

**Village of Lansing  
Planning Board and Board of Trustees  
Joint Meeting  
January 25, 2011**

1 The joint meeting of the Village of Lansing Planning Board and the Village of Lansing Board of Trustees  
2 was called to order at 7:34 P.M. by Planning Board Chairman Mario Tomei and Mayor Hartill. Present at  
3 the meeting were Planning Board Chairman Mario Tomei; Planning Board Members Maria Stycos, Phil  
4 Dankert, Richard Durst and Alternate Member Jonathan Kanter who was appointed as an Acting  
5 Member; Mayor Don Hartill; Trustees John O'Neill, Patricia O'Rourke, Lynn Leopold, and Julie Baker;  
6 Also present were Village Attorney David Dubow; Code Enforcement Officer Marty Moseley,  
7 Clerk/Treasurer Jodi Dake, and Village Engineer Brent Cross; Ewan Barr from the Mathnasium; Joan Pike  
8 from the Park Grill Café; David Herrick from T.G. Miller; P. Christopher Dirr from the NRP Group; John  
9 Spence, Rick Cowan, and Julee Johnson from Better Housing for Tompkins County; Liz Frisbee; Residents  
10 Yasamin Miller, Bill Shang, Nora Shang, and Nick Vaczek; and Community Party observer Lenny  
11 Nissenon.

12

13 In light of the absence of Lisa Schleelein, Tomei appointed Kanter as an Acting Member for this  
14 meeting.

15

16 **Public Comment Period**

17 Tomei opened the public comment period. Ewan Barr, the owner and operator of the  
18 Mathnasium Learning Center, introduced himself, and explained that he had been working with Moseley  
19 on a sign for his proposed business to be located in the Tops Plaza. Barr noted that his business is not  
20 located in the Village at this point in time, but is being proposed to as part of the old Hollywood Video  
21 store located at 2300 North Triphammer Road. Barr explained that Mathnasium is an educational  
22 franchise, and would teach math to children in grades kindergarten to 12. Barr asked the Planning  
23 Board and Board of Trustees to consider allowing the Mathnasium to exceed the Tops Plaza Planned  
24 Sign Area (PSA) criteria, which is twenty five (25) square feet for each individual business. (For  
25 specifications on the allowed sign areas, please see the Tops Out-Building Approved PSA) Barr pointed  
26 out that under the current regulations, on how to measure a sign in the Village of Lansing, the current  
27 sign that is being proposed is approximately 29.216 square feet. Barr requested that the Village  
28 reconsider their current measuring method. Barr explained that if the Village were to measure the sign  
29 in a fashion that would allow a box be drawn around separate areas of the sign, then his proposed sign  
30 would be approximately 22.49 square feet and would be compliant with the current PSA requirements.

31 Dubow explained that the current stores at 2300 North Triphammer Road are governed by a  
32 PSA. Dubow noted that the purpose of a planned sign area as provided for in the Village Sign Law is to  
33 introduce a degree of flexibility in the conventional regulation of signs in such a way as to encourage  
34 improved visibility, readability, coordination of height, color, shape, lighting and other sign design  
35 features which will lessen the distracting demand for attention which confronts the public in areas in  
36 which travel safety, pedestrian security, business identification and attractiveness of the environment  
37 are important factors to the mental and physical well-being of consumers and residents. Dubow noted  
38 that if and when there is a request for an alteration to an existing PSA, the Planning Board needs to  
39 review the request, and if in favor, make a recommendation to the Board of Trustees. The Trustees can

40 then approve or disapprove the recommendation made by the Planning Board in reference to the PSA.  
41 Dubow added that the Planning Board performs the initial “leg work” in order for the Trustees to  
42 complete their formal review, including environmental review. Dubow explained that the originally  
43 approved PSA for 2300 North Triphammer Road was less than what was requested from the developer,  
44 the end result being the 25 square foot limitation for each individual business. Dubow pointed out that  
45 there have been prior requests for PSA amendments, all of which have been denied except for the  
46 revised signage authorized for the Tops Gas Station. Dubow noted that Barr has been given authority  
47 from the owner of the property, Benderson Development, to act as agent in applying for an amendment  
48 to their PSA. Dubow asked Moseley to explain the procedure for measuring a sign. Moseley noted that  
49 the sign area must be calculated as the area of the smallest rectangle or circle that encloses all of the  
50 symbols. Tomei stated that he and Moseley looked at the sign and tried to determine if there was a way  
51 to measure the sign in a different formula, but unfortunately there was not. Barr noted that the  
52 franchise would not decrease the size any more than it has been already. Barr stated that there would  
53 be a lot of unused sign area in the formula that is used by the Village to determine the square footage of  
54 signs. The Planning Board members suggested some alterations to the sign in order to try to comply  
55 with the Village Sign Law and the existing PSA requirements. Barr stated that in his opinion the sign  
56 would then be illegible. Barr added that he has already reduced the size of the “A+” in the sign  
57 significantly. Durst asked if there was some type of variance process by which the sign would be  
58 allowed. Dubow explained that since this is a PSA there is no variance process. Dubow added that if the  
59 Village thought that the way in which the Zoning Officer measures the sign should be amended, then the  
60 Village Board could work through the process and possibly change that definition in chapter 115 of the  
61 Village Code. Stycos noted that this would only be the second educational business in all of the malls in  
62 the Village.

