

**Village of Lansing**  
**Planning Board Meeting**

**July 27, 1999**

The meeting of the Village of Lansing Planning Board was called to order by Chairman Hickey. Present at the meeting were Planning Board Members Halevy, Waterman, Village Attorney Marcus, Village Engineer Cross, and Code Enforcement Officer Curtis.

Hickey expressed his sympathy for the recent death of Village Trustee John Caren, and asked for a moment of silence.

**Public Comment**

Waterman moved to close the Public Comment portion of the meeting as there was no one present who wished to speak. Seconded by Halevy. All in favor.

**Agenda Changes**

Hickey announced that both the Bill Cooke Developer's Conference and the Top's Developer's Conference are cancelled and will be rescheduled.

**Pyramid Mall Special Permit #1466 - Second Public Hearing**

Special Permit #1466, Pyramid Company of Ithaca, to renovate and enlarge the existing shopping mall at 40 Catherwood Road in the Commercial High Traffic District, Tax parcel No. 45.1-1-22.

This is the second public hearing on this proposed Special Permit. The Board has previously held one informational meeting and one public hearing. There have also been numerous articles in the Ithaca Journal.

Hickey asked Eric Goetzmann of Pyramid Companies and Jim Tull, Manager of Pyramid Mall Ithaca, to outline the proposal. Goetzmann said that the proposal is to expand and remix the mall. Their goal is to bring new retail into the mall, and they have paid careful attention to the Zoning Law and Comprehensive Plan. He said that the mall has functioned extremely well and has served the community for the last 23 years, but to be successful they need to meet the demands of the consumers who are currently leaving the County to shop.

Hickey opened the Public Hearing.

John Schroeder, City of Ithaca, said that he used to be member of the City of Ithaca Planning Board and Common Council but is speaking tonight as an individual. He read the environmental assessment and in his opinion this requires a full Environmental Impact Statement because certain impacts of this project have not been adequately explored. There needs to be more study of traffic impacts. The Long Environmental Assessment Form has a very narrow focus; it's really looking at the functioning of the nearby intersection in the immediate vicinity of the mall. It doesn't deal with the potential impacts of that increased traffic in the broader sense. He said that if the Board is taking a hard look at the environmental impacts it is incumbent upon them to consider possible broader impacts on the urban area and on the residents of Triphammer Road itself. The mall entrance will experience a 43% increase in the number of vehicles per hour with a 10-15% increase on Triphammer Road itself. A broader concern is how this traffic increase relates to the NEST study. The Village of Lansing is part of the Northeast Sub-area Transportation Study which several months ago recommended new roads east of the Ithaca urban area connecting Rt. 13, Rt. 366 and Rt. 79 as a means of dealing with existing traffic. He felt that it is incumbent upon the Board to link the traffic increases from this development to the NEST study. If existing conditions are calling for massive new efforts at public transportation, what will this new impact be? Another traffic projection for this expansion is that the ramp heading west (toward the City of Ithaca) onto Route 13 from the Triphammer Road will experience a 30% increase in vehicles per hour. He pointed out that there are existing traffic troubles occurring on Fulton Street and the DOT has just rearranged the turning lanes to deal with those traffic problems. A substantial volume of new traffic heading toward the City will exacerbate the problems on the

City's west end. Another issue is that this is yet another major push toward our whole urban area being a very auto-dependent society, which it was not 30 years ago. He also pointed out that the growth of suburban commercial areas and the growth of suburban residential areas are linked. There is in addition a major inter-municipal sewer agreement that is being considered by the City of Ithaca and various municipalities that will likely increase dramatically the growth rates in the northeast. How does this major expansion of Pyramid Mall relate to the growth inducing aspects of the proposed sewer expansion? How will they together change the rates of growth in the northeast? Another issue is the cost of additional roads for the taxpayers. Finally, there is the issue of the character of the community. The initial building of Pyramid Mall had a tremendous impact on the character of this community and those impacts need to be addressed. Finally, he urged the Board to engage in inter-municipal planning for the welfare of all municipalities to decide where we want residential and commercial development to take place.

