

Village of Lansing  
Planning Board Meeting  
Minutes of Monday,  
December 13, 2021

7 The meeting of the Village of Lansing Planning Board meeting via Zoom was called to order at  
8 7:01 PM

## **10 Present at the meeting:**

**Planning Board Members:** Mike Baker, Anthony Ingraffea, Jim McCauley, Monica Moll  
(arrived at 7:04), and Lisa Schlelein

### **13 Alternate Member:** None

## **14 Village Legal Counsel: Natalie French**

## 15 Village Engineer: Brent Cross (7:11)

## **16 Village Trustee Liaison: Randy Smith**

## 17 Village CEO: Michael Scott

18  
19 Public included: Eric Goetzmann, Adam Frosino, and Attorney, John Langey representing Lansing  
20 Meadows; Attorney Ray Schlather, Chris Wood, and David Beer representing Beer Properties  
21 LLC; Susan Ainslie, Robert Miller, Pat Gillespie, and John Courtney.

## **23 Approval of the Minutes**

## 24 Minutes moved to next meeting

## **26 Public Comment Period:**

27 With no one wishing to speak, Ingraffea moved to close the public comment period. Seconded by  
28 McCauley.

29 Ayes: Baker, Ingraffea, McCauley, and Schlelein.

30 Nays: None

31

### 32 Schleelein read the following agenda item:

33

34 *Continue Public Hearing for Special Permit #2021-4516*

35 Arrowhead Ventures, LLC/Triax Management Group, to develop Area B of the Lansing  
36 Meadows Planned Development Area (PDA), which includes 12 single family senior housing  
37 units, Tax Parcel No. 47.1-1-17.21\*\* and 47.1-1-17.29\*\*. This project is directly adjacent to the  
38 stand-alone retail center (BJ's Wholesale Club), Area A and the proposed Commercial Section  
39 A-1 of the PDA, that is adjacent to the Shops at Ithaca Mall, and is also adjacent to the  
40 enhanced wetlands, Area C of the PDA, adapted to provide a bird habitat and buffer between  
41 Areas A and B of the PDA.

42 \*\*This is a correction from the September 13, 2021 Planning Board agenda

- 44 The resolution conditions were discussed and noted as follows:
- 45
- 46 Langey asked for an extension of time for the escrows to be established due to the time needed for  
47 wording of the documents. It was agreed upon to change the time to 4 business days after a signed  
48 resolution. Langey and French will continue to work on the escrow language.
- 49
- 50 The GML-239 condition will remain in the conditions.
- 51
- 52 The first draft of the NYSEG and Sewer easement were provided but, the sidewalk easement is  
53 close to being done.
- 54
- 55 Landscaping plan has been signed by Goetzmann. Schleelein said that any changes to that plan  
56 need to be brought to the Planning Board.
- 57
- 58 The language was changed in the escrow conditions.
- 59
- 60 Courtney said that the sidewalk and stormwater drain plans are nearly complete.
- 61
- 62 Courtney stated that the sewer as-builts have some minor modification to be addressed but, the  
63 major items have been completed.
- 64
- 65 Baker moved to close the public hearing. Seconded by Moll.
- 66 Ayes: Baker, Ingraffea, McCauley, Moll and Schleelein.
- 67 Nays: None
- 68
- 69 Schleelein read through the General Conditions for a special permit.
- 70 Ingraffea moved that the General Condition have been met. Seconded by Baker.
- 71 Ayes: Baker, Ingraffea, McCauley, Moll and Schleelein.
- 72 Nays: None
- 73
- 74 Schleelein read the following resolution:
- 75
- 76       **VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR**  
77       **SPECIAL PERMIT NO. 2021-4516 ADOPTED ON DECEMBER 13, 2021**
- 78 Motion made by: Monica Moll
- 79 Motion seconded by: Michael Baker
- 80 WHEREAS:
- 81       A. This matter involves consideration of the following proposed action: Special Permit No.  
82       2021-4516, Arrowhead Ventures, LLC/Triax Management Group, to develop Area B of the  
83       Lansing Meadows Planned Development Area (PDA), which includes 12 single family  
84       senior housing units, Tax Parcel No. 47.1-1-17.2 and 47.1-1-17.6. This project is directly

85 adjacent to the stand-alone retail center (BJ's Wholesale Club), Area A and the proposed  
86 Commercial Section A-1 of the PDA, that is adjacent to the Shops at Ithaca Mall, and is  
87 also adjacent to the enhanced wetlands, Area C of the PDA, adapted to provide a bird  
88 habitat and buffer between Areas A and B of the PDA; and  
89

