

**Village of Lansing
Joint Meeting
Planning Board & Board of Trustees
July 26, 2011**

1 The meeting of the Village of Lansing Planning Board was called to order at 7:30 pm by
2 Planning Board Chairman Mario Tomei. The Board of Trustees meeting was called to order by
3 Mayor Donald Hartill at 7:30pm. Present at the meeting were Planning Board Members Phil
4 Dankert, Richard Durst, Maria Stycos; Alternate Board Member Jonathan Kanter; Trustee Lynn
5 Leopold, Patricia O'Rourke, Julie Baker & John O'Neill; Code Enforcement Officer Marty
6 Moseley; Village Attorney David Dubow; Village Engineer Brent Cross. A sign- in list was left
7 at the door and will be attached to the official minutes.

8 Tomei requested that all persons in attendance silence their cell phones and please do not go in
9 and out of the building as that can be distracting.

10 Tomei appointed Kanter as an acting member for the meeting due to the absence of Planning
11 Board member Lisa Schleelein.

12

13 **Public Comment Period**

14 Tomei opened the public comment period. Ann Furry of 143 Brook Way was present to
15 speak about zoning. When she served on the Board of Trustees and as mayor of the Village they
16 had a general plan and a zoning plan. She expressed her concern to keep reexamining the zoning
17 (especially residential) and the possible impacts when certain parts of the Village are getting over
18 populated, and to consider instituting a moratorium if necessary. That may be the best way to
19 address the current issues.

20 Larry Bieri of 86 Oakcrest indicated he was present as an observer for Community Party.

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

23

24 Mayor Hartill stated that each person who wishes to speak will be allowed 4 minutes.

25

26 **Public Input on the Proposed Lansing Reserve PDA (Planned Development Area)**

27 Ed Marx was asked to express to the two Village Boards Tompkins County's (TC)
28 current position on affordable/ workforce housing in the community. He indicated that he
29 believes there is a strong need in TC for affordable housing and that they strongly support
30 proposed projects in already existing villages or centers. Currently, there is a large portion of the

31 workforce commuting into TC to work and the trend seems to be continuing based on the latest
32 data from the census. There are more than 15,000 people that commute daily to jobs in TC.
33 Surveys have indicated that approximately 50% of the people that currently commute indicated
34 that the availability and cost of housing in TC is what keeps most of them from residing in TC.
35 Marx pointed out that TC is aware of the economic downturn in the recent years and the minimal
36 change in the local housing market, although they feel that the local market is still fairly strong.
37 They believe that the 2005 Needs Assessment is still valid. TC expressed a need for 4,000
38 housing units over 10 years, which TC has fulfilled approximately 70-75% of the 4,000 units.
39 Marx believes that the affordability of new housing is not being met, and is working on focus
40 area strategy which suggests a majority of this be in areas with close proximity to jobs and
41 services. Marx noted that clearly the villages in TC would meet the focus area strategy since they
42 are close to the services and other amenities. TC believes that there is a need for more housing in
43 the affordable to middle income range and has not seen evidence that the situation has changed
44 within the past 6 years since the original analysis was done. With the energy crisis we want to
45 see less commuting. Marx indicated that he would stay for any additional questions.

46 Many people from the neighborhood group of the proposed Lansing Meadows PDA were
47 present at the meeting.

48 Bill Shaw - represents and is speaking for the neighbors in the immediate area of the
49 proposed development. He indicated that approximately 70 signed letters, against the NRP
50 Group's proposed development, had been sent to the New York State Homes and Community
51 Renewal (NYSHCR) department, which is in charge of the tax credit funding for the proposed
52 project. Shaw handed out a copy of the Dart subdivision plat that had been approved by the
53 Planning Board a few years ago and a copy of the easement between two of the Dart property
54 owners. He added that access is limited to Dart Dr., which is a hazard to first responders. He
55 suggested two access points for the proposed development. Shaw indicated that the Dart Dr. and
56 Warren Rd. intersection does not operate in an efficient or effective manner, and added that any
57 proposed development of the former Dart parcels to the west and east of the current proposed
58 project, should be considered now. Shaw noted that the Village boards should consider
59 development of the entire approximately 70 acres and not look at the land in a segmented
60 approach. He added that it would not be wise to have multiple access points that would connect
61 to Warren Road. Shaw noted that the parcel to the west has a cemetery and a stream that would
62 need to be taken into consideration before developing. He added that overall, the wetlands and
63 streams need protection and should have priority reviewing any proposed development.

