

Village of Lansing
Planning Board Meeting
Minutes of Monday
September 14, 2020

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

Present at the meeting:

Planning Board Members: Mike Baker, Carolyn Greenwald, James McCauley, Monica Moll, Lisa Schleelein

Alternate Member: Anthony Ingraffea

Village Legal Counsel: William Troy

Village Engineer: Not Present

Village Trustee Liaison: Ronny Hardaway

Village CEO: Michael Scott

Dan Veaner from The Lansing Star; Olga Petrova, Roy Hogben, Mayor Don Hartill, Ron Seacord. Crispin Conklin from CW Campbell; Attorney, Joseph Picciotti and Executive Director, Angela Sullivan representing The Council; Lynn Leopold, and Simon Moll.

Approval of the Minutes August 25, 2020

Baker moved to accept the minutes of August 25. Seconded by Greenwald.

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

Nays: None

Public Comment Period:

Schleelein opened the public comment period.

With no one else wishing to speak, McCauley moved to close the public hearing. Seconded by Baker.

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

Nays: None

Schleelein explained that the representatives for the Shops at Ithaca Mall would not be presenting this evening.

Schleelein read the following from the agenda:

Subdivision #2020-4413 Preliminary Plat Public Hearing

Ronald and Ereign Seacord are seeking approval from the Planning Board for a subdivision of a parcel located at 1437/1439 East Shore Drive (Tax Parcel 43.1-1-17.22). The existing lot would be subdivided into 2 parcels. Parcel A, which would include the existing homes, would contain 2.058 acres and Parcel B would be the remaining 2.213 acres.

Seacord explained that the reason for changing the original preliminary plat from last meeting is to include the barn with Parcel B which is where he intends to build their new home. Scott described both new parcels. Both Parcel A and Parcel B now have frontage on 2 different streets (East Shore

47 Drive and Burdick Hill Rd) therefore, there are only front and side setback and no rear setbacks. The
48 new proposed lot line running north and south will create a side setback issue for either parcel. As it
49 is proposed, there is only a 15ft side setback for the garage on Parcel A. This will require Seacord
50 to apply for a variance. Scott recommended that the Planning Board either wait for Seacord to go
51 through the variance process or add variance approval as a condition to the subdivision resolution if
52 granted.

53

54 Moll asked if the distance for the variance was measured from the garage or the attached deck. Scott
55 said because the deck is an accessory, a variance would be needed for both. Other than the need for
56 a variance, Scott had no other issues with the subdivision.

57

58 It was agreed that the subdivision process would continue with the final plat being reviewed at the
59 Planning Board meeting on September 29th and Seacord would apply for a variance at the next BZA
60 Meeting.

61

62 Schleelein thanked Seacord.

63

64 Schleelein read the following from the agenda:

65

66 **Public Hearing for Special Permit # 2020-4414**

67 *The Tompkins Trust Company, represented by PW Campbell is seeking approval from the Planning*
68 *Board for a special permit to renovate and add 680 square feet of space to their building located at*
69 *2251 North Triphammer Road (Tax Parcel #46.1-6-2.2). The added 680 square feet would result in*
70 *additional parking. As per Village code 145-43D (Commercial High Traffic District), a special*
71 *permit is required when (p) "Alteration to building or improved site or change in use that results in*
72 *change in applicable parking requirements".*

73

74 Schleelein explained that per Village Code Section 145-55 the Planning Board, , could reduce the
75 number of parking spaces required if the applicant could identify and reserve enough land for future
76 parking spaces that would comply with the requirements of Section 145-54.

77

78 Conklin showed the layout for 3 possible spaces and verified that they would comply with the side
79 yard parking setback. The new spaces would not be any closer to Triphammer Road than the existing
80 ones. Conklin reemphasized that drive-thru and on-line banking has increased so much that the need
81 for parking is diminishing. Scott added that Brent Cross said the effect to the stormwater runoff
82 because of the smaller planting area would be insignificant. Conklin was open for any suggestions
83 that Scott or Cross had to help improve the on-site handling of stormwater.

