

1 Village of Lansing
2 Special Planning Board Meeting
3 Minutes of Wednesday,
4 August 18, 2021
5

6 Lisa Schleelein and James McCauley were only able to attend via Zoom. Mike Baker was the
7 designated Chair.
8

9 The meeting of the Village of Lansing Planning Board was called to order at 7:09 PM
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11 **Present at the meeting:**

12 **Planning Board Members:** Mike Baker, Anthony Ingraffea, Monica Moll, and (Lisa Schleelein
13 and James McCauley attending via Zoom and unable to vote)

14 **Alternate Member:** None

15 **Village Legal Counsel:** Peter Grossman in for Bill Troy

16 **Village Engineer:** Absent

17 **Village Trustee Liaison:** Carolyn Greenwald

18 **Village CEO:** Michael Scott
19

20 Public included: Mike Gavin and Ken Farrall representing the Shops at Ithaca Mall; Andrew Sullivan
21 of The Lansing Ledger, and John Courtney (via Zoom).
22

23 **Approval of the Minutes**

24 Ingraffea moved to approve the minutes of July 27, 2021. Moll seconded.

25 Ayes: Baker, Ingraffea, and Moll

26 Nays: None
27

28 **Public Comment Period:**

29 Baker recognized Andrew Sullivan as present.

30 With no one wishing to speak, Moll moved to close the public hearing. Seconded by Ingraffea.

31 Ayes: Baker, Ingraffea, and Moll

32 Nays: None
33

34 Baker read the following from the agenda:
35

36 **Proposed Addition of a Parcel M to The Shops at Ithaca Subdivision**

37 *The Shops at Ithaca Mall, represented by Michael J. Gavin of Gavin Law, is seeking approval*
38 *from the Planning Board for a subdivision of Tax Parcel 42.1-1-22. The applicant is proposing to*
39 *add an additional Parcel M to the proposed subdivision.*
40

41 Scott reported that there have been some recent changes to the subdivision resolution and those
42 changes were sent to Mike Gavin for review. Because Mike Gavin just received the changes, Scott
43 advised that the members at the meeting tonight work through the resolution to develop an
44 agreeable solution. Scott said that many of the changes came about because of the research done
45 for the needed easements.

46 Grossman reviewed the perspective changes including walkways, access for BJ's, and western
47 fences to name a few.

48

49 The question of access to BJ's stems around the potential closure of Graham Road West for
50 construction. As it is now, Graham Road West is the only legal access to BJ's for customers. The
51 Village would like to make sure that those customers can legally use the other mall roads in this
52 case and in the future.

53

54 Other minor issues involve light poles within the parcel to be dedicated to the Village, repair and
55 maintenance to an existing wooded fence on Mall property, and future crosswalks.

56

57 Gavin did not have the authority to okay an agreement with BJ's at this time. Gavin had some
58 concerns about the other changes to the resolution. With regard to #4 of the resolution, the Mall
59 has already hired a third party to do the work. #8 and "E" are pretty much the same subject.

60

61 There was some discussion about the stormwater near Pyramid Drive and the direction of the flow
62 if and when the Hotel lot is developed. Conditions 4,6, and 8 of the resolution were changed.

63

64 Scott explained that the wooden fence is really the only buffer, other than distance, that the
65 residential area to the west has from the Mall. Scott has spoken to Mall management, and they
66 claim it is not the Mall's responsibility to maintain the fence, even though Scott pointed out that it
67 is on the Mall property.

68

69 Gavin asked who installed it.

70

71 Courtney seemed to believe that the fence was a requirement by the Planning Board years ago
72 when the southwest corner was filled in. Gavin will speak with Gina Speno about the situation.
73 Condition 9 was revised to specify actual fence location.

74

75 Gavin discussed the escrow in condition E. The financing from the lender is contingent upon the
76 filing of the plat so, it is going to be difficult to fund the escrow until the money is released.
77 Condition E was modified to allow for 30 days to fund the escrow or complete the stormwater
78 project.

79

80 There was a discussion about accessibility for BJ's if Graham Road West were to be shut down
81 for any reason. Conditions H and I had language removed that specified BJ's.

82

83 Gavin suggested installing language into the ECCR to allow public use of the common Mall roads
84 to access BJ's.

85

86 Courtney was concerned about the BJ's water supply running through the Mall water meter and
87 how the Village could protect the BJ's parcel for the future. Courtney was concerned that the
88 changes in conditions H and I leave those conditions too vague.

