

Village of Lansing
Planning Board Meeting
Minutes of Tuesday,
July 30, 2024

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The meeting of the Village of Lansing Planning Board meeting was called to order at 7:04 PM. A Zoom option was also provided.

Present at the meeting:

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

Alternate Member: Yamila Fournier (Zoom)

Village Legal Counsel: Natalie French

Village Engineer: Brent Cross (Zoom)

Village Trustee Liaison: Susan Ainslie (Zoom)

Village CEO: Mike Scott

Public included: Judy Lucas (Zoom), Eric Goetzmann (Phone in), Susan Ainslie (Zoom), Tom Gray (Zoom), Carla Marceau; Matt Napierala and John Bessette from Napierala Consulting.

Approval of the Minutes

No minutes available

Public Comment Period:

Susan Ainslie as Trustee liaison. Carla Marceau is observing for the Community Party.

Gillespie moved to close the Public Comment period. Seconded by Schleelein.

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

Nays: None

Baker read the following agenda item:

Revocation of Special Permit #2021-4516

The Village of Lansing Planning Board will discuss the revocation of the Lansing Meadows Special Permit #2021-4516.

Baker said that the public hearing for this item was closed a couple of meetings ago.

Scott stated that he has no new information about the job other than Goetzmann not being available to attend in person.

45
46 Goetzmann (on phone) stated that he did not have anything to add at this time.

47
48 Baker read the following resolution:

49
50 **VILLAGE OF LANSING PLANNING BOARD RESOLUTION**

51 **FOR REVOCATION OF SPECIAL PERMIT NO. 2021-4516**

52 **Motion made by:** Lisa Schleelein

53 **Motion seconded by:** Pat Gillespie

54 **WHEREAS:**

- 55 A. *This matter involves Special Permit No. 2021-4516, Arrowhead Ventures, LLC/Triax*
56 *Management Group, to develop Area B of the Lansing Meadows Planned Development*
57 *Area (PDA), which includes 12 single family senior housing units, Tax Parcel No. 47.1-1-*
58 *17.2 and 47.1-1-17.6. This project is directly adjacent to the stand-alone retail center (BJ's*
59 *Wholesale Club), Area A and the proposed Commercial Section A-1 of the PDA, that is*
60 *adjacent to the Shops at Ithaca Mall, and is also adjacent to the enhanced wetlands, Area*
61 *C of the PDA, adapted to provide a bird habitat and buffer between Areas A and B of the*
62 *PDA; and*
63
- 64 B. *The Area B development was previously permitted by Special Permit 4123, issued by the*
65 *Village of Lansing Planning Board on April 9, 2018 subject to the conditions, including*
66 *that all work contemplated under the Special Permit be commenced on or before July 31,*
67 *2018 and all work shall be completed by July 31, 2020.*
68
- 69 C. *The developer failed to timely meet the conditions of the Special Permit 4123 and upon*
70 *request of the developer, Special Permit 4123 was amended on January 11, 2021 providing*
71 *the developer until July 31, 2021 to complete the work contemplated by the Special Permit.*
72
- 73 D. *Special Permit 4123 was again extended on July 27, 2021 when it became evident the*
74 *developer would again fail to timely meeting the conditions of the Special Permit 4123.*
75
- 76 E. *On August 31, 2021, following another failure of the developer to meet the conditions of*
77 *the Special Permit, the Planning Board declined the developer's extension request, found*
78 *that Special Permit 4123 was expired and the developer's building permits were*
79 *subsequently suspended.*
80
- 81 F. *Following three months of Public Hearings on the matter, Special Permit 2021-4516 was*
82 *issued by the Village of Lansing Planning Board on December 13, 2021, which like the*
83 *prior Special Permit, divided the project into two phases, Phase 1 and Phase 2. Per*

84 condition “v”, development of Commercial Section A-1 of the PDA could only begin upon
85 the completion of Phase 2 under the Special Permit.
86

87 G. Pursuant to Special Permit 2021-4516, condition “n”, “the deadline for completion of
88 foundation work for Phase 2 buildings 8 and 14 is the scheduled Planning Board meeting
89 of July 26, 2022” and condition “p”, “the deadline for completion of Phase 2 (buildings 8
90 and 14) is the scheduled Planning Board meeting of October 31, 2023”.

91
92 H. The developer failed to meet condition “n” on July 26, 2022.