- 90 B. On September 13, 2021, September 28, 2021, October 11, 2021, October 26, 2021,  
91 November 11, 2021, November 30, 2021, and December 13, 2021, the Village of Lansing  
92 Planning Board opened and continued a public hearing regarding this proposed action,  
93 and therein thoroughly reviewed and analyzed (i) the materials and information presented  
94 by and on behalf of the applicant in support of this proposed action, including information  
95 and materials related to the environmental issues, if any, which the Board deemed  
96 necessary or appropriate for its review, (ii) all other information and materials rightfully  
97 before the Board (including, if applicable, comments and recommendations, if any,  
98 provided by the Tompkins County Department of Planning in accordance with General  
99 Municipal Law Sections 239-1 and 239-m), and (iii) all issues raised during the public  
100 hearing and/or otherwise raised in the course of the Board's deliberations;

101  
102 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

103 1. The Village of Lansing Planning Board hereby finds (subject to the conditions and  
104 requirements, if any, set forth below and the provisions provided for in paragraph "B"  
105 above) that the proposed action meets (i) all general conditions required for all special  
106 permits (Village of Lansing Code Section 145-59E); (ii) any applicable conditions  
107 required for certain special permit uses (Village of Lansing Code Section 145-60); and  
108 (iii) any applicable conditions required for uses within the Lansing Meadows PDA  
109 (Village of Lansing Code Section 145-42.1 and applicable appendixes); and

110  
111 2. It is hereby determined by the Village of Lansing Planning Board that Special Permit  
112 No. 2021-4516 is **GRANTED AND APPROVED**, subject to the following conditions  
113 and requirements:

- 114 a. Soil and Erosion control measures and water quality techniques shall be implemented and  
115 coordinated as required and approved by the Village of Lansing Code Enforcement Officer  
116 and/or the Village of Lansing Engineer, and a plan for maintenance and said control  
117 measures and quality techniques over time shall be established with the Village of Lansing  
118 Code Enforcement Officer and/or the Village of Lansing Engineer.  
119  
120 b. Approval by the Village of Lansing Engineer and Village of Lansing Storm Water Officer  
121 of, but not limited to, site work, storm water management and infrastructure plans, and  
122 implementation thereof. Drainage easements for potential impact from the stormwater

123       *management facilities on neighboring parcels shall be obtained, provided to the Village*  
124       *for approval by the Village Engineer, Stormwater Officer and Attorney, and thereafter*  
125       *recorded at the Tompkins County Clerk's Office.*

- 126
- 127       c. *Applicant shall provide a copy of the executed easement agreement between Applicant and*  
128       *NYSEG. Applicant shall enter into sewer and sidewalk easements with the Village. The*  
129       *sidewalk and sewer easements are to be reviewed and approved with the Village Attorney*  
130       *and the Village Planning Board prior to their execution.*
- 131
- 132       d. *Required permits, approvals, consents and other authorizations from all applicable*  
133       *Federal, State, County and local governmental and regulatory agencies shall be obtained,*  
134       *maintained and complied with for all permitted improvements, operations and activities as*  
135       *authorized by this special permit approval, and such improvements, operations and*  
136       *activities shall at all times comply with all applicable Federal, State, County and local*  
137       *laws, codes, rules and regulations.*
- 138
- 139       e. *Prior to a Certificate of Compliance being issued for Phase 2 Buildings 8 and 14, a*  
140       *maintenance agreement pertaining to the stormwater facilities shall be submitted to and*  
141       *approved by the Village Attorney, Village Engineer, and Village Stormwater Management*  
142       *Officer.*
- 143
- 144       f. *A landscaping plan shall be submitted to and approved by the Village of Lansing Planning*  
145       *Board prior to the installation of any plantings. Per Village Landscaping Policy adopted*  
146       *on January 21, 2002 by Resolution 3827 and Village Code Section 145-24, continual*  
147       *maintenance of the buffer between existing commercial and new residential areas is*  
148       *required.*
- 149
- 150       g. *Upon approval and filing of Special Permit #2021-4516, an escrow account will be*  
151       *established and funded within 4 business days after the execution of the escrow agreement*  
152       *in the amount of \$152,859 as determined by the Village of Lansing Board of Trustees in*  
153       *connection with the building of a sidewalk along Oakcrest Road within the Village right-*  
154       *of-way where the subject property is located. Failure to establish and fund said escrow*  
155       *account will result in an immediate stop work order and withdrawal of Applicant's building*  
156       *permit pursuant to Village of Lansing Code Section 145-59 (D)(9). If the applicant fails to*  
157       *complete the work by July 26 2022, the Village may use the escrowed funds to complete*  
158       *the work in accordance with the terms of the executed escrow agreement.*
- 159
- 160       h. *An escrow account shall be established and funded in the amount to be determined by the*  
161       *Village of Lansing Board of Trustees and Department of Public Works for the completion*  
162       *of the connection running through the Eastern portion of the A-1 parcel to Hickory Hollow*  
163       *Road if said connection is not completed by July 1, 2022. Upon written notification of the*  
164       *escrow figure, the applicant shall establish and fund an escrow account within 4 business*  
165       *days after the execution of the escrow agreement. Failure to establish and fund said*  
166       *escrow account will result in an immediate stop work order and withdrawal of Applicant's*