63 Kanter asked if the PSA square footages, for the participating businesses, were all the same in  
64 the Village. Moseley noted that the square footage is different for each PSA. Dubow added the building  
65 façade signs might be smaller for this particular PSA because of the large freestanding pylon at the  
66 entrance of Pyramid Drive. Kanter asked about the similarities of the other PSA’s, and if signs in the  
67 other PSA’s were approximately the same size. Moseley explained that each PSA has different  
68 regulations and restrictions on signs. Moseley noted that the Cayuga Mall and the Shops at Ithaca Mall  
69 both have very large letters associated with their businesses. Durst explained that he would like to see  
70 some type of accommodation made for this because of the educational aspect, but does not want to set  
71 a precedent for future businesses in that area. Leopold asked if both the sign on the pylon and the sign  
72 on the façade of the building were cumulative. Moseley noted that the signs were separate and not  
73 cumulative. Leopold asked if the Mathnasium planned to have a sign on both the façade and the pylon.  
74 Barr indicated that they would like to have both signs. Tomei explained that the size restrictions have  
75 nothing to do with any one specific business. Barr noted that he might have to look for a different area  
76 to locate his business if he could not get the sign approved. Tomei explained that his business would  
77 need to stay within the parameters of the PSA. Hartill noted that the sign could achieve the twenty five  
78 (25) square foot maximum by reducing the size by approximately ten percent (10%) in all directions.  
79 Hartill added that with that amount of a reduction, visually, it would be difficult to notice a difference.

80 With no one else to speak, Dankert moved to close the public comment period. Seconded by  
81 Durst. Ayes :Tomei, Dankert, Durst, Stycos, and Kanter.

82

83 **Further Discussion of 145-60(N): Low Traffic Food and Beverage**

84 Tomei noted that the discussion of section 145-60(N) came about when the Park Grill Café  
85 installed signs that are not permitted by that section. The Trustees asked the Planning Board to  
86 recommend changes, if any, to section 145-60(N). Pike explained that the signs that were installed have  
87 been removed except for three (3) that have been temporarily authorized pending the Planning Board's  
88 recommendations, which three (3) signs are located on Brown Road and Thornwood Road. Pike asked if  
89 they would be allowed to have signs along Warren Road, like the Courtyard Marriott. Tomei read section  
90 145-60 (N)-(a) which provides as follows:

91 *Food and beverage services shall be prohibited except:*

92 *(a) Employee cafeteria food and beverage service within a building (which*  
93 *building is being used for a permitted use) serving employees at that building*  
94 *only shall be permitted; and*

95 Tomei noted that this section should be left in its original state due to the fact that this  
96 requirement only deals with a cafeteria type setting. Kanter suggested that the wording of the section  
97 be more of a positive tone rather than negative. Kanter suggested that the wording be something like,  
98 "Food and Beverages shall be permitted as followed". Durst noted that the beginning of section 145-  
99 60(N)-(b) is more of a positive tone which reads:

100 *Additional food and beverage service shall be permitted subject to the following conditions and*  
101 *restrictions:*

102 Tomei read section 145-60(N)- (b-1), which reads:

103 *(1) Food and beverage service use shall be provided only to occupants of the buildings located*  
104 *within the Business and Technology District, including employees of the businesses located in*  
105 *such district*

106 Dankert stated that this condition seemed to be too restrictive, and there would not be a good  
107 way to enforce this condition. Leopold noted that the basis for these conditions being originally  
108 implemented was that the Village did not want competition between Cornell, who owned and operated  
109 the café at that time, and the local restaurant owners. Leopold added that since Cornell did not operate  
110 the café any more, she saw no reason for some of the conditions to be so restrictive. Kanter suggested  
111 that b-1 under 145-60(N) be removed, and suggested to limit the number of Low Traffic Food and  
112 Beverage uses in the Business and Technology District. Tomei noted that the purpose of the  
113 amendments is to allow some leniency, but still preserve the area as primarily a Business and  
114 Technology District. Durst noted that if there was more than one Low Traffic Food and Beverage use in  
115 that particular district, then the competition between the uses would ultimately decide who would stay  
116 and continue in business. Tomei read 145-60(N)-(b-2), which reads:

117 *(2) Such food and beverage service use shall be located within and operated from a*  
118 *building in the Business and Technology District and shall not occupy more than five (5%) of*  
119 *the gross square foot area of any such building.*

120

121 Tomei noted that the size of the Low Traffic Food and Beverage use depends on the size of the  
122 main building, therefore the larger the main building the larger the Low Traffic Food and Beverage use.  
123 Hartill explained that the reason for the five percent (5%) rule pertained to the Marriott Hotel. Kanter  
124 suggested that instead of the five percent (5%) rule, the Village might consider limiting a Low Traffic  
125 Food and Beverage use to a certain number of square feet.

