

Village of Lansing
Planning Board Meeting
Minutes of Monday,
September 12, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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

Present at the meeting:

Planning Board Members: Mike Baker, Pat Gillespie, Jim McCauley (Zoom), and Lisa Schleelein.

Absent Members: None

Village Legal Counsel: Natalie French

Village Engineer: Brent Cross (zoom)

Village Trustee Liaison: Carolyn Greenwald

Village CEO: Michael Scott

Public included: John Langey (call in) and Eric Goetzmann (zoom) representing Lansing Meadows; Robert Schleelein, Carla Marceau, David Beer, and Lorraine Capogrossi

Baker changed the agenda order because Langey had limited time.

Baker read the following agenda item:

Review of Special Permit #2021-4516 Lansing Meadows

As per the conditions of Resolution #2021-4516, adopted on December 13, 2021, the Planning Board will review the progress of the Lansing Meadows Development.

Goetzmann is asking that condition “n” of Special Permit 2021-4516 be removed. Scott stated that the Planning Board needed to determine if Goetzmann’s requested amendment is a major or minor change. If major, the amendment would need a public hearing.

Baker suggested that the change be classified as minor. That classification has no bearing on the final decision of the proposed amendment. All other Planning Board members agreed.

Schleelein moved that the proposed amendment be consider a minor change. Gillespie seconded.

Ayes: Baker, Gillespie, McCauley, and Schleelein.

Nays: None

Langey reviewed the submittal information provided by Goetzmann and noted that although condition “n” would be removed, the completion deadline of October 2023 would still remain the same.

Goetzmann added that he is looking forward to working with a local contractor.

47 Baker reviewed the request with the Planning Board and discussed the possibility of requiring an
48 escrow for the completion of the Phase II foundations. Baker also added that although Goetzmann
49 has given examples of other projects in the region that have be delayed by the impact of Covid, the
50 same reason he said Phase II has been delayed, there are many projects in the area that have
51 steadily been moving along. Baker is in favor of the escrow.

52 French reminded the Planning Board that if they remove condition “n”, they will be removing the
53 reason for using condition “q” and therefore, giving them no right to have an escrow established.

54 Langey said he has found no mention of the Planning Board having the authority to require an
55 escrow for private property in the Village Code.

56 French noted that the escrow would be put into place as insurance that the foundation would be
57 completed. If the foundations were left half done, for example, the Village would need the escrow
58 to secure the area from possible public injury not for completion of the work.

59 Schleelein feels that a special permit is similar to a contract. The “reasonable basis” as indicated by
60 Goetzmann is still at question.

61 Langey feels there is no precedent for requiring an escrow for a private development nor is there
62 anything in the Village Code stating that it is allowed and disagrees with Schleelein that a special
63 permit is a contract.

64 Baker said that the Board of Trustees would be determining the amount of the escrow and what it
65 is to be used for.

66 French added that, as per Village Code, the Planning Board has the authority to impose reasonable
67 conditions and restrictions as related to the incidentals of the proposed special permit. These
68 conditions were extensively discussed between Langey and Goetzmann over 3 previous meetings.
69 French added that Langey thanked the Planning Board for the wording and meeting him half way
70 on the language agreed to in the resolution of December 2021. Condition “q” is very clear if/when
71 any deadlines are not met.

72 Langey strongly disagreed and ask if any other developer has had to do this for the Village.

73 Schleelein stated that most of the other developers have met their commitments and that she would
74 like to see a serious commitment by Goetzmann and have an escrow established.

75 Langey can see an escrow be established to secure the site but, not for constructing a private
76 project.

77 French said that the reasoning for the escrow was not intended to use the money for the Village to
78 build the foundation but to motivate the developer to complete the project.

79 The Board of Trustees would determine the escrow amount.

80 Langey needed to leave the meeting.

81 French recommended to the Planning Board that any escrow written specifically says that the
82 escrow funds will not be used in any way to complete the project. The money would be used to
83 properly secure the site and to incentivize Goetzmann to complete the project.

