

**Village of Lansing
Planning Board Meeting
December 8, 2008**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by
2 Chairman Ned Hickey. Present at the meeting were Planning Board Members Maria Stycos,
3 Phil Dankert, Carol Klepack and Mario Tomei; Trustee Liaison Lynn Leopold; Village
4 Attorney David Dubow; Code Enforcement Officer Ben Curtis; Robert Schleelein, observing
5 for the Community Party; Guest Speaker Tom Niederkorn and Trustee Julie Baker.

6
7 **Public Comment:**

8 Hickey opened the Public Comment Period. Schleelein stated that he was observing on
9 behalf of the Community Party Observers Program. Baker stated she was there to hear
10 Niederkorn's presentation. There being no one else who wished to speak, Stycos moved to
11 close the Public Comment Period. Seconded by Tomei. Ayes by Hickey, Dankert, Klepack,
12 Stycos and Tomei. Motion carried.

13
14 **PUD/PDAs – Continued Discussion with Tom Niederkorn**

15 Hickey reminded the Board that during their previous discussion of PUD/PDAs, Village
16 Engineer Brent Cross had suggested they talk with Tom Niederkorn, a local Planning
17 Consultant, as he had worked with the Village of Cayuga Heights to facilitate the Kendal
18 Retirement Community which is a PUD. Hickey contacted Niederkorn who agreed to share
19 his thoughts with the Board. Hickey added that a principal concern of the Board was how to
20 balance the advantages of flexibility that PUD/PDAs offer with the responsibility of
21 enforcing the vision and planning goals and standards of the Village as expressed in the
22 Comprehensive Plan.

23
24 Niederkorn stated that he had been a planner in the Ithaca area since 1960, most of that time
25 as Planning Consultant. Most of his work had been with communities outside of the Ithaca
26 area, but occasionally he worked on projects in Tompkins County. The Kendal Retirement
27 Community was one such project. The Village of Cayuga Heights had relatively inflexible
28 zoning with few options a developer could pursue, and those not without some effort.
29 Someone in the Village contacted the Kendal organization in Philadelphia about possibly
30 developing a retirement community in the Village of Cayuga Heights. There was
31 considerable interest in such a project among Village residents and people at Cornell as well.

32
33 A possible location was identified in the old Savage Farm, an open area which had been
34 farmed in some capacity in the past. Other proposals had been advanced for the parcel,
35 mostly for residential housing. None of these had really fit or garnered the support needed to
36 get off the ground. The Village Board was cautiously supportive of the Kendal concept, but
37 there was nothing in their zoning law that really encompassed what was being proposed.

38
39 Kendal had their design professionals work on a building plan and engaged local
40 professionals like Niederkorn to work on environmental concerns and others to develop site
41 plans. Initially, there was no provision for the development in the Cayuga Heights zoning,
42 but, based on the level of support expressed in the community, Kendal invested in developing
43 a preliminary plan. Eventually, when the Cayuga Heights Trustees were comfortable with the

1 plan, they created some sort of special zone which may have been a PUD or simply a
2 separate zoning district for this particular use. It did not provide for such a development
3 anywhere else in the Village except this particular site.

4
5 The Trustees were concerned about potential impacts and as part of his environmental review
6 Niederkorn considered traffic, access for emergency vehicles, archeological concerns, etc.
7 The design team developed a plan, resolved issues and was able to satisfy the concerns of the
8 Trustees so that the project was ultimately approved. It has been a well received and
9 successful project and a good fit for the Village of Cayuga Heights. There has been a little
10 additional pressure on the five corners intersection, and it has become more difficult for
11 Kendal traffic to exit on to North Triphammer Road.

12
13 In response to questions, Niederkorn confirmed that Cayuga Heights did change their zoning
14 to accommodate the project either with a special zoning district, PUD or something similar
15 which was specific to that project and that parcel. The zoning change was adopted after the
16 Trustees were satisfied with the proposed plan. This meant that the Kendal people incurred
17 expenses prior to the change in zoning that permitted the development to be built. Their
18 willingness to do so was probably the result of a strong level of support initially expressed by
19 the Trustees and the community as a whole. The Savage Farm parcel was also owned by
20 Cornell which played a constructive role in the process.

