

Village of Lansing
Board of Trustees & Planning Board
Joint Meeting
June 10, 2013

The joint meeting of the Village of Lansing Planning Board and the Village of Lansing Board of Trustees was called to order at 7:30 P.M. by Planning Board Chairman Mario Tomei and Mayor Donald Hartill. Present at the meeting were Planning Board Chairman Mario Tomei; Planning Board Members, Phil Dankert, Maria Stycos, Lisa Schleelein, Jon Kanter, and Alternate Deborah Dawson; Mayor Don Hartill; Trustees John O'Neill, Lynn Leopold, Patricia O'Rourke and Julie Baker; Also present were Village Attorney David Dubow; Code Enforcement Officer Marty Moseley; Clerk/Treasurer Jodi Dake

Public Comment Period

Mario Tomei opened the Planning Board public comment period at 7:32pm. Mayor Hartill concurrently opened the public comment period on behalf of the Trustees. Carl Marceau was present as a Community Party observer. There were no further comments.

Stycos moved to close the public comment period on behalf of the Planning Board. Seconded by Kanter; Ayes: Tomei, Stycos, Durst, Kanter, and Schleelein.

Motion- To Close the Public Comment Period for the Board of Trustees

Trustee O'Rourke moved to close the public hearing. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye

Trustee John O'Neill -Aye

Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye

The next item on the Planning Board agenda was to consider Special Permit #2767.

Public Hearing to Consider Special Permit #2767:

Mario opened the Public Hearing for Special Permit #2767. This special permit is a request by Lisa Nishii and Ray Kim to construct a 14' x 33' in-ground swimming pool in the rear yard of their home at 7 Leifs Way, Tax Parcel No. 45.2-1-103, located in the Medium Density Residential District. Because the proposed construction will occur within 200' of the centerline of a stream, included in the Drainage way Conservation Combining District, Special Permit review is required by the Village of Lansing Code pursuant to Section 145-48 of the Village of Lansing Zoning Law.

The Planning Board was previously given a packet of information regarding the project. The pool will be filled by a private water company. Mario explained that on the map there are 2 roads they will be looking at which are Janivar Dr. and Leifs Way. The contour lines show that there is nothing on Lot 7 that is any steeper than 8% so there is not a steep slope area.

The property lines were marked in orange. There will be no water lines to the pool. When the pool has to be drained the pool company will pump it out. There will be a fence around the pool. All contiguous property owners were notified. There are no Zoning Law setbacks for a fence. Dankert asked why gas was run to the pool. Lisa Nishii stated that it is for the pool heater. Brent Cross (Village Engineer) submitted the following report to the Planning Board:

VILLAGE OF LANSING
ENGINEER'S REPORT

DATE: June 10, 2013
TO: Planning Board
FROM: Brent Cross, Village Engineer
RE: Swimming Pool, 7 Leifs Way

I have reviewed the location of the proposed swimming pool on the aerial photo provided by the owner, for consideration of a Special Permit approval due to the adjacent stream. I have the following comments and observations:

- 1. The owner has submitted photo/maps enhanced to show the location of the swimming pool in the back yard. There are three possible positions for the pool shown. All of the positions are generally in the same relative area of property.*
- 2. The pool will be installed in an area of the lot that is already improved with lawn.*
- 3. During and after construction, there will still be a substantial vegetated lawn/natural buffer between the pool and the adjacent stream.*
- 4. The area of disturbance will be minimal and should not cause any significant impact on the adjacent stream either during or after construction.*
- 5. The owner/contractor should install conventional silt fence around the disturbed area as a soil erosion practice during construction. The silt fence should be installed and inspected by the Village prior to commencement of construction.*

Based on the above observations, I recommend that this site plan be approved with condition of the installation of sit fence.

John Wisor, a neighboring property owner, indicated that his only concern was drainage into the wetland area and water drainage to other neighboring properties.

Motion to close the public hearing moved by Schleelein. Seconded by Dankert.

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

The motion was declared to be carried.