93
94 I. In August 2022, the developer requested an amendment to the Special Permit that condition
95 “n” be removed.

96
97 J. On September 12, 2022, the Village of Lansing Planning Board denied the developer’s
98 request for amendment and condition “n” was not extended. Further, the Board
99 recommended that the Village of Lansing Board of Trustees establish an escrow of the
100 security of Phase 2 should work begin but be discontinued and the site presented a threat
101 to public safety. The escrow was approved and established on March 27, 2023.
102

103 K. On July 25, 2023, the developer submitted a request for an amendment to Special Permit
104 2021-4516 to extend the deadline for condition “n” to July 30, 2024 and the deadline for
105 condition “p” to October 31, 2025.
106

107 L. On November 28, 2023, the Village of Lansing Planning Board approved the requested
108 extension subject to the following additional conditions which were incorporated into
109 Special Permit 2021-4516; and
110

111 1) By December 15th, 2023:

112 a. The area known as Phase II will be cleaned up and graded for public
113 safety. By “cleaned up”, we mean any material not to be used for the Phase
114 II process needs to be removed from the site. Any material being used for
115 Phase 2 needs to be out of sight and secured from possible public harm.
116 This shall be subject to the approval of the Code Enforcement Officer.

117 b. A receipt will be provided showing the purchase of one “Do Not Enter”
118 sign and one “One Way” sign. Signs shall be installed within two weeks of
119 receipt of the signs by Applicant. Placement of the signs shall be subject to
120 the approval of the Code Enforcement Officer.

121 c. If conditions a and b above are timely met, the Temporary C of C’s for
122 buildings 2, 20, 26 and 32 will be extended to May 1st, 2024.
123

124 2) By May 1st, 2024, the following items will be completed:

125

- 126 a) *All items needed for John Courtney including but not limited to moving of*
127 *sewer line, fixing manhole and repairing the sidewalk.*
128 b) *Sewer and side walk easements shall be approved by counsel for Village*
129 *and Applicant.*
130 c) *Finish Phase I tree planting*
131 d) *If conditions a, b and c above are timely met, the Temp C of C's for buildings*
132 *2, 20, 26 and 32 will be extended to first deadline date of proposed 1- year*
133 *extension of Phase 2 (July 30, 2024).*
134

135 *Failure to meet any of the above conditions or timelines will result in a default under*
136 *the Special Permit, subject to action under Village Code Section 145-59(D)(9) and*
137 *145-59(D)(11) and the Temporary C of C's for buildings 2, 20, 26 and 32 will be*
138 *suspended.*

139

140 *M. Developer successfully completed the added conditions for December 15, 2023.*

141

142 *N. However, the developer failed to meet the conditions for May 1, 2024.*

143

144 *O. Pursuant to Village Code Section 149 (D)(11), on May 28, 2024, June 10, 2024 and June*
145 *25, 2024 the Village of Lansing Planning Board held a public hearing on the revocation*
146 *of Special Permit 2021-4516. The public hearing was closed on June 25, 2024.*
147

148 *P. At the public hearing, the Village of Lansing Planning Board considered information*
149 *provided from the applicant, the Village Department of Public Works (DPW), the Village*
150 *Engineer, the Village Code Enforcement and Zoning Officer.*
151

152 *Q. Regarding the condition (2)(a) in question, the sewer line at the southern portion of the*
153 *property was not constructed as drawn, causing the sewer line to lay too close to the*
154 *proposed location of the Phase 2 buildings. The Developer was advised by the Village*
155 *DPW of this on August 29, 2023 via email, and requested that the Developer relocate the*
156 *sewer line to the correct location.*
157

158 *R. At the May 6, 2024 meeting of the Village of Lansing Planning Board, after the May 1st*
159 *deadline had past, the Developer, for the first time during the course of this Special Permit,*
160 *asserted that the sewer line in question was a sewer lateral, not a sewer main, and therefore*
161 *was not subject to the Village's easement and was not too close to the foundations, or in*
162 *the alternative, it was a main but requested that the Village off-set the easement to allow*
163 *for only 5 feet to the north of the main and 15 feet to the south.*