84

85 Scott added the GML-239 indicated that there was no negative impact.

86

87 Schleelein reviewed the short EAF and completed Part 2.

88

89 Schleelein read the following resolution:

90

91

92

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SEQR

REVIEW OF SPECIAL PERMIT NO. 2020-4414 ADOPTED ON SEPTEMBER 14, 2020

Motion made by: Monica Moll

Motion seconded by: Carolyn Greenwald

WHEREAS:

A. This matter involves consideration of the following proposed action: Special Permit # 2020-4414, for the proposal by The Tompkins Trust Company, represented by PW Campbell to renovate and add 680 square feet of space to their building located at 2251 North Triphammer Road (Tax Parcel #46.1-6-2.2). The added 680 square feet would result in additional parking. As per Village code 145-43D (Commercial High Traffic District), a special permit is required when (p) "Alteration to building or improved site or change in use that results in change in applicable parking requirements"; and

B. On September 14, 2020, the Village of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) determined that the proposed action provided for herein is an Unlisted Action in accordance with SEQR; (ii) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (iii) completed its thorough analysis of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iv) completed the Short EAF; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; and (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required; and
2. The Responsible Officer of the Village of Lansing Planning Board is hereby authorized and directed to complete and sign as required the Short EAF, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

133 *The vote on the foregoing motion was as follows:*

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

135 *NAYS: None*

136 *The motion was declared to be carried*

137

138 Moll moved to accept as a negative declaration. Seconded by Greenwald.

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

140 Nays: None

141

142 Schleelein read through Part 3 of the EAF.

143 Baker moved to close the public hearing. Seconded by Greenwald.

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

145 Nays: None

146

147 Schleelein read through the General Conditions for a special permit.

148 Baker moved that all of the General Conditions have been met. Seconded by Moll

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

150 Nays: None

151

152 Schleelein read the following resolution:

153

154

155

***VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR
SPECIAL PERMIT NO. 2020-4414 ADOPTED ON SEPTEMBER 14, 2020***

156 *Motion made by:* *James McCauley*

157 *Motion seconded by:* *Monica Moll*

158 ***WHEREAS:***

159 *A. This matter involves consideration of the following proposed action: Special Permit # 2020-*
160 *4414, for the proposal by The Tompkins Trust Company, represented by PW Campbell to*
161 *renovate and add 680 square feet of space to their building located at 2251 North*
162 *Triphammer Road (Tax Parcel #46.1-6-2.2). The added 680 square feet would result in*
163 *additional parking. As per Village code 145-43D (Commercial High Traffic District), a*
164 *special permit is required when (p) "Alteration to building or improved site or change in*
165 *use that results in change in applicable parking requirements"; and*
166

167 *B. On August 25, 2020 and September 14, 2020, the Village of Lansing Planning Board opened and*
168 *continued a public hearing regarding this proposed action, and therein thoroughly reviewed and*
169 *analyzed (i) the materials and information presented by and on behalf of the applicant in support of*
170 *this proposed action, including information and materials related to the environmental issues, if any,*
171 *which the Board deemed necessary or appropriate for its review, (ii) all other information and*

172 materials rightfully before the Board (including, if applicable, comments and recommendations, if
173 any, provided by the Tompkins County Department of Planning in accordance with General
174 Municipal Law Sections 239-1 and 239-m), and (iii) all issues raised during the public hearing and/or
175 otherwise raised in the course of the Board's deliberations; and
176

177 C. On September 14, 2020, the Village of Lansing Planning Board, in accordance with (i) Article 8 of
178 the New York State Environmental Conservation Law - the State Environmental Quality Review Act
179 ("SEQR"), and 6 NYCRR Section 617.5; and (ii) Section 123.2 of the Village of Lansing Code, and
180 amended on environmental review and adopted a Resolution for SEQR Review in connection with
181 Special Permit # 2020-4366;
182