21
22 Dubow noted that this brings the Board back to the central question about being reactive or
23 proactive. Having a provision in the Zoning Law providing for PDA/PUDs sends a signal to
24 potential developers that the Village of Lansing will entertain proposals that might otherwise
25 fall outside the requirements of the Zoning Law, if it benefits the Village. This in turn might
26 encourage a proposal that the Village will find beneficial. On the other hand, it can just as
27 easily encourage a proposal that is not at all attractive to the Village, putting the Village in
28 the position of having to explain its rejection of the proposal in a way that it would not need
29 to do were the possibility of a PUD/PDA not provided to begin with. Curtis asked how the
30 municipality avoided sanctions against “spot zoning” when using the reactive approach.
31 Niederkorn responded that in the case of a planned development the municipality is
32 considering a specific development for a specific purpose at a specific site in advance of any
33 change in the zoning. As such it should not be considered “spot zoning”.

34
35 Dubow explained that early in its history the Village had provision for A PDA in their
36 Zoning Law, and the Shannon Park development was the first such proposal incorporating
37 townhouses and single family residences, and it was a successful use of the PDA tool.
38 Subsequently, the Village received the Sun Downs Farm PDA proposal which many in the
39 Village felt was out of proportion and incompatible with the Village’s General Plan.
40 Ultimately the Village was successful in asserting its right to deny the project, but the denial
41 entailed significant effort and expense and was not without controversy. Subsequently the
42 Village amended the Zoning Law to delete the option of using a PDA for any future
43 development. The Planning Board is now reconsidering this decision, recognizing that the
44 tool has evolved to be useful in providing added flexibility in considering some complicated
45 uses like workforce housing and assisted living. There is some concern that attractive

1 development may bypass the Village because there does not appear to be an avenue within
2 the Zoning Law to gain approval.

3
4 Niederkorn responded that the PDA had been around for a long time and had been provided
5 by the State Legislature specifically to enable municipalities to consider more complex
6 development proposals that would be beneficial for the community, but might otherwise be
7 difficult to accommodate through more traditional zoning regulations. It is simply intended to
8 provide the opportunity for a developer to propose a development that falls outside the
9 normal zoning requirements on the basis that, its failure to conform notwithstanding, it will
10 provide a net benefit for the community. It is then up to the municipality to weigh the
11 benefits and costs and determine whether the proposal warrants the zoning change required
12 to approve a PDA. PDA provisions generally include the conditions or criteria which must be
13 met in order to be considered. Ultimately, the municipality has the authority to approve or
14 disapprove a proposed PDA.

15
16 Hickey stated the Board was concerned with how to establish conditions and criteria that will
17 provide sufficient flexibility to encourage a worthwhile proposal without providing so much
18 flexibility that a developer can successfully circumvent the values and goals of the Village
19 with a proposal that is incompatible. Dubow stated that he thought it was very unlikely that a
20 developer would be able to secure approval for a project as a PDA that the Village opposed,
21 noting that the Village successfully resisted the proposed Sun Downs Farm PDA without
22 going to court. Just as with a Special Permit, the Planning Board has a great deal of authority
23 to review a proposal, establish conditions, require changes and ultimately approve or
24 disapprove a proposed PDA. In the case of a PDA, the Planning Board would be making a
25 recommendation to the Board of Trustees which, in turn, would consider the Planning
26 Board's recommendation and the public interests in making the final determination.

27
28 Klepack noted that providing the PDA option in the Zoning Law was different from what
29 Cayuga Heights did. They or someone in Cayuga Heights approached Kendal and Kendal
30 went back and forth with Cayuga Heights until they agreed on a plan, and then Cayuga
31 Heights amended their zoning. Cayuga Heights did not throw their door open to any
32 developer with a plan. She asked if specific uses identified as being desirable like workforce
33 housing or assisted living could simply be incorporated into the Zoning Law as additional
34 uses permitted in certain districts under certain conditions. Hickey responded that he thought
35 that was a possibility, but that the Board had to decide how best to proceed considering all of
36 the options. He added that whatever the Board decided should be consistent with the
37 Comprehensive Plan and the Board should review the Comprehensive Plan to see what it had
38 to say about needs such as workforce housing and assisted living.

39
40 Dubow noted that the original Sun Downs Farm PDA proposal incorporated residential
41 development in a district zoned for that with other uses such as a golf course which was
42 compatible with a residential district in some ways – recreation, open space, etc. – and not in
43 others – club house, restaurant, etc. This sort of complex development is exactly what PDAs
44 are intended for. Sun Downs Farm went on to propose more intense commercial development
45 in other areas and came to be viewed as out of proportion and incompatible with the Village
46 as residents viewed it at that time.