167       *building permit pursuant to Village of Lansing Code Section 145-59 (D)(9). If the applicant*  
168       *fails to complete the work by July 26, 2022, the Village may use the escrowed funds to*  
169       *complete the work in accordance with the terms of the executed escrow agreement.*

170

- 171       i. Upon approval and filing of Special Permit #2021-4516, an escrow account for  
172       landscaping for Phase 2 will be established and funded within 4 business days after the  
173       execution of the escrow agreement in the amount of \$15,000. Failure to establish and fund  
174       said escrow account will result in an immediate stop work order and withdraw of  
175       Applicant's building permit pursuant to Village of Lansing Code Section 145-59 (D)(9). The  
176       Village may use the escrowed funds, in accordance with the terms of the executed  
177       escrow agreement, to landscape the open space now designated for Phase 2 buildings 8  
178       and 14 if condition "n" is not met by July 26, 2022.
- 179
- 180       j. Written approval by the Village of Lansing Superintendent of Public Works of the plan for  
181       all proposed sidewalks, curb-cuts, and sidewalk connections required to be installed.
- 182
- 183       k. Written approval by the Southern Cayuga Lake Intermunicipal Water Commission  
184       (SCLIWC), aka Bolton Point, of water consumption proposed for the occupancy of the new  
185       building(s) shall be provided to the Village of Cayuga Heights and the Village of Lansing  
186       for the issuance of the required sewer permits.
- 187
- 188       l. Written approval by the Village of Cayuga Heights of the sewer system.
- 189
- 190       m. Review and written approval by the Tompkins County Department of Planning in  
191       accordance with General Municipal Law Sections 239-l and 239-m.
- 192
- 193       n. The deadline for completion of foundation work for Phase 2 buildings 8 and 14 is the  
194       scheduled Planning Board meeting of July 26, 2022.
- 195
- 196       o. The deadline for completion of Phase 1 (buildings 2, 20, 26, 32, and all site infrastructure,  
197       sitework, sidewalk and landscaping for Phase 1 as delineated on the approved Planting  
198       Plan) is the scheduled Planning Board meeting of July 26, 2022.
- 199
- 200       p. The deadline for completion of Phase 2 (buildings 8 and 14) is the scheduled Planning  
201       Board meeting of October 31, 2023.
- 202
- 203       q. If any deadline under this Special Permit is not met and applicant, in the sole discretion of  
204       the Planning Board, has provided no reasonable basis for delay, the Planning Board  
205       reserves the right to take such action as the Board deems appropriate, including but not  
206       limited to withdrawing the Applicant's building permit or requiring additional escrow  
207       accounts to be established and funded for the costs of complying with the Special Permit  
208       as determined by the Village of Lansing Board of Trustees and Department of Public  
209       Works.

210

- 211 r. *Consistent with the PDA requirements, senior housing is the purpose of this development.*
- 212
- 213 s. *The roadway in the proposed planned development shall be a one-way roadway and*
- 214 *privately held.*
- 215
- 216 t. *All open spaces in the proposed development area shall be graded, landscaped, and*
- 217 *Maintained by the applicant.*
- 218
- 219 u. *No Certificate of Compliance shall be granted until all infrastructure, landscaping, and*
- 220 *sidewalk work for the site has been completed by applicant. If applicant applies for a*
- 221 *Temporary Certificate of Occupancy prior to the completion of said work, the applicant*
- 222 *must establish and fund separate escrows for the completion of the Phase 1 landscaping*
- 223 *and/or the A-1 sidewalk, in the amounts determined by the Village's Engineers and*
- 224 *Department of Public Works. The Temporary Certificate of Compliance shall not be issued*
- 225 *until such escrow(s) is/are established and funded. If applicant is issued a Temporary*
- 226 *Certificate of Compliance and has not completed all Phase 1 landscaping and A-1 sidewalk*
- 227 *work by July 26, 2022, then the Village may use the escrowed funds to complete the*
- 228 *remaining work.*
- 229
- 230 v. *No development of Area A-1 can commence until Phase 1 and Phase 2 are completed and*
- 231 *receive all Certificates of Compliance.*
- 232