Matt Peterson is a businessman in Tompkins County and said that he read in the Ithaca Journal that Wal-Mart will be moving into the expanded area. He pointed out that Wal-Mart engages in unethical business conduct and has a history of cannibalizing the communities where it settles. He said that Cayuga and Triphammer Malls as well as Ithaca are likely to suffer if Wal-Mart moves into an expanded Pyramid Mall and he asked why you want to sacrifice those malls and Ithaca to give Walmart more money. He said there are already enough places in the Country where giant selfish corporations have cannibalized neighborhoods to fill their pockets with loot and you don't have to be victimized by these kind of ruthless people. These kinds of people are after the electronic stores, shoe stores, drug stores, clothing stores. They're after everyone. They're after your friends and neighbors.

Susan Titus from the Town of Ithaca has had a gallery on the Commons which she has recently expanded. She said that driving up here on Rt. 13 she was reminded how many times she has seen the traffic back up from Triphammer Mall to Route 13 and doubling the size of Pyramid Mall would increase the traffic 43% in the area of the entrance of the mall. She asked if this would not be an invitation for the connector beltway to be constructed that is supposed to run east of Ithaca taking everyone just around the City of Ithaca. She feels we should all be together on this and not have this separation of Lansing and Ithaca. Most of us live here because we love the area. She said that the size of the Wal-Mart Store is crucial to the decision, and the Board should inform people of what Walmart can do to existing businesses. They undercut pharmacies and put tire stores out of business. Wal-Mart's goal is to be the largest supermarket store by next year. We have six book stores on or near the Ithaca Commons all run by people who live here and have homes here and Wal-Mart is trying hard to be one of the biggest book stores in the country. Cayuga Mall already has 4 empty stores out of 10 between the P&C and the Chinese restaurant. She felt that due to the size and location of the proposed store, Wal-Mart needs to undergo a public review process that determines its economic and environmental impacts. This review process is our legal right to ensure that the development is in our best interest. These are our friends that run these businesses. In 1995 a petition was signed by owners and managers of businesses on and close to the Ithaca Commons. Over 90% of the businesses - 119 businesses - are opposed to a Walmart store in Tompkins County. We call upon the Village Planning Board to reject Wal-Mart's plan to locate in the Ithaca area.

David Sirois said that the expansion of Pyramid Mall and how one views it is a matter of perspective. The average shopper will look at it as an opportunity to increase selection and convenience in their shopping. The owners of Pyramid Mall Corporation will look at the expansion as opportunity for growth in their business. On the other hand, as a resident in the area, Mr. Sirois said he looks at it from the perspective of how this expansion will impact our residence - the quality of life in that residence and our property values. Obviously increasing the size of the mall by 10 or 11 acres will increase traffic. And that will bring attendant problems. As has been mentioned there will be increased congestion of traffic, possibly increased air and noise pollution. In addition to that, there will be additional parking spaces. As it is now, in the winter when we have snowfall, we are serenaded most of the night with snow removal vehicles. If Lansing is to become the center of shopping for the entire County, at whose expense is it going to be? He said he is opposed in particular to the idea of moving the berm south end of the Pyramid Mall closer to Rt. 13.