1
2 Hickey stated that there were steps that needed to be followed. First there had to be
3 legislation that enabled the Planning Board to even accept or consider an application for a
4 PDA, and then there needed to be criteria and conditions that the PDA must meet to be
5 considered and eventually approved. Klepack stated that she saw the process differently –
6 that what Cayuga Heights did was identify what they wanted done with a particular piece of
7 land, identify a developer they wanted to do it, enter into discussion with the developer and
8 when a mutually agreeable plan was developed, they amended their zoning to permit that
9 plan to go forward. That seemed better in some ways than just throwing the door open and
10 waiting to see what developers would bring. It does, however, require that someone in the
11 Village provide the leadership required to identify the need, the developer and the site, and
12 get the ball rolling.

13
14 Niederkorn noted that part of that function is performed by the Planning Board in developing
15 a PDA provision – identifying the sort of uses the Village is trying to attract whether it be
16 affordable housing or assisted living; identifying parcels that would be suitable, whether it be
17 specific parcels, minimum size parcels or parcels with water and sewer; and establishing
18 criteria and conditions. Dubow noted that PDA legislation is permissive in that it simply
19 allows the owner of a property certain additional options in developing that property. It does
20 not require that the property be developed as a PDA for purposes the Village has determined
21 are desirable; the owner always retains the right to develop the land in accordance with the
22 regulations of the underlying zoning district.

23
24 Hickey suggested that the Board might consider identifying some larger vacant parcels, such
25 as parcels over 5 acres in the Medium Density Residential district, that might be appropriate
26 for PDAs and apply the PDA provisions to just those parcels to begin with. Based on its
27 experience with those initial parcels the Board might recommend changes in the PDA
28 provisions and might extend the provisions to other parcels later if that seemed appropriate.
29 Niederkorn noted that it might be problematic to select specific parcels within a district; the
30 PDA provisions should apply to the whole district though certain criteria like minimum lot
31 size might limit where the provisions could be used. Lots can be combined, however, and
32 buildings demolished to make way for new construction. Curtis noted that if the Village
33 limited the PDA provisions to lots with at least 5 or 10 acres with municipal water and sewer
34 and maybe some additional criteria, that would narrow down the parcels where a PDA could
35 be used to not very many without going through and singling out individual lots. Niederkorn
36 added that the Planning Board could then limit the types of uses that could be included in a
37 PDA. Hickey stated that the Board would have to strike a balance between the benefits of
38 flexibility and the control that the criteria will provide. If the Board is too detailed in its
39 criteria it risks losing the flexibility it needs to attract better development.

40
41 Niederkorn asked if the Village had specific development in mind with regard to PUD/PDAs.
42 Hickey responded that the Village was aware of Cornell's plans to allocate \$10 million to
43 develop workforce housing and one of the potential sites is in the Village, and Curtis has had
44 inquiries regarding assisted living. Considering how to effectively respond to these emerging
45 needs led to the discussion of PUD/PDAs. Stycos suggested that Cornell's proposal might
46 follow the same path as Kendal in Cayuga Heights. Dubow noted that a proposal might

1 include both workforce housing and assisted living. Hickey added that the Board could
2 follow the reactive approach, but that might result in doing what is necessary to approve a
3 PDA or it might lead to proposing a new zoning district as was done in the case of the
4 Human Health Services District and enumerating uses and conditions for that special zoning
5 district.

6
7 Hickey noted that the discussions the Board has had with regard to workforce housing
8 suggested that such housing is best integrated with other types of housing so that you don't
9 establish a district of workforce housing with any negative implications that approach might
10 have. Curtis responded that, as he understood the concept, the workforce housing should be
11 indistinguishable from other units in the area. The affordability might be achieved through a
12 means like a third party owning the underlying land and controlling the cost in that way. This
13 could be a good fit for Cornell which often retains ownership of land while granting long
14 term leases of the buildings on the land. If Cornell proposes to own the land and lease the
15 units or mix some rental units in with standard one and two family housing, then the Village
16 may need to adjust its zoning in order to approve the development. Hickey reminded the
17 Board that Cornell would be joining them at their January 27 meeting to discuss workforce
18 housing.

