members of the Planning Board have any
293 questions or concerns about this proposal that they bring-up such questions and concerns during the
294 Developer's Conference to possibly enable the developer to modify the proposal in a timely manner.

295 Thank you for your consideration.

296 The lawyer for the Beers project recapped the attached proposal for the Planning Board and
297 stated the Beers cluster subdivision plan would like to move forward with the project. Schleelein
298 told the Beers the clustering depends on structure and code and they seem to meet Village code.
299 Schleelein stated the blueprints are laid out very well but she is not sure about the meeting house
300 and whether a variance is needed as it is non-residential. Troy stated there are steps to follow
301 with the Planning Board and the final step is a public hearing.

302

303 Cross has questions about Phase II and Lansing Trails I to the property it connects if this is a
304 subdivision. Baker stated Cross can sit down with Hunt engineering at a developers conference
305 to discuss the concerns at their next meeting.

306

307 Schleelein asked what input are the Beers looking for from the Planning Board because if a
308 developer adheres to the Code, they have the right to develop the land. The Beers are asking for
309 the approval of the 20% change and to know if there any reservations. Moll asked the Beers to
310 make sure the habitat around the roads are conserved. Greenwald asked about the trails currently

311 in Lansing Trails I and asked if they have any plans to connect. The Beers said they haven't
312 given it much thought.

313

314 Ingraffea stated possibly 42 units may not be feasible based on the size of the units and asked the
315 Planning Board what would the minimal acceptable lot size is. Ingraffea asked for a full plan.

316

317 Hardaway asked about the two roads onto Craft Road being so close and concerns of traffic
318 congestion. Cross stated it may be possible to be accessible from Lansing Trail I and he would
319 discuss this at the next developers conference meeting.

320

321 All of the Planning Board members are pleased with the new plan of the clustering and open
322 space.

323

324 Schleelein thanked the Beers for bringing this to the Planning Board and told them the next step
325 is for the developers to meet with Cross to discuss roads.

326

327 **Approval of Minutes:**

328

329 **April 30, 2019**

330 Ingraffea moved to accept the minutes of April 30, 2019. Seconded by Baker.

331 Ayes by: Baker, Greenwald and Schleelein.

332 Abstention by: Moll, Ingraffea

333

334

335 **Trustee Report:**

336 Moll stated she was not able to attend the meeting but, Hardaway sent her an email that Randy
337 Smith was appointed as a new Board member, there was an increase in permit fees, and that
338 everyone was appointed at the last Trustee meeting. For a complete report of the meeting please
339 see the May 6th Trustee minutes.

340

341 **Other Business:**

342 Greenwald wants to make sure we set time at the next meeting to discuss sidewalks. Baker
343 would like to discuss energy. Schleelein informed Moll and Ingraffea they still needed to
344 complete their credit hours for the confederation planning. There is a website (nypf.gov) to log
345 into or to ask Jodi.

346

347 **Adjournment:**

348 Greenwald moved to adjourn at 9:33PM. Seconded by Baker.

349 Ayes by: Schleelein, Baker, Greenwald, Ingraffea, and Moll.

350

351 Minutes taken by: Tina Freelove, PT Clerk

352