145-59E providing the general conditions for all special permit approvals was read by Mario as follows:

1. *It will not be detrimental to or endanger the public health, safety or general welfare.*
2. *It will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood.*
3. *It will not impede the orderly development of the vicinity or neighborhood and is appropriate in appearance and in harmony with the existing or intended character of the vicinity or neighborhood.*
4. *The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner.*
5. *Natural surface water drainageways are not adversely affected.*
6. *Water and sewerage or waste disposal facilities are adequate.*
7. *The general environmental quality of the proposal, in terms of site planning, architectural design and landscaping, is compatible with the character of the neighborhood.*
8. *Lot area, access, parking and loading facilities are sufficient for the proposed use.*
9. *The requested use or facility conforms in all other respects to the applicable regulations of the district in which it is located.*
10. *The applicant has shown that steps will be taken where necessary to meet all performance standards and all other applicable general regulations.*

Kanter moved to accept that all general conditions have been met. Seconded by Stycos

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

The motion was declared to be carried.

Dubow stated that this project is not subject to formal SEQR review since it is a single family residence, but independent environmental review is required for special permits for properties within the Village's Conservation Combining Districts.

**VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL
PERMIT APPROVAL ADOPTED ON JUNE 10, 2013**

Motion made by: _____ *Phil Dankert* _____

Motion seconded by: _____ *Lisa Schleelein* _____

WHEREAS:

- A. *This matter involves consideration of the following proposed action: Special Permit 2767, Lisa Nishii and Ray Kim to construct a 14' x 33' in-ground swimming pool in the rear yard of their home at 7 Leifs Way, Tax Parcel No. 45.2-1-103, located in the Medium Density Residential District. Because the proposed construction will occur within 200' of the centerline of a stream, included in the Drainageway Conservation Combining District, Special Permit review is required by the Village of Lansing Code pursuant to Section 145-48 of the Village of Lansing Zoning Law; and*
- B. *The Village Code Enforcement/Zoning Officer has determined that the proposed action is not large-scale and therefore is not subject to a full and extensive environmental review under the Village of Lansing Zoning Law; and*
- C. *On June 10, 2013, the Village of Lansing Planning Board held a public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and*
- D. *On June 10, 2013, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;*

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. *The Village of Lansing Planning Board hereby (i) determines that the environmental information and materials submitted by the applicant and the details thereof are reasonably related to the scope of the proposed project; (ii) waives the necessity for any additional environmental information otherwise required; and (iii) finds that the proposed project will not have a significant adverse impact on the environment; and*

2. *The Village of Lansing Planning Board hereby finds (subject to the conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and*
3. *It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2767 is **GRANTED AND APPROVED**, subject to the following conditions and requirements:*
 - A. *Soil and Erosion control measures shall be implemented, coordinated, and approved by either the Village of Lansing Code Enforcement Officer and/or the Village of Lansing Engineer.*

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

The motion was declared to be carried.

The next item on the agenda is a request to amend the existing Special Permits # 2594 & # 2505. This is for the Lansing Meadows PDA Special Permits related to the BJ's Fueling Station and Lansing Meadows Senior Housing proposed to alter landscaping and buffering requirements. The current deadline for completing the required landscaping and buffering under the BJ's Fueling Station Temporary Certificate of Compliance is June 27th. This issue has been discussed for the last year and a half. Eric Goetzmann would like the open landscaping and buffering items moved from the BJ's Fuel Station special permit to the residential/senior housing special permit. Eric is asking for additional time since he is working with the Army Corp of Engineers. Eric explained that the area is next to the Fire Station will still need to be planted. The buffering would need to be planted on the residential section and this would be difficult to do before the construction is complete for the proposed senior housing. Even though the plantings are part of the commercial component of the PDA, Eric stated that they are not trying to get out of doing the plantings; they just want to move the landscaping and buffering conditions to the senior housing special permit to allow for more time to work with the Army Corps of Engineers. Dubow explained that there were 3 separate special permits with conditions, the first special permit was for the BJ's building, then the open conditions were moved to the fueling station special permit and now Eric is requesting the remaining open conditions be moved to the residential special permit. The senior housing has not been started yet, so there is no real deadline for completion. The Village would have the right to establish a new deadline for the conditions to be met and to require escrow funds to be used if the landscaping isn't completed by the established deadline. We have 2 escrows already amounting to \$23,249.98. Maria asked if there are 2 lots and if the plantings were always going to go on the residential lot. Part of the plantings were on the commercial lot and part on the residential. It was asked when the senior housing might go in. Eric stated that right now they are trying to increase the density. If all goes well, construction would start in the spring of 2014.