126 Tomei read 145-60(N)-(b-3), which reads:

127 *(3) Such food and beverage service area may provide limited on-site seating.*

128 The Planning Board suggested that condition b-3 be changed. Tomei read 145-60(N)-(b-4), which  
129 reads:

130 *(4) No signage of any kind for such food and beverage service area shall be allowed on the*  
131 *outside of any building or at any other location within the Business and Technology District*  
132 *for advertising, identification or other purposes.*

133 Tomei suggested that condition b-4 be amended in a way to allow some directional signs for a  
134 Low Traffic Food and Beverage use. Tomei added that these signs might need to be approved by either  
135 or both the Board of Trustees and Planning Board. Cross asked if the signs that the Park Grill Café  
136 installed are located in the public right of way, and if they are how the Village could allow businesses to  
137 install signs in the right of ways. Stycos noted that the Marriott Hotel has signs in the Warren Road right  
138 of way. Cross asked who owned the right of ways in question. Moseley noted that Tompkins County  
139 owns the right of way that is being questioned. Cross asked if the Village doesn't regulate the signs in  
140 the County right of way, does that then give the County the right to install signs in their right of way in  
141 the Village. Hartill explained that answer is somewhat complicated at this point in time. Tomei read 145-  
142 60(N)-(b-5), which reads:

143 *(5) Interior identification signage shall be permitted only at the entrance to the space occupied*  
144 *by such food and beverage service provider, which signage shall conform in all respects to*  
145 *the signage standards for such building.*

146 Tomei noted that there is already a sign at the entrance of the Park Grill Café. Tomei pointed out  
147 that the interior sign restrictions for the specific building that b-5 is referencing are possibly Cornell's  
148 restrictions in their PSA (Planned Sign Area). Dubow noted that ultimately the B&T (Business and  
149 Technology) Park PSA would possibly need to be changed to reflect the changes, if adopted by the Board  
150 of Trustees, in 145-60(N). Pike stated that Tom LiVigne, who is the director of the Real Estate  
151 Department for Cornell and in charge of the B&T Park, could meet with the Village pertaining to the B&T  
152 Park PSA and possible amendments that might need to be made. Tomei read 145-60(N)-(b-6), which  
153 reads:

154 *(6) Such food and beverage service area shall be open for business only during the regular*  
155 *business hours of those businesses located within the Business and Technology District, and*  
156 *under no circumstances shall be open earlier than 8:00 A.M. or later than 6:00 P.M.*

157 Durst noted that most people would be at work by 8:00 a.m. and would probably not be able to  
158 get out until lunch for any food or beverage. Dankert added that in his opinion 6:00 p.m. was sufficient  
159 for the closing time. Pike requested that condition to be changed to 7:00 a.m. Tomei read 145-60(N)-(b-  
160 7), which reads:

161 *(7) Any such food and beverage service provider shall be prohibited from mailing or otherwise*  
162 *disseminating flyers, menus, brochures or any other advertising outside of the confines of the*  
163 *Business and Technology District.*

164 The Planning Board suggested that condition b-7 be removed, because at this point in time  
165 there are other ways to distribute these types of items that don't include paper, like e-mail. Tomei read  
166 145-60(N)-(b-8), which reads:

167 *(8) Any such food and beverage service provider shall be allowed to accept orders for food and*  
168 *beverages to be picked up by or delivered to occupants (including employees) of the*

169 *buildings within the Business and Technology District, and shall be further allowed to visit*  
170 *buildings within the Business and Technology District, with food carts and similar mobile*  
171 *apparatus intended for the delivery of permitted food and beverage products.*

172 Leopold asked about how the Village would enforce condition b-8, more specifically how to  
173 enforce a Low Traffic Food and Beverage use to allow food pick up and or delivery to only the occupants  
174 within the B&T District. Dubow noted that originally this use was permitted in the B&T District subject to  
175 a special permit with both general conditions and additional conditions. Dubow added that if the  
176 additional conditions (section 145-60-N) are to be amended, then it should be done in a way that is  
177 more positive and directs the use on what would be permitted versus what is not permitted. Dubow  
178 suggested that both Boards should take some time and evaluate the effects that the possible  
179 amendments could have on the B&T District. In that regard, Dubow identified concerns such as the  
180 possibility of parking problems arising in the future if there were to be a larger Low Traffic Food and  
181 Beverage use. Dubow also recommended a conversation with Tom LiVigne to discuss the University's  
182 perspective as to the topics at hand. Durst stated that the current regulations on signage are overly  
183 restrictive, but there still need to be some guidelines on signage for what is allowed.

184 Dubow noted that the Village Sign Law currently, prohibits off-premises signage. Dubow  
185 referenced the Homewood Suites signage situation, where both the Village and the State Department of  
186 Transportation worked together in order to achieve two (2) directional signs, which are located on  
187 Triphammer Road and the north bound exit ramp from Route 13. Dubow cautioned the Village that the  
188 sign amendments might open the door for other businesses to ask for directional signs in the Village.  
189 Pike asked if a directional sign would be like the Courtyard Marriott sign located on Warren Road.  
190 Dubow indicated that the sign might be considered a directional sign or possibly a way-finding sign.  
191 Tomei noted that language would be worked on by the Planning Board for their recommendation to the  
192 Trustees, who could then make the final determinations as to what amendments to 145-60(N) should  
193 and/or should not be made.