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

234 *AYES: Baker, Ingraffea, McCauley, Moll, and Schleelein*

235 *NAYS: None*

236 *The motion was declared to be carried*

237 Schleelein read the following agenda item:

238

239 **Public Hearing for the Final Plat of Cluster Subdivision Proposal #2021-4464 by Beer**

240 **Properties, LLC.**

241 *Beer Properties, LLC and Hunt Engineers are providing a Final Plat of a cluster subdivision for*

242 *property Parcel # 45.2-1-47.2 which consists of approximately 40 acres of vacant land located*

243 *between Craft Road and Bush Lane. The Final Plat, along with details of proposed duplex lots*

244 *will be reviewed by the Planning Board.*

245

246 Because of the length of time between presentations, Schleelein asked the applicant to give a

247 review of the proposed project.

248 Chris Wood, from Holt Engineering, gave a review of how the approved preliminary plat has

249 been changed. Wood showed an overlay plan and described the changes made by Holt

250 Engineering along with the requested Village changes. The major item that remained was the  
251 road intersections.

252 Schlelein stated that the road alignment had been brought up in previous meetings and had  
253 hoped that a common agreement could have been met before any final plat approval. Schlelein  
254 also stated that there have been substantial changes made to the approved plat by the applicant  
255 such as wetland delineation. Schlelein asked the applicant to help the Planning Board  
256 understand what the major resistance was for not changing the intersections.

257 David Beer explained that the project was intended and designed to create a “pocket”  
258 neighborhood feel to it. This would include common yard areas intended for social gatherings  
259 and interactions. Beer said that their intention was to build something that was different from the  
260 standard subdivision. Beer stated that by changing the road configuration as the Village has  
261 requested, would go against the intended “pocket” feel.

262 Ingraffea asked Beer if he had an alternative layout so that the Planning Board could see how it  
263 would affect the intended design. Beer said that they do have a design that was provided by the  
264 Village but, dismissed it because it is not what Beer wants to do. Beer feels that there is no other  
265 road option but the one that was approved on the preliminary plat.

266 Schlelein stated that a cluster subdivision is similar to a special permit in that both are a  
267 privilege and not a right. Also, a cluster subdivision may require some negotiation to benefit both  
268 parties.

269 Beer stated that it seems unreasonable to have a preliminary plat approved and then have gross  
270 changes be requested. Schlelein noted that the Beers have also made changes to the plat. Beer  
271 added that their changes were from further research of the property. Schlelein stated that she  
272 could not agree more in that further research has also led the Village to identify needed changes.  
273 Moll asked to see an overlay map of the wetlands. Wood provided a diagram.

274 Courtney informed the Planning Board that there are approved lots and roads to the south of the  
275 proposed Beer subdivision where Lansing Trails III will be located. If the Beer subdivision is  
276 approved, as is, those units will have roads on both sides of the buildings possibly depreciating  
277 those properties. Another concern that Courtney expressed is the traffic safety due to the  
278 compounded intersections.

279 Schlelein stated that it would be beneficial for the Planning Board to see how the suggested  
280 alternatives would look before making any decisions regarding a final plat.

281 It was noted that Millcroft Way will experience increased traffic once Lansing Trails III is  
282 developed.

283 Schlelein stated that the Planning Board also needs to take inconsideration the other  
284 developments that this would affect.

285 Schlelein asked Courtney if the Village had to accept the roads if dedicated. Courtney said that  
286 the Village could accept part of it or decline to accept any. Beer stated that that would be an  
287 interesting possibility.

288 Baker stated that whether or not the Village accepts a road, is it safe for the residents.

289 Beer stated that every aspect of their designed road meets code which Baker replied that there are  
290 other roads and intersections within the Village that meet code but, with time, we are finding that  
291 maybe they should have been done differently.

292 Schlather said that he reviewed the past minutes and found that all parties were present (except  
293 Courtney) when the preliminary plat with this road design was discussed and approved.