Kanter asked if there will be any changes in the type of housing proposed. Eric stated the original proposal was for triplex buildings, then it was changed to duplex buildings, then it was changed to single standalone buildings for each tenant, but now they are potentially looking at triplex buildings again. Eric stated that the wetland situation has not been resolved. Lisa stated that she is concerned with the three dead pine trees located by where the house used to be. She asked if something could be done with them. Eric will look into having them removed. This is an unrelated issue.

Mario stated that there is approximately \$23,000 in escrow right now. Marty got an estimate of approximately \$29,000 to do the landscaping. The Board then discussed a date to have the buffer completed by.

Dubow explained that this is an amendment to a previously approved resolution. Previously it was classified as a minor change. Therefore, it did not require a public hearing.

Kanter moved that the proposed special permit amendment is a minor change. Seconded by Schleelein.

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

Kanter stated that he went out and looked at the area behind BJ's. All the plants are in there but they look very small. The escrow should be enough to also cover that area. Lisa also looked at the area and the plants are very new. Eric stated that some plants are stressed and his landscaper will be out to replace them. There is already a condition that requires maintenance of the required landscaping and buffering. Dubow explained that the "Whereas" provisions in the proposed resolution explains how we got to where we are today. The following resolution was presented with the conditions as agreed to by the Board:

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VILLAGE OF LANSING PLANNING BOARD RESOLUTION ADOPTED ON JUNE 10, 2013 TO FURTHER AMEND SPECIAL PERMIT NO. 2594 AND ADDITIONALLY AMEND SPECIAL PERMIT NO. 2505

Motion made by: _____ *Jon Kanter*

Motion seconded by: _____ *Maria Stycos*

WHEREAS:

- A. This matter involves consideration of the following proposed action: (i) further amendment by Arrowhead Ventures, LLC/Triax Management Group of Special Permit No. 2594 (for the development of BJ's Wholesale Club fuel station in conjunction with the BJ's Wholesale Club component of the Lansing Meadows PDA), the previous amendment thereto having been made by prior resolution adopted on November 14, 2012; and (ii) amendment by Arrowhead Ventures, LLC/Triax Management Group of Special Permit No. 2505 (for the*

development of the single family senior housing component of the Lansing Meadows PDA); such amendments being related to buffering and landscaping requirements associated directly or indirectly with Special Permit Nos. 2485, 2505 and 2594; and

- B. The Special Permit amendments previously adopted by the Village of Lansing Planning Board on November 14, 2012 directed that all of the remaining conditions in Special Permit No. 2485 related to buffering and/or landscaping not previously satisfied be transferred to the existing conditions list for Special Permit No. 2594, subject to the inclusion of certain additional conditions; and*
- C. The applicant is now further requesting that the conditions related to buffering and/or landscaping that were previously transferred from Special Permit No. 2485 to Special Permit No. 2594 (by resolution of the Village of Lansing Planning Board on November 12, 2012) now be further transferred to Special Permit No. 2505, subject to the inclusion of certain additional conditions; and*
- D. On June 10, 2013, the Village of Lansing Planning Board, based upon the proper application materials and supporting information and materials having been provided by the applicant in accordance with the provisions of Section 145-59F of the Village Code, and the review thereof, has determined that the proposed Special Permit amendments are deemed to be minor; and*
- E. On June 10, 2013, the Village of Lansing Planning Board, based upon its determination that the proposed action is minor, further determined that no additional environmental review is required and the previous SEQOR Negative Declaration remains effective; and*
- F. On June 10, 2013, the Village of Lansing Planning Board reviewed and analyzed (i) the information and materials submitted by the applicant for the proposed action, incorporating the proposed Special Permit amendments; (ii) its previously approved November 14, 2012 Special Permit amendments and the conditions attached thereto; (iii) the criteria and requirements for amendments to previously approved Special Permits as provided for in Section 145-59F of the Village Code; and (iv) possible new and/or additional amendments, modifications, conditions and requirements to be attached to any amended Special Permit approvals granted hereunder; or, in the alternative, reviewed and analyzed possible findings or reasons to be attached to any denial of the proposed amendments requested by the applicant; and*
- G. On , June 10, 2013, in accordance with Section 7-725-b of the Village Law of the State of New York and Sections 145.59, 145.60, 145.60.1 and 145.61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its review of the proposed Special Permit amendments of the applicant and*