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

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

190 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit # 2020-
191 4414 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:

192 a. Soil and Erosion control measures and water quality techniques shall be implemented and
193 coordinated as required and approved by the Village of Lansing Code Enforcement Officer
194 and/or the Village of Lansing Engineer, and a plan for maintenance and said control
195 measures and quality techniques over time shall be established with the Village of Lansing
196 Code Enforcement Officer and/or the Village of Lansing Engineer.
197

198 b. Prior to a building permit being issued, approval by the Village of Lansing Engineer and
199 Village of Lansing Storm Water Officer of, but not limited to, site work, storm water
200 management and infrastructure plans, and implementation thereof. Drainage easements for
201 potential impact from the stormwater management facilities on neighboring parcels shall be
202 obtained, provided to the Village for approval by the Village Engineer, Stormwater Officer
203 and Attorney, and thereafter recorded at the Tompkins County Clerk's Office.
204

205 c. Required permits, approvals, consents and other authorizations from all applicable Federal,
206 State, County and local governmental and regulatory agencies shall be obtained, maintained
207 and complied with for all permitted improvements, operations and activities as authorized
208 by this special permit approval, and such improvements, operations and activities shall at all
209 times comply with all applicable Federal, State, County and local laws, codes, rules and
210 regulations.
211

212 d. As per Section 145-55 of the Village Code allows, the Village of Lansing Planning Board will
213 reduce the minimum specific number of parking spaces required pursuant to Section 145-
214 54 for Special Permit # 2020-4414 by 3 spaces as long as the applicant can designate land on
215 the property equivalent to the needed area for future parking. See attached site plan.

216 *The vote on the foregoing motion was as follows:*

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

218 *NAYS: None*

219 *The motion was declared to be carried*

220 McCauley move to accept the resolution. Seconded by Moll

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

222 Nays: None

223

224 Conklin thanked the Planning Board.

225

226 Schleelein read the following from the agenda:

227

228 **Informal Discussion**

229 *The Council, located at 2353 North Triphammer Road, would like to discuss a possible Phase II*
230 *project with the Planning Board.*

231

232 Angela Sullivan introduced herself and thanked the Planning Board for the chance to explain and
233 update phase II of their project.

234 Sullivan:

235 The Alcohol and Drug Council (The Council) was founded in Tompkins County in 1965 and we

236 have been providing addiction and alcoholism support in the community since then. We are

237 licensed by the NYS Office of Addiction Services and Supports (OASAS). They just recently

238 changed their name if that sounds different to all of you. What we do is prevention, education, and

239 treatment services in the County. We see roughly a thousand individuals through our program each

240 year, about half of those are admitted into outpatient programming. In 2016 or 2017, we were

241 approached by Tompkins County and New York State to look at and be willing to help fill out the

242 continuum of care in Tompkins County by adding what's called medically supervised withdrawal

243 and stabilization services; in layman's terms, that's essentially a lower level detox. This would be

244 for people with mild to moderate diagnoses. At that point in time, Tompkins County was sending

245 about 240 people out of County for those services at a pretty high cost. Some people did not

246 actually engage in treatment because they couldn't get the treatment locally. It's been our and part

247 of the County's plan to establish these services. We have been working on expanding those

248 services. The first of those things was receiving approval and an operating certificate from the

249 Village to do phase one of that project, which is open access. Open access is operating at 2353

250 North strip road and that is a 24-hour information referral. It is a medically supervised and a

251 medically assisted treatment program. It's essentially one step up the continuum or enhanced

252 services from straight outpatient treatment, which is what we do downtown. When we came before

253 the Planning Board in 2018, we described phase two, which is this additional piece of residential

254 beds. We had discussed then 40 residential beds that are swing beds between medically supervised

255 withdrawal and stabilization component. We have been working hard and working tirelessly and

256 have gotten funding. We have been working on the things that would bring us to the next step,
257 which is to bring before you a phase two project for site plan review. My hope today is that we
258 can get back on track and make sure that we are moving ahead with this very important project.
259 We need the project more since COVID than pre COVID.