194 Dubow reiterated that the Board of Trustees has authorized Moseley to temporarily allow the  
195 three (3) existing directional signs for the Park Grill Café until the Planning Board makes its  
196 recommendation to the Board of Trustees. Kanter noted that he did not object to the current Park Grill  
197 Café directional signs since they are all within the B&T Park. Kanter stated that several Planning Board  
198 Members, including himself, did not feel that the signs along Warren Road were appropriate. Pike  
199 explained that it is frustrating when people turn onto Thornwood Road, but cannot find the Park Grill  
200 Café because they don't have an identification sign.

201

#### 202 **Lansing Reserve Informational Presentation**

203 Tomei introduced Chris Dirr from the NRP group LLC. Dirr explained that about a year and a half ago  
204 New York State identified Tompkins County's economic vitality as compromised by the lack of affordable  
205 housing in this region. Dirr added that they were asked to look into developing affordable housing in  
206 Tompkins County. Dirr stated that there are only two counties in New York State that are experiencing  
207 growth, which are Saratoga County and Tompkins County. Dirr noted that NRP Group looked for a local  
208 partner, and was guided to Better Housing for Tompkins County. Dirr introduced key individuals from  
209 Better Housing for Tompkins County: Julee Johnson (the Board President), John Spence (Executive  
210 Director), and Richard Cowan (Property Manager). Dirr added that they have hired David Herrick  
211 (Project Engineer) from T.G. Miller P.C. for engineering services. Dirr noted that the specific project site

212 that has been identified in the Dart Drive area was chosen because of the proximity of the amenities in  
213 that area. Durr explained that they develop between 1500 and 1800 units annually. Durr explained that  
214 they have been working on the proposed development for approximately a year and a half. Durr noted  
215 that last year they submitted an application to the New York State Division of Housing Community  
216 Renewal, which has changed their name to New York State Homes of Community Renewal (NYSHCR),  
217 and were denied the funds. Durr stated that originally this project included approximately eighty (80)  
218 units and has now been reduced to approximately sixty-five (65) units. Durr explained that NYSHCR  
219 indicated that the development should reconsider submitting for financing again in January of 2011.

220 Durr noted that there have been a number of modifications to the project that enhance the  
221 aesthetic appeal. Durr explained that the proposed development is now sixty-five (65) units with a club  
222 house. Durr noted that the units vary from one (1) bedroom to four (4) bedroom and would range from  
223 seven hundred and seventy five (775) square feet to just under fourteen hundred (1400) square feet.  
224 Durr stated that each of the units has an attached one (1) car garage, which he feels is a nice selling  
225 point. Durr added that the clubhouse is approximately two thousand (2000) square feet. Durr explained  
226 that the building site is approximately twenty four (24) acres, and that the vehicular access points will be  
227 along Wood Thrush Hollow Road. Durr added that since the proposed development would be townhouse  
228 structures clustered together, they would be able to preserve about fifty three (53) percent of the  
229 twenty four (24) acres as undisturbed open space. Durr pointed out that there is a portion of the  
230 property that extends to Dart Drive, which would be a pedestrian access point. Durr noted that originally  
231 they envisioned a vehicular access point where the current pedestrian access point is being proposed,  
232 but decided against the idea. Durr added that by making a pedestrian access point connection to Dart  
233 Drive, the proposed development would then have easy access to the local shopping areas and the  
234 public transportation system that currently operates on Dart Drive and Warren Road. Durr stated that  
235 they submitted for financing through NYSHCR and should hear a determination on whether the  
236 proposed development financing was approved or denied sometime in April or May. Durr added that  
237 they would like to start building in late summer or early fall. Durr stated that his specific job is to  
238 facilitate the dialogue, to help Better Housing for Tompkins County, and to attract the equity and  
239 funding for the project. Durr added that Better Housing for Tompkins County will be the controlling  
240 partner in their relationship with NRP Group. Durr noted that in the long term, Better Housing for  
241 Tompkins County will own, operate and maintain the proposed development.

242 Durst asked what the price range of the townhouse units would be. Durr explained that the units  
243 will all be for rent, which will include utilities, and which will range from four hundred dollars (\$400) a  
244 month for a one bedroom to fifteen hundred (1500) dollars for a three (3) bedroom unit. Durr stated  
245 that the rent is set in accordance with the area median income levels. Durr added that the individuals  
246 who would be approved to live in the units would be making anywhere from thirty percent (30%) to  
247 ninety percent (90%) of the area median income, which translates into a person making eighteen  
248 hundred dollars (\$1,800) per year up to seventy five thousand dollars (\$75,000) per year. Hartill asked if  
249 heat would be included in the utilities portion of the rent. Durr indicated that the gas and electric  
250 utilities will be on separate meters, and the water and sewer would be included in the base rent. Durr  
251 added that all the units would be Energy Star compliant. Durr noted that a demand analysis will be  
252 conducted to find an accurate number associated with the utility costs. Durst asked if there was an  
253 advantage to renting the units rather than selling them. Durr explained that the development cost is just  
254 below fifteen million dollars (\$15,000,000) and NRP Group's contribution to the project is about twelve

255 million dollars (\$12,000,000) in investor equity which is a result of tax credits, and enables them to make  
256 the rent for the units as affordable as stated above. Durr added they are required to maintain the rents  
257 at the proposed current level, with steps, for a period of fifteen (15) years. Durr stated that the investors  
258 for the proposed development will yield about a fifteen million dollar (\$15,000,000) tax loss credit over  
259 a ten year term. Durr noted that after the fifteen years there could be a possibility of transitioning the  
260 affordable rents to affordable home ownership. Durr explained that from a management perspective,  
261 there are a certain number of units that need to be built in order to be cost effective. Durr stated that he  
262 hoped that they have convinced the funding entity (NYSHCR) to grant funding based on the density and  
263 amount of preserved open space. Durr noted that NYSHCR's initial response was to increase the density  
264 of housing units. Durr stated that by incorporating the walking trails into the current Village trail system  
265 and maintaining the extensive open space, the project would be an effective use of community  
266 resources.