its further deliberations thereon, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. *The Village of Lansing Planning Board hereby reaffirms its original February 28, 2012 approval of Special Permit No. 2505 subject to the same conditions and requirements upon which such approval was previously granted (except if and/or as modified below), and further subject to the additional conditions and/or requirements set forth below, it having been determined that all such amendments, modifications, conditions and/or requirements of the proposed action meet (i) all general conditions required for all special permits (Village of Lansing Code Section 145.59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145.60), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145.61); and*
2. *It is hereby determined by the Village of Lansing Planning Board that the proposed Special Permit amendments to Special Permit Nos. 2594 and 2505 are **GRANTED AND APPROVED**, subject to the following additional amendments, modifications, conditions and requirements:*
 - A. *All of the remaining conditions in Special Permit No. 2485 related to buffering and/or landscaping (not previously satisfied) that were, by resolution adopted on November 14, 2012, transferred to the existing conditions list for Special Permit #2594, shall now be further transferred to Special Permit No. 2505, which transferred conditions will thereupon be combined with (i) any other conditions of Special Permit 2505 not previously satisfied and (ii) the additional conditions set forth below:*
 1. *The total amount of \$ 35,000 shall be escrowed with the Village to guarantee that the required buffering and/or landscaping will be installed as required and in a timely manner.*
 2. *The deadline to complete the installation of the required buffering and/or landscaping in accordance with the now combined buffering and/or landscaping conditions in Special Permit 2505 shall be no later than July 1, 2015, and if the buffering and/or the*

landscaping is not installed by such date, the Village shall thereafter have the right to install the landscaping and/or buffering by using (i) the total amount of the escrow funds as provided for in condition #1 above, and (ii) such additional escrow funds that have been designated and deposited with the Village by BJ's Wholesale Club for the completion of such required buffering and/or landscaping.

- 3. Written proof and confirmation of the previously made (and required) escrow payment provided to the Army Corp of Engineers for the authorized wetland mitigations/consolidation, and further notification in writing to the Village Code Enforcement Officer identifying any additional payment(s) subsequently provided to the Army Corp of Engineers for the authorized wetland mitigations/consolidation.*
- 4. A clean fully revised map/plan incorporating and reflecting the now consolidated and required buffering and/or landscaping conditions/requirements at the designated locations shall from time to time, upon request, be submitted to and approved by the Village Code Enforcement and Zoning Officer.*

The vote on the foregoing motion was as follows:

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

The motion was declared to be carried.

Jon Kanter asked if any escrow is needed for anything else on the project. Marty explained that there is no carry-over of escrow. Once all conditions are met on a special permit the escrow money is returned. Lisa asked how you can have a deadline if you don't know when building will be completed. Dubow stated that if Eric comes back to alter his plans then the Board could also change it at that time.

The next item on the agenda is to continue the discussion on Comprehensive Plan Survey Questions. Deborah Dawson thanked Julie and Lynn for putting this all together. Further discussion of questions can be found in Survey Draft 4. There will be 365 surveys that will be done in the Town and 365 in the Village. Lynn and Julie will go back to meet with the Town again to try and finalize the survey.