19
20 Niederkorn stated that he would recommend asking Cornell to explain what they considered
21 workforce housing to be. Klepack responded that the County Planning Department and
22 Better Housing of Tompkins County had mounted something of a campaign to make the
23 public more aware that professionals like firefighters, police and teachers on whom they
24 depend for basic services often can not afford a home in this community. Dubow added that
25 HUD Guidelines determined that in order for housing to be considered affordable, a
26 household should not have to pay more than 30% of its gross income for mortgage, taxes and
27 house insurance, and there is a similar formula for renters which includes utilities. Affordable
28 housing is targeted for low and moderate income residents which HUD defines as those
29 making less than 80% of the County median income. In Tompkins County the median
30 income for a family of four is \$50,000, 80% of which is \$40,000, and 30% of that is \$12,000
31 or \$1000 per month. Curtis noted that as a practical matter, in this housing market, it is very
32 hard to produce good housing that can be accessed for \$1000/month, and therefore the
33 County has expanded its market to include households earning between 80% and 120% of
34 the median income, and has considered increasing the allowable percentage of gross income
35 used for housing to 35 – 40%. The bulk of federal housing subsidies are targeted to rental
36 housing.

37
38 The Board thanked Niederkorn for his presentation.

39
40 **Building Code Administration Law**

41 Curtis reported that he and Dubow and Baker had been working for some time to fulfill a
42 State mandate that the Village update its Building Code Administration Law to reflect
43 revised State standards adopted after the State moved to the International Family of Codes in
44 2000. Because the Village's Building Code enforcement is intertwined with other chapters of
45 the Village Code, particularly the Zoning Law, it was more complicated to craft the Building
46 Code Administration Law. The revisions pertain almost exclusively to administrative issues

1 and have minimal impact on the issues that concern the Planning Board. Provisions have
2 been added authorizing the issuance of appearance tickets under certain limited
3 circumstances, and authorizing action in cases of abandoned or otherwise dangerous
4 structures. Cross referencing other chapters in the Village Code revealed laws on handicap
5 parking and fire lanes which seem out of date and should probably be reviewed. The
6 Planning Board may have an interest in those sections as they pertain to site plans. The
7 Trustees will probably hold a public hearing at the beginning of January and pass the law at
8 that time.

9
10 **Stewardship Program**

11 Hickey stated that he kept the Stewardship Program on the agenda so that it would not get
12 lost in the shuffle. Klepack expects to be working on it again after the Holidays. Hickey
13 spoke with Stycos about identifying the trails and recommends the Village update and print
14 some new Greenway maps. He will include some money for that in the next Planning Board
15 budget. Curtis noted that he had produced DVDs with the Village Open Space Map for each
16 of the members and asked that they take a look at them. If anyone has a problem opening the
17 file, they should contact Curtis.

18
19 **Approval of Minutes**

20 Dankert moved to approve the minutes for the November 25 meeting as amended, seconded
21 by Tomei. Klepack, Hickey, Tomei, Dankert and Stycos voted in favor.

22
23 **Reports**

24 *Trustees* – Dubow reported that the Trustees had accepted dedication of Bomax Circle, part
25 of NorWay and some other infrastructure in Lansing Trails 2, conditioned upon approval of
26 Village Engineer Cross of certain outstanding items. The Village is considering the new
27 snowplowing contract with the Town. The Town is requesting a substantial increase over
28 previous years. Estimates came in high for proposed work on Dart Drive and the Village is
29 thinking about scaling the project back. In an effort to increase and enhance communication
30 between Village government and Village residents, Deputy Mayor Larry Fresinski created a
31 facebook-like venue on the internet as that seems to be a very popular way to share
32 information. During the last brush pick-up, it seemed a lot of residents did not realize it was
33 happening. Hickey suggested it might be worth the investment to return to mailing the
34 Village News Letter as there seemed to less confusion when it was mailed. Dubow noted that
35 when he gets his notice from the Town of Ithaca he just cuts it out and clips it to the calendar.
36 Leopold suggested it might be a good idea to send a post card with important dates like brush
37 pick-up day.

38
39 **Adjournment:**

40 Stycos moved to adjourn at 9:05 P.M. Seconded by Klepack. Ayes by Hickey, Dankert,
41 Klepack, Stycos and Tomei. Motion carried.