Rita Smidt, Oakcrest Road, Lansing, asked if the height of the second story of the expanded building would meet the Zoning height limitation. Hickey said that the application by Pyramid Mall meets all of the Zoning requirements as they exist right now. Smidt asked about the need for additional sewer connections and Hickey said that that issue has not yet been resolved. Regarding the increase in traffic, Smidt said that she assumes the Board will want to have its own expert review done and also that there be a thorough discussion of mitigating measures. She said that the road which was never paved empties out right in front of her house. Pyramid Mall signed a contract saying they would

never pave it over and she would be most concerned if there were any thought that that might be changed at this time. So she would be interested in what kind of mitigating measures the Board is willing to consider. She also said that the Village Planning Board does not have the right to refuse this project on the basis of what they prefer or even what is good for Ithaca or Tompkins County. They only have the right to refuse the project on the basis of our existing laws, so she hopes others will not take it amiss that they confine themselves to that sort of consideration. At the same time I would like to say for public consumption that the Village of Lansing does not benefit by having any of this development come out to the Village of Lansing. We collect the same amount of County taxes regardless of where new retail development is put up. That's the way the County sales taxes are allocated. Only the City of Ithaca collects them on the basis of the amount of sales tax generated in the City. Everywhere else receives a percentage of the total sales tax collected in the County (outside the City) based on population.

Dan Kline said he had been involved in a number of development controversies and his experience was that what causes a lot of the ugliness is when people feel that information is being withheld and the process is somewhat hidden. He said that in this case it seems that all the information is forthcoming and he hopes that continues. Regarding the estimate that the traffic will increase by 43%, he asked what the limit of growth is. He felt that that information would be very important to the public and relevant to the decision.

Judy Green of Enfield said that she owns a house in Ithaca and is very concerned about the impact of the proposed development on existing businesses in the City of Ithaca, throughout the County and in Lansing itself. She thinks we have plenty of businesses serving the needs of the area and is concerned about traffic and increased auto-dependence. She sees a strong need for inter-municipal planning on this kind of issue and is very concerned about the quality of life overall in the County. Her family is at a point where they could leave the area if they wish, and the decision on this Special Permit would definitely affect the desirability of living in this area. This is an example of an opportunity to do more smart growth and to think about the long term as well as immediate financial impacts and costs and benefits across all sectors. She felt that recruiting external business like the businesses that are proposed here are really the last resort. The first strategy is to assist the existing businesses - plugging the economic leaks in the community and substituting imports with locally made goods. She felt that we can pursue more creative economic development options.

Alan Cohen, Mayor of Ithaca, said that the City of Ithaca is working on the development of an urban core and is a few months away from completion of a Generic Environmental Impact Statement which will allow them to rezone and develop a significant amount of additional retail space in that urban core. He feels that this is one of the reasons that Pyramid Mall is here today - to make sure they can compete. He said that judging by the number of shoppers he has observed in Pyramid Mall, the characterization that the mall is not doing that well is hard to believe. He said that the question is not whether Wal-Mart is bad or not because they are going to come to the area one way or another. For him it is more important where they go. Having them in the urban core where we have a critical mass of population would provide services that other municipalities take advantage of (in most cases for a fee). They are supporting a vaster array of services for a more diverse population and it's difficult for the City to do so without having the tax base. We want to see the urban core developed and to see our goods available to the people who need them. We have a critical mass of lower income people living in the City of Ithaca, and despite the possibility of improved TCAT systems, they will still have a hard time accessing them up here. Traffic generation is the key issue, and it is the City's full intent to look at the traffic studies and comment on them. He said they are quite familiar with the numbers that Wal-Mart will generate. Given the traffic levels that you already have, he said he is not sure the Village wants that traffic load on your roads. The reason that the Village exists today is partly due to the quality of life concerns of Village residents when the mall was first built. At that time, self-determination and the desire for a better quality of life drove the creation of the Village and today drives the decisions that the Village and Town Boards make. Wal-Mart will stimulate a lot of ancillary activity which will in turn generate even more traffic and the traffic study should be looking at that issue as well. Regarding the statement that Rita Schmidt made regarding the rule that only the Village Law can be considered in making this decision, Cohen said that rules can be changed. He said that he for one will be approaching the Town Board on what the zoning does allow and whether it's in the best interest of the Town now that you have a clearer idea of what you are facing. He said that the information that they have been given is that the developer has signed a deal with Wal-Mart already.