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- S. *The Developer was permitted to submit support for this position for review by the DPW, the Village’s engineering consultant, and the Village of Lansing Planning Board.*
- T. *After thorough review of all the information provided by the Developer, the DPW maintained its position that the sewer line was a main and not a lateral, and that it would continue to require the Developer to move the line to the appropriate location, and it could not agree to offset the easement as requested by the Developer.*
- U. *At the May 6, 2024 Village of Lansing Planning Board meeting, after the May 1st deadline had passed, the Developer asserted, again for the first time to the Board, that the damage to the sidewalk was caused by Village salt trucks.*
- V. *Following that meeting the Village of Lansing Department of Public Works inspected the sidewalk with the Developer and maintained that the issue was not salt, but instead was spalling due to concrete that was likely too wet upon pouring.*
- W. *At the May 28, 2024 Village of Lansing Planning Board meeting, the Developer advised that he had recently enlisted a company to repair the sidewalk and that it could not be done until August, 2024, despite having six months’ notice of the May 1st deadline.*
- X. *At the May 28, 2024 Village of Lansing Planning Board meeting, the Board asked the Developer about the progress to the Phase 2 building site.*
- Y. *The Developer advised the Board that he did not have any contractor lined up to do the work at that time and that he did not intend to complete Phase 2 but instead alluded to a different developer with interest in the property.*
- Z. *As of July 30,2024, no work has begun on the Phase 2 Site, despite a July 30th deadline for the foundations to be poured. In order to lay the foundations, the Developer would have to first move the sewer main at issue above to the satisfaction of the Village DPW. To the knowledge of the Planning Board, no efforts have been made on the part of the Developer to move or accommodate the sewer main.*
- AA. *As to condition (2)(c), Developer contends that the required plantings have been completed despite confirmation upon review by the Planning Board at the May 28, 2024 meeting that the plantings are not of the variety approved and are not in the proper locations according to the approved planting plan. The developer did not seek approval from the Planning Board for these amendments to the planting plan, nor have the plantings been redone to conform to the approved plan.*

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

206

- 207 1. *The Village of Lansing Planning Board hereby finds the Developer has failed to meet*
208 *the May 1, 2024 conditions set forth in Special Permit 2021-4516 as amended on*
209 *November 28, 2023.*
- 210 2. *The Village of Lansing Planning Board finds that the Developer failed to move the*
211 *sewer main or otherwise accommodate the requests of the DPW related to the sewer*
212 *main and the manhole which run along the southern portion of the property despite*
213 *ample notice and opportunity to remedy the Developer's error.*
- 214 3. *The Village of Lansing Planning Board finds that the Developer failed to repair the*
215 *spalling in portions of the sidewalk and failed to timely pursue the scheduling of the*
216 *work despite ample notice and opportunity to do so.*
- 217 4. *The Village of Lansing Planning Board finds that the Developer failed to comply with*
218 *the approved planting plan, improperly substituting alternative plants without the*
219 *approval of the Planning Board and placing the planting in the wrong location.*
- 220 5. *The Village of Lansing Planning Board finds that no construction work has been*
221 *commenced on the Phase 2 or Area A-1, nor believes that it would be reasonably*
222 *feasible for the Developer to complete the required work within the time frame required*
223 *given the continued delays and failures of the Developer, and the Developer's indication*
224 *that he has no present intent on completing Phase 2 himself; and*
- 225 6. *Due to the continued failures and foreseen failures by the developer to timely complete*
226 *Phase 1 of the project and commence Phase 2 of the project, it is hereby determined by*
227 *the Village of Lansing Planning Board that Special Permit No. 2021-4516 is*
228 ***REVOKED as to Phase 2 and Area A-1.***
- 229

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

231 *AYES: Baker, Capogrossi, Gillespie, McCauley and Schleelein*

232 *NAYS: None*

233 *The motion was declared to be carried*

234 French told Goetzmann that she would be in contact with his attorney to discuss the steps needed to
235 complete Phase 1 of the Lansing Meadows project.

236

237 Baker read through the next agenda item:

238

239 **Public Hearing for Special Permit #2024-4776**

240 *Napierala Consulting Professional are proposing to remove the former Pizza Hut building located*
241 *at 2301 North Triphammer Road (Tax Parcel #46.1-5-4.3) and construct a new 2,400 square foot*
242 *drive through style restaurant. As per Village Code Section 145-43D(1)r, a special permit is*
243 *required for a High Traffic Food and Beverage establishment.*

244

245 Schleelein moved to open the public hearing for Special Permit 2024-4776. Seconded by
246 Capogrossi.

247 Ayes: Baker, Capogrossi, Gillespie, McCauley and Schleelein.

248 Nays: None

249

250 Scott informed the Planning Board that the potential project has received a variance for the front
251 yard setback which allows the new building to avoid the sewer easement that exists on the property.
252 There was also 2 sign variances granted. One of those variances included installing a 25' high pylon
253 sign on the property. Because of the criteria listed in the Cayuga Mall Planned Sign Area, the
254 Planning Board will also have to approve this. Lastly, Scott reviewed the County GML-239
255 recommendations which mainly includes energy related items.