260 Schleelein referred to a document submitted some months past that informally described phase II.
261 According to the definitions provided in the Village Code, Schleelein agrees with Scott on his
262 categorization of that description as a *Hospital*. Schleelein asked if there are any current residents
263 at the facility. Sullivan said no.

264 Sullivan:

265 This is not medical level equivalent of a hospital. When we say medication-assisted treatment,
266 there are medical staff that are sort of monitoring these are people with mild to moderate
267 designations. People in detox in a hospital is a whole other level of things. I think the perception
268 of it being like a hospital is not what it's like. A better characterization is that it is more like a group
269 home that has nurses and doctors that provide services at a group home. T. People are in this
270 program voluntarily. They might be referred to the program by any number of departments, social
271 services, counseling, justice issues, criminal justice issues and mental health. It is a hundred
272 percent voluntary, so they can choose to come here or not. When admitted, people can read that
273 it's not a secure lockdown. People who generally want treatment need access to this type of care. I
274 know we had talked in the past that residents were concerned that people would just sort of walk
275 out the door. That is not an option. They can't decide in the middle of the night that they don't want
276 to do it anymore. There has to be a discharge plan. We have to discharge them into someone else's
277 care. It is both voluntary and very secure, as far as monitoring.

278 Schleelein asked how this treatment center would benefit the Village.

279 Sullivan:

280 I can start with the money side of it. It's creating 35 jobs of people who are going to spend money
281 and work in the Village. Secondly, it actually provides a service to the Village. We do have patients
282 in treatment programs from the Village of Lansing, Town of Lansing. The third piece is this is a
283 very, important, visible, highly supported project which is addressing a key need. This isn't just
284 about the treatment beds, it is about supporting people as they get to recovery, including connecting
285 them to jobs in the community and supporting them in their recovery. We received department of
286 labor funds to do the recovery which is a partnership with the Tompkins County Chamber
287 Challenge, Workforce Solutions and TC3. These funds came in to make sure that people who are
288 getting treatment from either our agency or some other treatment agency in the region get the
289 support they need.

290 Schleelein asked about people hanging around outside the facility smoking and just wandering
291 around. Sullivan said that there is no smoking and the patients are supervised. Schleelein had also

292 heard concerns about the need for buffering between the facility and the medical building next
293 door. There was also a concern about traffic from visitors.

294 Sullivan:

295 That has not changed from what we described in the first place. There is supervised visitation. I
296 will say that our initial estimate of people's lengths of stay is probably smaller than originally
297 thought. We are also thinking what would happen if someone stays for a longer period. Obviously,
298 what helps people in recovery is to have strong support once they're out of a program. They need
299 to have relationships. They will have visitation but, that is also supervised and pretty limited. It is
300 going to be designated times and days.

301 Schleelein has heard concerns about storage of drugs at the on-site pharmacy along with possible
302 Narcan injections. Schleelein asked what types of injections and drugs will be available and used.

303 Sullivan:

304 When we say an onsite pharmacy, we mean something that looks like a tackle box for the most
305 part. If someone checked in and was taking insulin, they would not have their insulin with them
306 while they're in their room. Somebody like an LPN or clinician or a nurse or whoever would
307 administer the medicine or something like vitamin D supplements, insulin or blood pressure
308 medicine according to whatever their doctor or the medical director prescribes. Narcan is widely
309 distributed in the community. That is an opioid overdose drug. That's the thing you administer as
310 a good Samaritan or a trained professional. We do distribute and train the community to use Narcan
311 out of the open access center. This is not a center where people line up outside for drugs.