Cliff Buck, 39 Janivar Drive, Lansing, former Village of Lansing Trustee, said that he has been on board with this

expansion and re-mixing from the outset. He said that this is a matter of zoning that was put in place 25 years ago that has been challenged time and time again. We have vacant land on Triphammer Road because the Zoning Law cannot be successfully challenged. When Pyramid Mall first came in they wanted to go up two stories but it exceeded the height limitation of 35 feet. They came to the Village like gentlemen and worked with us to make something happen within the Zoning Law. The Village did not ask anything - they are not building any roads for us or giving us any land for a park. This is an above-board transaction and he said that he applauds Pyramid Mall for doing it the right way. This is not a Wal-Mart issue; this is a zoning issue, and they are conforming to our Zoning Law. Buck said that people from Lansing don't come to the Ithaca Common Council meetings whenever they see something being done which they don't like and he hopes this does not set a precedent.

Rita Schmidt asked if this Special Permit requires approval by the Village Board of Trustees as well as the Planning Board. Hickey said no, this is a Planning Board decision.

Waterman moved to close the Public Hearing as no one else wished to speak. Halevy seconded. All in favor.

Hickey responded to the question that was asked about the limits of growth. He said that Pyramid Mall cannot expand any further on the parcel that they own with this particular growth. In the Village we have one vacant lot - the last piece of vacant land in the Commercial High Traffic District in the Village. Marcus added that the Commercial High Traffic District is the only zoning district in the Village that permits retail sales. Except for lot at the corner between the Clarion Hotel and the rear of the Cinema, there is no more available space in the Village for the development of Commercial High Traffic retail. So the Village can't expand greatly from what exists now to become a regional center.

Hickey thanked everyone for attending the Public Hearing and said that the Board will certainly take their comments into consideration.

Hickey said that the Board will attempt to complete the Long Environmental Assessment form at the next meeting. Issues that still need to be resolved are impacts on drainage, traffic, parking spaces, and on growth and character of community or neighborhood.

The Board has received a drainage plan and a letter summarizing the drainage plan. Cross said that this drainage plan contains concepts that he considers to be worth pursuing, but the plan is apparently a sketch or preliminary study and he will need to see an engineered plan which includes topographic information or details of inlet and outlet control. Since the final drainage design will depend on the size of the parking area, Hickey said that the Board will need to see drainage plans for both designs - one for the higher number of parking spaces and one for the reduced number of spaces. Hickey added that the site plan will need to show dimensions and elevations. The Board will also need a letter from TCAT and a commitment from Pyramid Mall to Park and Ride.

Curtis pointed out that they have listed "restaurant with bar" on site plan and that has the effect of doubling the amount of parking required. Goetzmann said that the concept is for a restaurant with a game room for entertainment, and he will correct the notations on the plan.

### **September Meetings**

Hickey said that both of the September meetings need to be changed. Tentatively, the September 13th meeting will be rescheduled for Wednesday, September 8th and the September 28th meeting will be moved to Tuesday, September 21st

### **Planning Consultants**

Hickey said that the Board is now in receipt of four responses to the RFQs and he will arrange to have them come in to make presentations, one per night, beginning at the next meeting on August 31st. Steve Halevy has drafted an evaluation worksheet for Board members to use for each candidate.

### **Lansing Trail Subdivision Road Name Change**

Ivar Jonson has submitted a request to the Planning Board to change the name of Mark Stain Way to Ayla Avenue. Board members felt that Ayla Lane would be more appropriate for a very short section of road. Waterman moved to approve the name change to Ayla Lane. Seconded by Halevy. All in favor.

**Minutes**

Waterman moved to accept the July 14, 1999 minutes as amended. Seconded by Halevy. All in favor.

**Adjourn**

Waterman moved to adjourn the meeting at 9:00 p.m. Seconded by Halevy. All in favor.