84 Schleelein does not want to remove condition “n”. McCauley agrees.

85 Goetzmann explained his side of the story and French responded (see YouTube for details)

86 Baker feels that it is in the best interest of the Village to recommend the Board of Trustees to
87 establish an escrow.

88 French made it clear that the escrow will be established to secure the site if Phase II foundations
89 are left undone or not started and not for the completion of the foundation by the Village.

90

91

92 Schleelein moved to not except the requested amendment of removing condition “n” from Special
93 Permit #2021-4516. Seconded by Gillespie.

94 Ayes: Baker, Gillespie, McCauley, and Schleelein.

95 Nays: None

96

97 Gillespie moved that Baker send a request to the Board of Trustees to establish an escrow as per
98 condition “q” of Special Permit #2021-4516. Seconded by Schleelein.

99 Ayes: Baker, Gillespie, McCauley, and Schleelein.

100 Nays: None

101

102 **Approval of the Minutes**

103 Schleelein moved to approve the August 30, 2022 Planning Board minutes. Seconded by
104 McCauley.

105 Ayes: Baker, Gillespie, McCauley, and Schleelein.

106 Nays: None

107

108 **Public Comment Period:**

109 Carla Marceau stated she was attending as the observers for the Community Party.

110 Greenwald was present because she was not allowed in via zoom.

111 David Beer asked how the Greenway plans for sidewalks is to be interpreted as there seem to be
112 some contradictions and he needs clarification as he moves forward with planning the various
113 trails and walkways in the Millcroft subdivision.

114 Beer and the Planning Board shared information. There will be more discussion the next time Beer
115 meets with the Planning Board.

116 With no one else wishing to speak, Schleelein moved to close the public comment period.

117 Seconded by McCauley.

118 Ayes: Baker, Gillespie, McCauley and Schleelein.

119 Nays: None

120

121 Baker read the following agenda item:

122

123

124 **Public Hearing for Special Permit #2022-4607**

125 *Valerie Kurbanov, representing VNK Development and Management, Inc is proposing to install a*
126 *second curb cut at 6 Millcroft Way (Tax Parcel # 45.2-1-47.224). As per Village Code Section*
127 *145-20A(1), a special permit would be required.*

128

129 Scott reviewed that the only concern was maintaining the 2% grade if/when a permanent sidewalk
130 is installed.

131 McCauley moved to close the public hearing for Special Permit #2022-4607. Seconded by
132 Gillespie.

133

134 Ayes: Baker, Gillespie, McCauley and Schleelein.

135 Nays: None

136

137 Baker read through the General Conditions for a Special Permit.

138 Schleelein moved that the General Conditions had been met. Seconded by Gillespie.

139

140 Ayes: Baker, Gillespie, McCauley and Schleelein.

141 Nays: None

142

143 Baker read the following resolution:

144

145

146

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR
SPECIAL PERMIT NO. 2022-4607 ADOPTED ON SEPTEMBER 12, 2022**

147 Motion made by: Pat Gillespie

148 Motion seconded by: Lisa Schleelein

149 **WHEREAS:**

150 A. *This matter involves consideration of the following proposed action: Special Permit No.*
151 *2022-4607, for the proposal by Valerie Kurbanov, representing VNK Development and*
152 *Management, to install a second curb cut at 6 Millcroft Way (Tax Parcel # 45.2-1-47.224).*
153 *As per Village Code Section 145-20A(1), a special permit would be required.; and*
154