The Planning Board has come up with some proposed use changes to the existing Commercial Low Traffic District. (CLT) They have been working on it for about a year. This issue came about when a request was submitted to the Planning Board for a hotel in the CLT area. Mario stated that we currently have two commercial districts, Commercial High Traffic (CHT) and Commercial Low Traffic (CLT). The Planning Board is proposing that the Commercial Low Traffic District be divided further into CLT I and CLT II to protect the residential area. Tomei noted that Murray Estates could develop someday which would most likely be residential since it is zoned low density residential. The splitting of the CLT area would allow for a transitional zone, which would allow more protection of the residential areas that could be directly affected by a commercial development in the current CLT district. A hand out/chart was provided to all Planning Board and Board of Trustees members explaining the proposal for the two areas. Mario stated that there were not many changes. The following are the changes they propose:

- Took out traffic, noise & light producing generators.
- Undertaking removed b/c of traffic. It is allowed in HDR district
- Hospital was also removed for the same reason.
- Added clinic as a separate unit.
- Added small scale sales to area south of Oakcrest only.
- Group residential was split into two categories which included Special care facility. The Special care facility would be allowed due to an anticipated lesser traffic impact.

Mario stated that the Planning Board still needs to write an intent section for CLT-I and CLT-II. The Planning Board will explain that they are creating a second district that will provide for more of a buffering from higher intensity commercial uses for the outer residential areas.

Kanter stated that they talked about a hotel use. They wanted a certain character and determined that it would be better to not add to either of the proposed CLT districts.

Hartill questioned small scale sales and if it is tied closely to mixed use. That was his one concern. Kanter explained that the thought was to try and create a more Village like atmosphere. Kanter added that the upstairs could be residential with first floor commercial uses. Lynn stated that it was more like Thaler's mixed use project approved for the Cinema Drive property. Dubow stated that the newly proposed small scale sale use can or cannot be tied to a mixed residential/commercial use development. Hartill stated that in many cases a mixed use of commercial and residential is converting an existing building. If you start from scratch would you still push the mixed use concept? Hartill was concerned with tight coupling of small scale sales and residential. Eric stated that they looked at this for the mall and it is hard to do unless the height of a building is increases to create more density. Mario stated that small scale sales could stand alone but it would lend itself to mixed use. Dankert didn't recall this.

Mario made a recommendation to refer the proposed changes to the Commercial Low Traffic District (CLT) to the Board of Trustees for their consideration and possible further action.

Stycos moved to refer the proposed changes to the Commercial Low Traffic District (CLT) to the Board of Trustees for their consideration and possible further action.

AYES: Mario Tomei, Maria Stycos, Jon Kanter, Lisa Schleelein, and Phil Dankert

NAYS: None

The motion was declared to be carried.

The next item on the Board of Trustees agenda was to approve the Tax Warrant. Mayor Hartill entertained the following motion:

Resolution #5980- To Approve the 2013-14 Tax Warrant

WARRANT TO TREASURER TO COLLECT TAXES

To: Jodi L. Dake
Treasurer of the Village of Lansing

YOU ARE HEREBY COMMANDED to receive and collect from the several names in the assessment roll, hereunto annexed, the several sums named in the last column thereof opposite their respective names, altogether a total of \$541,157.37, for the following purposes:

For the General Fund	435,555.03
For the Special Assessment-Sewer Collector Fund	16,128.19
For Delinquent Water Rents	48,661.22
For Delinquent Sewer Rents	40,812.93
For Cayuga Heights Sewer Rents	.00

YOU ARE HEREBY COMMANDED to receive as much thereof as may voluntarily be paid to you from June first to and including July second of this year, without additional charge, and after expiration of the time mentioned to proceed forthwith to collect the residue of the sums not so paid in as aforesaid, with five per centum charge for the first month and an additional one per centum charge for each month and fraction thereof thereafter, and you are to file the tax roll and warrant in your office on or before the 15th day of November 2013, at which time the taxes will be returned to the County tax roll.

Trustee Leopold moved to approve the Tax Warrant. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill -Aye
Trustee Lynn Leopold-Aye
Trustee Patricia O'Rourke-Aye

Trustee John O'Neill-Aye
Trustee Julie Baker-Aye

Mario entertained a motion for the Planning Board to adjourn their meeting at 10:00 pm.
Moved by Schleelein second by Kanter. All Ayes.

Mayor Hartill entertained a motion for the Board of Trustees to adjourn their meeting.

Motion- To Adjourn Trustees

Trustee O'Rourke moved for adjournment. Trustee Leopold seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Patricia O'Rourke-Aye

Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye

The Board of Trustees adjourned at 10:00 pm.