89 Grossman suggested using Gavin’s idea of addressing it in the ECCR. It was agreed that Gavin
90 would make the necessary changes to the ECCR and that condition K would be added to require
91 Board of Trustee approval for those changes.

92

93 Moll moved to close the public hearing. Ingraffea seconded.

94 Ayes: Baker, Ingraffea, and Moll

95 Nays: None

96

97 Baker read through the following revised resolution:

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99 *VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR FINAL PLAT*
100 *APPROVAL OF MAJOR SUBDIVISION #2020-4402 ADOPTED ON MARCH 8,*
101 *2021 AND AMENDED ON AUGUST 18, 2021*

102 *Motion made by:* Monica Moll

103 *Motion seconded by:* Anthony Ingraffea

104 **WHEREAS:**

105 A. *This matter involves consideration of the following proposed action: Final Plat approval*
106 *of a major subdivision of The Shops at Ithaca Mall (Tax Parcel #42.1-1-22) owned by PMI*
107 *NEWCO LLC (referred to as “applicant” or “the Mall”). The applicant by its*
108 *representative, Michael J. Gavin of Gavin Law, is proposing to subdivide tenant spaces in*
109 *order to offer them for sale to existing and perspective tenants/affiliated investors/owners;*
110 *and*

111

112 B. *On January 13, 2020, the Village of Lansing Planning Board, in accordance with*
113 *subsection D of Section 125-5 of the Village of Lansing Code, (i) reviewed the sketch plan*
114 *submitted with respect to this proposed action; and (ii) classified the proposed subdivision*
115 *as a major subdivision; and*

116

117 C. *On July 28, 2020, August 10, 2020, August 25, 2020, September 14, 2020, October 27,*
118 *2020, November 9, 2020, December 14, 2020, December 29, 2020, January 11, 2021,*
119 *January 26, 2021, February 8, 2021, February 23, 2021, March 8, 2021, July 27, 2021,*
120 *and August 18, 2021, the Village of Lansing Planning Board held a public hearing*
121 *(adjourned from time to time as set forth above) regarding this proposed action, and*
122 *thereafter thoroughly reviewed and analyzed (i) the proposed preliminary, amended, and*
123 *final subdivision plat and accompanying materials and information presented by and on*
124 *behalf of the applicant in support of this proposed action, including information and*
125 *materials related to environmental issues, if any, which the Board deemed necessary or*
126 *appropriate for its review; (ii) all other information and materials rightfully before the*
127 *Board (including, if applicable, comments and recommendations, if any, provided by the*
128 *Tompkins County Department of Planning in accordance with General Municipal Law*
129 *Sections 239-1,m,and n); and (iii) all issues raised during the public hearing and/or*
130 *otherwise raised in the course of the Board’s deliberations.*

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D. On December 29, 2020, the Village of Lansing Planning Board, in accordance with (i) Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), and 6 NYCRR Section 617.5; and amended environmental review, adopted a Resolution for SEQR Review in connection with Major Subdivision #2020-4402;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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*1. Based upon all of its foregoing review and action, it is hereby determined by the Village of Lansing Planning Board that approval of the proposed Major Subdivision #2020-4402 is **GRANTED**, subject to the conditions and requirements set forth below;*

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Conditions and Requirements:

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A. Implementation of the following:

- 1. The Mall will continue to follow its then current maintenance program, an example of which is attached hereto, that includes:
 - a. weekly inspection of the roof drains and parking lot inlets by Mall maintenance;*
 - b. annual roof drain cleaning by third parties;*
 - c. annual snaking of the mains by third parties; and*
 - d. bi-annual (twice a year) cleaning of the culverts by third parties.**
- 2. The Mall will continue to follow its then current Flash Flood Warning - Emergency Plan.*
- 3. Annual spring inspection and maintenance of the stormwater infrastructure by third parties.*
- 4. Removal of the rocks which are inside the 42" storm water pipe which runs underneath the southern portion of the Mall to be completed when the crew and equipment certified for confined spaces are available for such work by third parties.*
- 5. Replacement of the grate (previously replaced in early winter) on the 42" storm water pipe which runs underneath the southern portion of the Mall once the rock has been removed.*
- 6. Removal of the rip rap from the swale running along the south end of the parcel ("swale") to a depth sufficient to provide positive drainage from Village owned facilities.*
- 7. Removal of the stand pipe from the basin adjacent to the rear access path to the subdivision in conjunction with the excavation of the swale.*
- 8. The developer of the parcel currently designated as "hotel" will be required to divert an appropriate amount of off-site stormwater in order to minimize the chances of flooding.*