267 Kanter asked how many units are associated with each of the specific income levels. Durr noted  
268 that each of the buildings is comprised of five (5) units, which have three (3) or four (4) bedroom units  
269 located in the middle of the building and one (1) or two (2) bedroom units located on the ends of the  
270 building. Durr stated that the proposed development will have eight (8) one (1) bedroom units, eighteen  
271 (18) two (2) bedroom units, twenty nine (29) three (3) bedroom units, and ten (10) four (4) bedroom  
272 units. Durr added that the one (1) bedroom units will be seven hundred and seventy-five (775) square  
273 feet, the two bedroom units will be nine hundred and forty-two (942) square feet, the three bedroom  
274 units will be twelve hundred and forty-one (1241) square feet, and the four bedroom units will be  
275 thirteen hundred and sixty (1360) square feet. Durr added that the financing structure that was outlined  
276 allows each unit to have an attached one car garage, which he feels is unique. Durr noted that NYSHCR  
277 originally indicated that attached one car garages were not allowed, but since the tax credit investors'  
278 resources would fund the building of the garages then it would be allowed. Tomei asked which units  
279 would be single story. Durr explained that the one (1) and two (2) bedroom units would all be single story  
280 units, and the three (3) and four (4) bedroom units will be two story units. Leopold asked for  
281 confirmation as to which units were handicap accessible. Durr stated that some of the one (1) story units  
282 will be handicap accessible, but all units will be handicap adaptable. Leopold asked if the units will have  
283 a "roll in" entrance. Durr noted that all the units will be handicap visitable. Durst asked if there would be  
284 additional off street parking provided besides the attached garage. Durr indicated that each unit would  
285 have thirty (30) feet of driveway for the off street parking in addition to the attached one (1) car garage.  
286 Durr added that there will be eleven (11) off street parking spaces located at the clubhouse. Durr  
287 suggested that the road be maintained as a private road and not by the Village of Lansing. Durr added  
288 that Better Housing for Tompkins County would have the responsibility of plowing, repairing and  
289 maintaining the road system for the proposed development.

290 Baker asked what other facilities Better Housing for Tompkins County maintained. Durr  
291 explained that the NRP group develops between fifteen hundred (1500) and eighteen hundred (1800)  
292 units, and have developed a total of thirteen thousand (13,000) units across the country. Durr added that  
293 the NRP group manages approximately eight thousand (8,000) to ten thousand (10,000) units annually.  
294 Durr noted that they will maintain compliance for the initial fifteen (15) years because if they don't the  
295 investors for the project might not get their tax loss credits. Durr added that the lender and the State of  
296 New York are also making sure that the developer is maintaining the development. Durr stated that his  
297 company is strictly a development company and does not understand the dynamics of the local

298 economy, which is why NRP Group is partnering with Better Housing for Tompkins County as a local  
299 agency. Dirr added that when NRP Group was looking for a partner for this proposed project, Better  
300 Housing for Tompkins County was suggested. Ms. Miller asked if the State funding agency required a  
301 local company to partner with a national developer. Dirr indicated that it was not a requirement. Miller  
302 asked if NRP Group could build a development and acquire the state funding. Dirr indicated that it could  
303 be possible to not have the local partner, and that NRP Group is trying to submit a development in the  
304 Hudson Valley that would not include partnering with a local company. Dirr added that NRP Group has  
305 numerous developments throughout the United States that they have developed themselves. Dirr noted  
306 that he does believe that there is an intrinsic value to having a local firm to work with.

307 Spence stated that Better Housing for Tompkins County is celebrating its thirtieth (30th)  
308 anniversary this year. Spence explained that Better Housing for Tompkins County manages one hundred  
309 and twenty-one (121) apartments in Tompkins County. Spence added that they have twenty-one (21)  
310 units in Newfield at Newfield Gardens, sixty (60) units in Trumansburg in Juniper Manor and Fountain  
311 Manor in Caroline. Spence noted that all of the complexes that were just mentioned are funded through  
312 the State. Spence added that one of the State requirements is that a certain amount of money needs to  
313 be set aside for basic maintenance such as roof repairs or parking lot upkeep. Spence explained that the  
314 State will check to make sure that there is enough money in the correct amount of accounts to ensure  
315 that the development will be maintained in an attractive manner. Spence noted that Better Housing for  
316 Tompkins County is the nonprofit partner, with Conifer Reality, for the Linderman Creek development,  
317 which is located on Ithaca's west hill. Spence noted that Better Housing for Tompkins County is excited  
318 about working with NRP Group. Spence noted that NRP Group has been responsive to the requests of  
319 both the Village and Better Housing for Tompkins County by lowering the density level to 65 units,  
320 making a pedestrian access from Dart Drive (which will have a bus shelter and could be used by anyone  
321 on Dart Drive), and providing a one car attached garage per unit. Dankert asked where the bus shelter  
322 would be located. Spence explained that it would be located on the north side of Dart Drive near the  
323 end of the pedestrian walk way. Dankert asked if they would be maintaining the walk way. Dirr indicated  
324 that they would maintain the pedestrian walk way.