294 Schlather continued by saying that Beer and Wood have submitted a final plat and letter that

295 addresses the concerns express by the Village engineers and all of the concerns of Courtney and  
296 Cross have been accepted except the reconfiguration of the roads. Schlather said that the changes  
297 at this point should be “tweaking” the plan, not “wholesale” changes.  
298 French informed Schlather that an acceptance of a preliminary plat does not indicate an  
299 acceptance of a final plat. The Planning Board has every right to make changes to the  
300 preliminary plat as indicated in the Village of Lansing Code.  
301 Scott identified the section of the Code and added that changes are allowed with no definitioOn  
302 of “tweaking” or “wholesale”. Scott also asked what Schlather meant when he said “taking it to  
303 the next level”.  
304 Schlather indicated that there is case law pertaining to this type of dispute. Schlather said:  
305  
*306 “My concern here is what ultimately do the courts say about these kinds of disputes? And  
307 ultimately the courts say that, citing from a case, that a planning board may not modify a  
308 preliminary plat and then disapprove of the layout of the final plat that conforms to those  
309 modifications that have been prescribed by the board, and indeed any modification or rejection  
310 of a preliminarily approved sub subdivision layout is an arbitrary and capricious act, which is  
311 subject to invalidation. So, these are cases that go all the way up to the court of appeals. The  
312 whole point of it is, if you look at the law, the law states that the term preliminary is somewhat of  
313 a misnomer in this context because absent extraordinary circumstances, a preliminary plat  
314 approval finally establishes the primary characteristics and designed features of a particular  
315 subdivision plat, consequently preliminary plat approval has a greater weight than a mere  
316 informal reaction to a preliminary plat.”*  
317  
318 Schlather stated that the Beers have done everything that has been asked of them except the road  
319 changes.  
320 Schlelein said that many of the changes made were done out of necessity because it did not meet  
321 Code. Also, the Beers made changes to the preliminary plat yet the Village is not allowed too?  
322  
323 Cross reflected on the large amount of time that has passed since the preliminary plat was  
324 discussed and noted that within that time, there was a change of engineers by the applicant along  
325 with further study of the plat. Cross added that he is not sure if the road design is code compliant  
326 without an in-depth study.  
327  
328 Scott asked Schlather if the court cases he is referring to deal with standard subdivisions or cluster  
329 subdivisions because they are completely different. A cluster subdivision is a trade-off or  
330 negotiation between a municipality and a developer which benefits both parties.  
331  
332 Schlather stated that the rules of law when pertaining to preliminary versus final do change.  
333  
334 There was some discussion about the original PDA application. Schlelein made it clear that the  
335 PDA and the cluster subdivision are two completely different projects.  
336  
337 Moll likes the idea of the Beer cluster subdivision but, would like to see the alternative road design  
338 as well as a report from the Village engineers and Courtney.

339 Beer said that by changing the road system it would substantially take away from the “pocket  
340 neighborhood” design. Beer continued by saying that the Board watered down their original idea in  
341 approving the preliminary plat. Now the Board wants to go farther away from the Beers’ idea.  
342 Beer said he would show the Planning Board the proposed road change but, that it is absolutely not  
343 going to be the design for the final plat.

344

345 A road design meeting for Village representatives will be set up to discuss whether the proposed  
346 subdivision roads meet Village and State Code.

347 Moll asked again if the alternative road layout drawing could be produced. Schlather said he  
348 would. Schlelein asked Schlather to send it to Scott.

349 Ingraffea said that Beer has suggested that a change in the proposed road layout would take away  
350 from the “pocket” neighborhood plan for the development. Ingraffea would like Beer to give  
351 examples of this. Beer said they will highlight that.

352

353 The public hearing will remain open.

354

**355 Other Business**

356 Scott reviewed the updated changes to the proposed exterior lighting law.

357 After some discussion, Baker moved to recommend the proposed exterior lighting law to the Board  
358 of Trustees. Seconded by Moll.

359 Ayes: Baker, Ingraffea, McCauley, Moll and Schlelein.

360 Nays: None

361

362 Schlelein reviewed some of the upcoming possible local law changes.

363 Mandatory training was discussed.

364 Ingraffea noted the County Housing Report.

365 Moll motioned to cancel the December 28, 2021 Planning Board meeting. Seconded by Ingraffea.

366 Ayes: Baker, Ingraffea, McCauley, Moll and Schlelein.

367 Nays: None

368

**369 Trustee Report**

370 French reviewed the Trustee meeting. Details can be found on the Village website in the

371 12/06/21 Board of Trustee minutes.

372 Discussion about the 2022 liaison for the Trustee Meetings.

**373 Adjournment**

374 Baker moved to adjourn at 9:15. Seconded by Ingraffea.

375 Ayes: Baker, Ingraffea, McCauley, Moll and Schlelein.

376 Nays: None

377

378 Minutes taken by: Michael Scott, CEO