- 171 9. *The Mall will maintain, repair, or replace (as needed), and may relocate the*
172 *existing six foot tall wooden fence running largely parallel, north and south to*
173 *the westerly boundary line of the Mall property all as shown on the*
174 *Subdivision Plat, such fence to provide a buffer between the Mall commercial*
175 *area and the residential properties to the west.*
- 176 B. *Per approval of the Village of Lansing Lighting Commission, provide and*
177 *maintain suitable lighting for the western walkway and stairs leading to the*
178 *adjoining residential area at the Mall's sole cost for installation, continuing*
179 *maintenance, and utility service to such lighting.*
180
- 181 C. *Approval of amended changes to granted variance 2021-01 through 2021-38 and*
182 *2021-40 through 2021-44 reflecting new tax parcel numbers.*
183
- 184 D. *Prior to the release of a signed final plat, the applicant/owner will make full*
185 *payment to the Village of all sums required to be placed in escrow in lieu of*
186 *establishing an escrow account. Such fees will be paid in accordance with the*
187 *terms of Village Code Section 125-18.*
188
- 189 E. *Within 30 days after the recording of the signed final plat, the applicant/owner*
190 *will provide a letter of credit, establish an escrow account for the sum of \$49,081,*
191 *or complete the excavation of the stormwater infrastructure to allow offsite*
192 *stormwater from Pyramid Drive to flow along the south side of the Mall property.*
193
- 194 F. *Applicant/owner will provide a Stormwater Maintenance Agreement to the*
195 *Village for approval.*
196
- 197 G. *Responsibility for the water and sewer systems will remain the same as previously*
198 *established before the subdivision.*
199
- 200 H. *Subject to the parties agreeing to formal written and executed easements and*
201 *transfers of land as necessary to affect the agreed upon easements and transfer of*
202 *land, and the execution of a formal written agreement, binding on the successors*
203 *and assigns of the party, between the Mall and the Village relating to obligations*
204 *undertaken by the Mall to install, maintain, repair, obtain utility services for, and*
205 *bear the costs of certain lighting and fencing as shown on the Subdivision Plat,*
206 *and the provision of a right of ingress and egress to the Village over all roads*
207 *within the Mall property for access to Village facilities adjoining or within and*
208 *crossing the Mall property.*
209
- 210 I. *Subdivision approval is subject to completion of recordable legal instruments*
211 *providing for required easements, rights of way, property transfers, relocation of*
212 *sidewalk and of creation of new crosswalk, drainage work, and a separate written*
213 *agreement and undertaking by PMI Newco, LLC and the Village with respect to*

214 *maintenance of drainage ways, lighting, fencing as shown and identified on the*
215 *Subdivision Plat.*

216

217 *J. Approval of resolution subject to final approval of Village attorney.*

218

219 *K. Board of Trustees' approval of the revisions to the ECCR, the approved ECCR to*
220 *be filed contemporaneous with filing of the approved signed plat.*

221

222 *2. The Chairperson of the Village of Lansing Planning Board is hereby authorized and*
223 *directed to sign the final plat for the approved major subdivision in accordance with*
224 *subsection G of Section 125-6 and subsection A of Section 125-15 of the Village of*
225 *Lansing Code.*

226

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

228 *AYES: Baker, Ingraffea, and Moll*

229 *NAYS: None*

230 *The motion was declared to be carried*

231 **Other Business**

232 The Lansing meadows discussion will be postponed to the 8/31/21 regular meeting.

233 Schleelein encouraged the Planning Board members to contact our State Assembly and State
234 Senator officials to suggest they consider changes to the Open Meeting Law to help with
235 participation in public meetings and take advantage of technology and what we have learned from
236 using Zoom during the pandemic.

237 **Trustee Report**

238 No report

239 **Adjournment**

240 Baker asked for a motion to adjourn at 8:43 PM. Moved by Moll. Seconded by Ingraffea.

241 Ayes: Baker, Ingraffea, and Moll

242 Nays: None

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244 Minutes taken by: Michael Scott, CEO