256

257 Napierala introduced himself and John Bessette. The applicant provided a site plan, landscaping plan
258 and utility plan for the Planning Board.

259

260 Napierala stated that they did take into account the Village Tree Law when constructing the
261 landscaping plan and will also provide a lighting plan which includes the County recommendations
262 such as dark sky compliance and LED lighting.

263

264 Napierala emphasized that the front yard variance helps keep the building out of the sewer easement
265 as well as increases the visibility of the Taco Bell from the Route 13 offramp which is 18' above the
266 lot. This was also the reasoning for the pylon sign. The lot itself is 1.3 acres and Napierala is
267 proposing a new 2,240 square foot building with 28 parking spaces and an efficient drive through
268 that can support 8-12 vehicles.

269

270 Napierala reviewed the landscaping plan showing a total of 41.5 tree units which satisfies the Tree
271 Code requirement of 41 tree units calculated from the existing lot size.

272

273 Napierala also showed and reviewed a rendering of the lighted pylon sign from the Triphammer
274 Road view.

275

276 Fournier suggested renderings of the pylon sign from different angles be provided.

277

278 Schleelein suggested outdoor seating and reducing parking spaces.

279

280 Fournier suggested eliminating one entrance and replace that area with a natural area which would
281 reduce the impervious surface.

282

283 Napierala feels that would reduce traffic flow during busy hours and inconvenience drivers.

284

285 Scott sees this potential change as an issue for fire apparatus.

286

287 Fournier is concerned about the lack of a sidewalk for walk in customers from the Cayuga Mall.

288

289 Capogrossi asked about another franchise being built on the property. This was mentioned during a
290 previous informal meeting.

291

292 Napierala stated that there is no plan for this.

293

294 Fournier pointed out some issues with certain types of species proposed in the landscaping plan and
295 suggested contacting a local landscaper for recommendations.

296

297 Cross pointed out that the area of disturbance for this project is over 1 acre as per the plans provided.

298 This would require a stricter SWPPP.

299

300 Napierala said that they would recalculate that figure because they will only be disturbing 2/3 of the
301 1.3-acre lot.

302

303 Cross would like to discuss the stormwater situation more thoroughly with Napierala and reminded
304 everyone that even if its not a SWPPP requirement, the Village does require 2 of the Green Design
305 Standard even if no other SWPPP requirement is mandatory.

306

307 Napierala stated that they have plans for satisfying that requirement.

308

309 Schleelein stated that eventually the intersection of Triphammer Road and the Cayuga Mall will
310 become much more congested in the future and may need to be looked at by the Village at some
311 point.

312

313 The Planning Board reviewed the Part 1 of the Short EAF provided.

314

315 Cross made a point to mention the stormwater issue located at the northwest part of the existing
316 Pizza Hut property. This area, which tends to pool up, transfers stormwater under Triphammer Road
317 to Tops and eventually to The Shops at Ithaca.

318

319 Scott also suggested that Napierala investigate who is actually responsible for maintaining the
320 underground stormwater main that runs through the Cayuga Mall parking lot.

321

322 There were some suggested changes to the Short EAF Part 1 which Bessette will update.

323

324 The public hearing will remain open.

325

326 **Trustee Report**

327 McCauley gave a review of the July 15th Board of Trustees meeting. The meeting can be viewed on
328 YouTube.

329

330 **Other Business**

331 Baker reviewed the letter he sent to the mayor about the changes the Board of Trustees made on the
332 proposed Solar Law.

333

334 The Planning Board unanimously agreed that the removal of a decommissioning plan from the
335 proposed Solar Law is a bad idea.

336

337 The Planning Board reviewed the NE Pediatrics proposed tree planting plan and will require a more
338 professional diagram.

339

340 **Adjournment**

341

342 Schleelein moved to adjourn at 8:58. Seconded by Capogrossi

343 Ayes: Baker, Capogrossi, Gillespie, McCauley and Schleelein.

344 Nays: None

345

346 Minutes taken by: Michael Scott, CEO