325 Ms. Shang asked if both of the vehicle access points are to be located on Woodthrush Hollow  
326 Lane, which one would be directly across from Coventry Walk. Dirr indicated that Mrs. Shang was  
327 correct in pointing out the locations of the vehicular access points for the proposed development. Dirr  
328 added that they had consulted with the Village on the location of the vehicle access points, and from a  
329 planning perspective the Village desired to have the secondary vehicle access point aligned with  
330 Coventry Walk. Miller asked if the Village did in fact ask for the vehicular access point to align with  
331 Coventry Walk. Dirr indicated that the Village staff suggested the specifics of the secondary vehicle  
332 access point. Miller asked who specifically suggested the location of the second access point. Dirr  
333 indicated that he was not entirely sure because there was a meeting with the Village and at that  
334 meeting there was a collective direction that came out of the discussion. Ms. Shang noted that the  
335 proposed development will be all private roads which would connect to public roads. Mr. Shang  
336 expressed his concerns with the amount of traffic displaced onto Woodthrush Hollow Lane. Mr. Shang  
337 explained that currently the entrance, which leads to the Woodthrush Hollow Lane, is owned and  
338 maintained by the Northwoods apartment complex. Mr. Shang added that the current entrance has two  
339 roads that are one way, for the entrance and exit, which narrow down to one road, and also has parked  
340 cars for the apartment complex along the road. Mr. Shang questioned if an emergency vehicle would be

341 able to navigate its way through the road if the traffic increased and a vehicle broke down on the road.  
342 Dirr noted that there would be no parking from the residents of the proposed Lansing Reserve  
343 development, and would like to have the Village weigh in on their opinion of the traffic situation.  
344 Leopold asked Hartill if the Village planned to obtain and rebuild the Northwoods entrance. Hartill  
345 explained that if the Village can obtain the Northwoods entrance it would then be rebuilt, but until then  
346 it is out of the Village's control. Dubow added that based on previous discussions the developer has  
347 been made fully aware that the Village does not control the entrance and exit leading to Wood Thrush  
348 Hollow Road. Dubow added that part of this process will include continuing efforts to address the status  
349 of the Northwoods entrance and the ability of the proposed development to have access to Woodthrush  
350 Hollow Lane. Dubow noted that road ingress and egress are issues that will need to be addressed.

351 Cowan stated that this development will house families, which is unique because of the diversity  
352 of the income levels. Cowan added that people that work at the surrounding malls or Cornell would be  
353 able to afford housing in an area that is typically prohibitive. Cowan added that the units proposed for  
354 this development include much larger square footage than many of the other developments in the  
355 County. Cowan noted that all of the affordable housing is currently located on west hill. Cowan stated  
356 that this is an opportunity to have affordable housing in the areas where the high population centers  
357 are located. Cowan noted that every effort is being made to minimize the impact on the environment  
358 and the neighborhoods. Cowan added that this development is a quality project, and would hate to see  
359 the opportunity for affordable housing being built in this area be lost because of issues that can be  
360 addressed like roads or parking. Cowan noted that this development is desirable because of the diverse  
361 income levels. Cowan explained that the economic groups could include professors from Cornell or  
362 elderly handicapped individuals. Ms. Miller asked if graduate students would be eligible to live in the  
363 development. Cowan indicated that all people who qualify under the project proposal would be eligible.  
364 Ms. Miller asked if the only occupants would be people that are eligible. Cowan noted that fifteen  
365 percent (15%) of the complex has been set aside for fair market and the rest of the complex will have  
366 different components of tax credit eligibility. Cowan stated, as an example, that if a spouse is working  
367 and his or her partner is attending Cornell, they could be eligible for the complex, but if both were to be  
368 undergraduate students then they would not be eligible for the complex because they would not be tax  
369 credit eligible. Dirr added that this is not designed to be student housing. Ms. Miller asked if this is a  
370 requirement of the tax credit. Dirr indicated that it was.

371 Tomei asked how many of the thirteen (13) developments that applied for the State funding  
372 would be awarded funding. Dirr indicated that he did not know because new Governor Andrew Cuomo  
373 could possibly hire a different commissioner. Dirr added that the funding agency was very judicious in  
374 allowing only a limited number of projects to submit in the early round for 2011. Dirr noted that  
375 obtaining funding is very competitive for the developments that are requesting funding, but he believes  
376 that the Lansing Reserve project has amenities that are significant, utilization of the public resources is  
377 minimal relative to the other developments that have submitted, and this is one (1) of two (2)  
378 developments that use tax credits.