155 B. *On August 30, 2022 and September 12, 2022, the Village of Lansing Planning Board*
156 *opened and continued a public hearing regarding this proposed action, and therein*
157 *thoroughly reviewed and analyzed (i) the materials and information presented by and on*
158 *behalf of the applicant in support of this proposed action, including information and*
159 *materials related to the environmental issues, if any, which the Board deemed necessary*
160 *or appropriate for its review, (ii) all other information and materials rightfully before the*
161 *Board (including, if applicable, comments and recommendations, if any, provided by the*
162 *Tompkins County Department of Planning in accordance with General Municipal Law*
163 *Sections 239-1 and 239-m), and (iii) all issues raised during the public hearing and/or*
164 *otherwise raised in the course of the Board's deliberations; and*
165

166 C. *The Planning Board finds this to be a Type II action for SEQR purposes and no*
167 *further action is required.*

168

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

170 1. *The Village of Lansing Planning Board hereby finds (subject to the conditions and*
171 *requirements, if any, set forth below and the provisions provided for in paragraph "B"*
172 *above) that the proposed action meets (i) all general conditions required for all special*

173 *permits (Village of Lansing Code Section 145-59E); (ii) any applicable conditions*
174 *required for certain special permit uses (Village of Lansing Code Section 145-60); and*
175 *(iii) any applicable conditions required for uses within a Combining District (Village*
176 *of Lansing Code Section 14561); and*

177 2. *It is hereby determined by the Village of Lansing Planning Board that Special Permit*
178 *No. 2022-4607 is **GRANTED AND APPROVED**, subject to the following conditions*
179 *and requirements:*

180 a. *Soil and Erosion control measures and water quality techniques shall be*
181 *implemented and coordinated as required and approved by the Village of Lansing*
182 *Code Enforcement Officer and/or the Village of Lansing Engineer, and a plan for*
183 *maintenance and said control measures and quality techniques over time shall be*
184 *established with the Village of Lansing Code Enforcement Officer and/or the*
185 *Village of Lansing Engineer.*

186
187 b. *Prior to a building permit being issued, approval by the Village of Lansing*
188 *Engineer and Village of Lansing Storm Water Officer of, but not limited to, site*
189 *work, storm water management and infrastructure plans, and implementation*
190 *thereof. Drainage easements for potential impact from the stormwater*
191 *management facilities on neighboring parcels shall be obtained, provided to the*
192 *Village for approval by the Village Engineer, Stormwater Officer and Attorney, and*
193 *thereafter recorded at the Tompkins County Clerk's Office.*

194
195 c. *Required permits, approvals, consents and other authorizations from all applicable*
196 *Federal, State, County and local governmental and regulatory agencies shall be*
197 *obtained, maintained and complied with for all permitted improvements,*
198 *operations and activities as authorized by this special permit approval, and such*
199 *improvements, operations and activities shall at all times comply with all*
200 *applicable Federal, State, County and local laws, codes, rules and regulations.*

201
202 d. *In the event of the installation of a sidewalk, owner shall be responsible for the*
203 *proper grading of sidewalk area within curb cut/driveway area as per Village*
204 *DPW.*

205
206 *The vote on the foregoing motion was as follows:*

207 *AYES: Baker, Gillespie, McCauley, and Schleelein*

208 *NAYS: None*

209 *The motion was declared to be carried*

210

211

212 **Other Business**

213 Baker asked potential new member Lorraine Capogrossi to tell the Planning Board about herself.

214 Please see interview on YouTube.

215 There was some discussion on the Proposed language change to the subdivision law. Members will
216 review and discuss at the next meeting.

217 French noted that the Board of Trustees would be reviewing the proposed Tree Conservation Law
218 at their next meeting.

219 There was discussion about what direction the Planning Board would like to take. Topics were;

220 Solar Law, Code changes, Short-term rentals Law.

221 Scott will resend all Solar Law information he has.

222

223 **Trustee Report**

224 Trustees did not meet due to Labor Day

225

226 **Adjournment**

227 McCauley moved to adjourn at 8:48. Seconded by Gillespie.

228 Ayes: Baker, Gillespie, McCauley, and Schleelein.

229 Nays: None

230

231 Minutes taken by: Michael Scott, CEO