312 This is not extreme detox.

313 Greenwald asked how many other facilities do you have like this. Sullivan said that they do not
314 operate any facilities like this. This is their first. They have had an out-patient clinic since 1982.
315 Greenwald asked what other municipalities have labeled your facilities with regard to zoning.
316 Sullivan does not know of any that were considered a hospital. Sullivan believes most were
317 considered Special Care Facilities. Greenwald then asked Scott if there were any State codes that
318 would override local code, in the manner of houses of worship which are allowed in all zones.
319 Scott was not aware of any, but would research.

320 Schleelein said she would not consider Sullivan's proposal to be a hospital in the typical sense and
321 admits that the Village Code definitions might be a little out of date. However, there is not a
322 definition that perfectly fits this situation but *Hospital* seems the closest. Sullivan believes that
323 either Assisted Living Facility and Special Care Facility would best fit their phase II proposal.
324 Sullivan is there to show the Planning Board that their facility is more like those definitions and
325 not a hospital. People pay for this service just like assisted living.

326 Moll asked Scott why he categorized this proposal as a hospital. Scott explained. Ingraffea said
327 that none of those definitions describe the proposal completely. Sullivan emphasized that they
328 really need this phase II to move forward.

329 Troy advised the Planning Board that phase II should go through the proper and formal special
330 permit process including a public hearing.

331 There was some confusion that The Council presentation at the meeting in 2018 was a public
332 hearing. Schleelein clarified that the 2018 meeting was an informational and educational meeting
333 for residents as a special permit was not required at that time. It was not a formal meeting. Sullivan
334 believes that the Phase II proposal is an allowed use were it not categorized as a hospital.

335 Picciotti:

336 Because of the hospital categorization by the Code Enforcement Officer, we looked at the code,
337 consulted with a code officer and counsel as to how to deal with this determination. We filed an
338 appeal to the BZA because that was what appeared to be what the code said and what we were
339 directed to do. We would like to get to the special permit phase. We obviously disagree with any
340 designation of this as a hospital. Part of the problem, frankly, is The Council feels like the rug was
341 pulled out from under them because this designation came a year into a process where they had
342 said since May or June of 2018 what they were planning to do. All of a sudden, in January of 2020,
343 the categorization is something else. The code says that we need to appeal the designation by the
344 CEO. We've done that and have been just waiting for a hearing date for the BZA. If there's a date
345 that we can be put on for that hearing before the BZA, we can do that. If the Planning Board is
346 suggesting that it may look at this differently than the CEO, then obviously we believe that the
347 special permit should be the next step.

348 Troy again advised the Planning Board that this proposal needs to go through the usual special
349 permit process. This situation cannot be determined based on a conversation that may or may not
350 have occurred 2 years ago. It needs to go through the formal process. Picciotti agreed and said they
351 will proceed by way of special permit.

352 **Trustee Report**

353 No Trustee Meeting

354

355 **Other Business to report**

356 Troy spoke with Mike Gavin about Mall infrastructure and possible video of stormwater piping.

357

358 Baker reminded everyone to vote tomorrow.

359

360 Leopold was upset about the home construction at 12 Esty Drive and the elimination of trees on that
361 lot which seemed to be in excess. Scott explained that the contractor is staying within the parameters
362 discussed. Scott is often at the site. Unfortunately, because the property is not within the sewer

363 district, more clearing needs to be done because of the septic system. Leopold ask what is being
364 done to counter any run-off due to a major rain event. Scott said that a basic SWPPP is in place and
365 checked on a regular basis by him and Brent Cross. There is a swale or basin along with a silt fence
366 on the down slope side of the site to minimize any erosion.

367

368 Scott updated the Planning Board on the Nissan Maguire project. John Snyder sent a letter to Scott
369 to address the GML-239 and Scott sent the letter on to Scott Doyle. Doyle emailed Scott with
370 approval. Lighting may be an issue because both sides interpret the lighting guideline differently.

371

372 **Adjournment:**

373 Schleelein asked for a motion to adjourn at 8:46 PM. Moved by Baker. Seconded by McCauley

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

375 Nays: None

376

377 Minutes taken by: Michael Scott, CEO