379 Kanter asked for a further description of the screening process that would allow a person to be  
380 able to rent in the proposed development. Cowan explained that they are required by law to follow  
381 certain screening criteria and selection plans. Cowan noted that the applicants will fill out an application,  
382 then a credit and security check is performed, and then they are put on a list of eligible tenants. Cowan  
383 added that there will be different criteria for the different levels of income, and the individuals that are

384 applying for a unit will be classified by their grouping, which is based upon the income levels for the area  
385 median income level (30%, 60%, and 90%). Cowan noted that there will be units set aside for the specific  
386 groupings. Dirr added that there is an annual certification to confirm that the tenant is income eligible,  
387 but since there are broad income groupings, the tenant might not need to move out but rather move to  
388 a different grouping. Dirr noted that the regulations specifically dictate that the tenant cannot spend  
389 more than thirty percent (30%) of their income on housing costs. Dirr added that since these are  
390 townhouse units, the units would be turned over to Better Housing for Tompkins County after they are  
391 completed which will be about six (6) months per unit. Dirr anticipates the total construction time to be  
392 about ten (10) months. Dirr noted that a market study was performed which compared the overall  
393 market area to the proposed development and how many units would be drawn from the market. Dirr  
394 explained that the market study found a capture rate of less than three percent (3%), which according to  
395 the funding agency is acceptable. Dirr added that the funding agency indicated that if the market study  
396 found a capture rate of anything less than ten percent (10%) that it was a very good. Dirr stated that in  
397 his opinion, based on the market study, there really is a need for four thousand (4,000) units of  
398 affordable housing as stated by Tompkins County. Dirr pointed out that the sixty five (65) units will only  
399 capture about three percent (3%) of the needed affordable housing market in Tompkins County.

400 Dankert asked if the construction started in late summer or early fall of 2011, as stated  
401 previously, would the development then be completed in late summer of 2012. Dirr agreed. Spence  
402 noted that there was some discussion about a club house, but he would rather refer to that building as  
403 the community building. Spence added that the community building will be open to the residents of the  
404 Lansing Reserve development and will have a community space, the management office for the facility,  
405 and laundry facilities. Cowan noted that Better Housing for Tompkins County is a community based  
406 organization which has been providing quality affordable housing for many years. Cowan invited anyone  
407 who was interested in looking at the apartment complexes they currently manage to take a drive and  
408 look at Juniper 1, Juniper 2, or Newfield Gardens. Dirr invited anyone who is interested to visit the NRP's  
409 website to view some of their other developments.

410 Kanter asked if someone could elaborate on the site for the proposed development. Herrick  
411 noted that there are some water ways that are on the official Village map and any of these waterways  
412 would be subject to certain requirements. Herrick added that he and Cross hiked through the site  
413 earlier this winter. Herrick noted that there are some wetlands that he feels are presently on the  
414 property that will need to be looked at by the appropriate consultants. Herrick stated that a key goal of  
415 the project is to make sure that the proposed development is kept away from the water ways. Herrick  
416 noted that the proposed development will be connected to municipal water and sewer, which are  
417 located along Woodthrush Hollow Lane. Herrick noted that the sewer line will flow by gravity and he  
418 anticipates a single master unit connection for the water, with private water lines for the proposed  
419 development beyond the master unit. Herrick explained that the storm water will all be located at the  
420 west end of the property, and there will be some collection of street runoff within the streets which will  
421 be directed towards the detention area. Herrick added that the storm water detention area will be  
422 maintained by the property owner. Kanter asked if there had been any studies performed of the  
423 wooded areas or any special or unique plants. Leopold noted that there is a lot of skunk cabbage, the  
424 woods are fairly young, and the woods are wet. Dirr noted that the grade does drop off more towards  
425 the west, and that is why Herrick has played a role in helping design the site. Herrick noted that there  
426 had been discussions, prior to T.G Miller's involvement, with New York State Heritage to discuss if there

427 were any rare or endangered species that had been previously identified anywhere on the site. Leopold  
428 noted that she had seen some wild flowers but they seem to be declining. Kanter stated that the Village  
429 should discuss if the Village would want to accept a dedication of the land or let another entity be  
430 responsible for maintaining the land. . Dirr explained that they are open to suggestions from the Village  
431 on their desires pertaining to the maintenance of the proposed development's open space. Tomei noted  
432 that the proposed development is in the very early stages at this point in time with many questions to  
433 be answered at a later point during the Village's review.  
434

#### **Approval of Minutes**

435 Durst moved to accept the minutes, as corrected, of December 13, 2010. Seconded by Dankert,  
436 Ayes: Tomei, Dankert, Durst, and Stycos. Abstention by Kanter.

437 Kanter moved to accept the minutes, as corrected, of January 10, 2010. Seconded by Stycos,  
438 Ayes: Tomei, Dankert, Durst, Stycos, and Kanter.

#### **Reports**

439 *Trustees*- There were no Board of Trustees meetings in January.

#### **Other Business**

442 Cross asked if the lighting commission had approved the lighting plan for the DPW addition. Leopold and  
443 Dankert both noted that they had not seen any plans at this point in time. Moseley noted that it would  
444 be a condition of the Certificate of Compliance. Moseley added that it was a condition on the plan  
445 review and would need to be approved by the Lighting Commission prior to installation. Dankert noted  
446 that he would check with John Courtney, who is both the Superintendent of the Department of Public  
447 Works and one of the Lighting Commissioners. Dubow noted that there was another condition that  
448 dealt with screening for the neighbors, which condition would most likely be a fence to be approved by  
449 the Zoning and Code Enforcement Officer.

450 Stycos asked what the next steps were for the Lansing Reserve development. Dubow indicated  
451 that originally it was thought that the proposed development could be submitted as either a PDA  
452 (Planned Development Area) or a cluster subdivision. Dubow added that it now appears, based upon  
453 further review of the proposed project and the rental nature of the development, that it most likely  
454 would be submitted as a PDA. Dubow noted that it would make the most sense as a PDA given what  
455 they are proposing. Leopold stated that she liked the idea of the townhouse units because it left a  
456 substantial amount of undisturbed area on the parcel of land. Leopold added that if the property were  
457 to be developed as a traditional subdivision, with each one (1) or two (2) unit residential building  
458 needing to comply with minimum lot size requirements, there would not be as much undisturbed area.  
459 As Dubow had previously indicated, Cross stated that there is a significant accessibility issue for the  
460 proposed development that was previously discussed with the developer. Cross noted that he was  
461 surprised that the developer had not addressed the accessibility issue at this evening's meeting. Tomei

462 indicated that the accessibility issue is the developer's issue to resolve. Dubow explained that there are  
463 some design issues, technical issues, safety issues and other Village Code compliance issues that need to  
464 be addressed. Dubow added that, from the Village's perspective, there is not enough project  
465 information at this time to determine if and how those issues might be resolved. Dubow repeated that  
466 the ability of the developer to access the currently private Northwoods apartment complex ingress and  
467 egress is a significant issue. Dubow added that the Village has invested a significant amount of time and  
468 effort in trying to incorporate the Northwoods ingress and egress into a Village road, but has thus far  
469 been unsuccessful. Dubow noted that the Village was close to an agreement with the previous owners  
470 of the property, but those owners sold the apartment complex and the Village has had to start from the  
471 beginning with the new owners. Dubow explained that there are complications with obtaining the  
472 roadway in question because the new owners have financing and related liens on the property that  
473 affect the owners' ability to convey the road portion of the property to the Village. Dubow noted that  
474 even if the Village did obtain the land in question there may still be ingress and egress issues to be  
475 addressed. Durst asked if the pedestrian walkway that connects to Dart Drive would double as an  
476 emergency access route. Dubow explained that that idea has been preliminarily discussed, but these are  
477 questions that need to be further addressed with the developer. Dubow noted that the developer has  
478 been made aware of many of the issues surrounding the proposed development, and that the PDA  
479 review process, if authorized by the Board of Trustees, will require the developer to work with the  
480 Village to overcome those current and/or other identified future issues. Kanter noted that, with the PDA  
481 review process, the Village might be able to address some issues such as what happens after the  
482 expiration of the fifteen (15) year period during which the affordable rental restrictions are in place.

483 Stycos asked what the next step was for the amendments to section 145-60(N). Dubow noted  
484 that the more changes that are made to that section the greater the potential impacts might be on  
485 other zoning provisions related to the low traffic food and beverage use. It was generally agreed that  
486 Cornell should be involved because any changes will very likely impact the Business and Technology  
487 Park. Cross asked what the typical sign permit process included or if they even have a permit process.  
488 Cross posed the question as to whether the County is required to contact local governments before  
489 installing signs. Moseley indicated that he was unaware of the County having any permit process.  
490 Dubow explained that the County probably did not know that the Village had specific regulations on  
491 signs, and they have been fairly accommodating in correcting the situation. Vaczek asked if the Shops at  
492 Ithaca Mall would be able to install a business directory sign. Dubow explained that it would fall under  
493 the PSA (Planned Sign Area) for the mall, which specifically states what is and what is not permitted.  
494 Dubow added that if a business wanted to amend their PSA they would need to have the approval of the  
495 Board of Trustees. Dubow pointed out that the signs in question would also be located on the property  
496 for which the PSA is being requested, and not located in any right of way unless some kind of permission  
497 was granted. Dubow referenced the Homewood Suites way-finding sign which had to obtain approval  
498 from both the State and the Village in order to have the signs installed in the State and Village rights of

499 way. Dubow stated that the Village introduced a section into the Sign Law that specifically deals with  
500 local tourist-oriented directional signs which provides regulation of those particular signs.

501 Kanter noted that section 145-60(N) dealing with the Low Traffic Food and Beverage use still  
502 needs to be looked at and possibly amended. Stycos asked where would people park at the current  
503 restaurant (Park Grill Café) in the B&T Park if the customers increased from seventy five (75) to one  
504 hundred and fifty (150). Stycos wondered if most of the individuals would be walkers. It was recalled  
505 that the operators of the café had previously indicated that they would like to enable people from the  
506 Lab of Ornithology who in good weather might walk over to the café, but on bad weather days would  
507 probably drive. Kanter added that there is no reason for the café not to be able to cater for the Lab of  
508 Ornithology.

509 **Adjournment:**

510 Stycos moved to adjourn at 9:45 P.M. Seconded by Kanter. Ayes: Tomei, Dankert, Durst, Stycos,  
511 and Kanter.