64 Shaw noted that he believes that this project should require a Type 1, SEQRA (State
65 Environmental Quality Review Act) review. Shaw pointed out that the main piece of land is 23.8
66 acres which should incorporate the easement area between the east and west parcels and the .68
67 acres that are across the road, which would then push the SEQRA into a Type 1 review. Shaw
68 added that the east and west property owners would also have an opportunity to gain vehicle
69 access through the middle parcel of land. He added that the eastern parcel has been sold. Shaw
70 expressed concern with vehicular data, since the proposed development has approximately one
71 garage for every unit. He believes that there would be more traffic generated by the proposed

72 development than what was identified in the GTS traffic study. Shaw noted that the 2000 census
73 data was outdated, and the 2005-2009 census data could potentially change some of the answers
74 on the application. Shaw added that 70 residents have signed a letter with strong opposition
75 against the project. Shaw stated that the Village needs more owner occupied homes instead of
76 more apartment complexes. Shaw added that stormwater runoff is a major obstacle with two
77 creeks running through the parcel. Shaw noted that there is a section of wetlands which would
78 be affected by any proposed development on the western parcel. Shaw pointed out that there is a
79 restrictive covenant in all of the properties' deeds along Dart Dr., which would potentially
80 restrict the development to single family housing. Shaw thanked the boards for their
81 consideration to the matter at hand.

82 Dr. Marina Manu of 57 Janivar Dr. - of Cayuga Medical Center indicated that she enjoys
83 helping people. She raised issues regarding school redistricting which she indicated made her
84 neighbors move to change schools, and that she can't sell her house. She was concerned how the
85 development would affect the school systems. She believes this development will affect the
86 quality of her neighborhood.

87 Yasamin Miller – neighbor. She stated that the decisions that the Village may make are
88 not to the residents' benefit, but rather a benefit to an out of state developer. Y. Miller noted that
89 the NYSHCR has denied the funding application twice. Y. Miller noted that the first survey done
90 for TC indicated that 44% are paying less than \$700/month in rent, 58% of people indicated that
91 it is easy to find a place to rent, 87% of people indicated that their apartment was affordable to
92 them, 80% of people indicated that their apartment had adequate space for them, the average
93 income level that was polled was between \$30,000 and \$40,000 per year, and only 11 % would
94 like to live in the Lansing area. Y. Miller added that 53 % of the people polled would like to live
95 in the Town or City of Ithaca. The number one reason people rent is because it is easier than
96 owning a home. She indicated that CU (Cornell University), with its significant work force in the
97 area, has lost 914 jobs. Y. Miller added that a study had been done, that the Tompkins County
98 Planning Department is using, which indicated that 498 individuals lived and commuted from
99 outside of TC out of 6738. Y. Miller noted that the boards would be impacting multiple
100 neighborhoods for a minority of people. Y. Miller presented data and statistics from the
101 American Community Survey data, which shows for the Village of Lansing, an average travel
102 time of 16.7 min., 14.5 min. for the City of Ithaca, 17.8 min. for TC, 31.4 min. for New York
103 State (NYS), and 25 min. for the United States as a whole. Y. Miller added that there is no
104 commuting problem.

105 Attorney Dirk Galbraith - represents the Solomon Organization that owns Northwood
106 Apartments. Galbraith addressed the revised EAF (Environmental Assessment Form) dated June
107 23, 2011. The EAF is deficient and incorrect in that it describes the site as 22.8 acres but the
108 actual survey of the property indicated that the site is 23.5 acres. Galbraith noted that a Type 1
109 action is needed if the project disturbs more than 25 acres. Galbraith indicated that the Lansing
110 Reserve PDA submission is deficient in that such "action," as defined in the SEQRA regulations,
111 cannot possibly take place within the boundaries of the area. The project will need traffic ingress
112 and egress. Galbraith referenced the 50 foot wide strip of property that connects to Dart Dr., and

113 suggested that it would be inadequate to develop as a Village street. Galbraith noted that the
114 traffic study that was recently filed seems to presume that vehicle access can be obtained from
115 Woodthrush Hollow Road, which would then pass by the Northwood Apartment complex onto
116 Warren road. Galbraith indicated that Woodthrush Hollow Road dead ends into a private
117 driveway owned by Northwood Apartments. Galbraith stated that unless the Village is inclined
118 to take that driveway by eminent domain and turn it into a Village street, he would suggest that
119 there will never be access for this development. He indicated that if the Village obtained the
120 Northwood private driveway that in and of itself would be an action, which would need to be
121 considered with the proposed development. Galbraith noted that in either case this pushes it well
122 above the 25 acre limit and would trigger a Type 1 SEQRA action. The current EAF needs to be
123 expanded to include the other sites and the potential impacts. The developer's traffic study
124 proposed an option of turning the Northwood driveway or Dart Dr. into a cul de sac. If that in
125 fact that was the case, the EAF would have to be expanded to include the potential impacts from
126 those specific reconfigurations.

127 Jen Gafney - property manager of Northwood Apartment complex. Gafney indicated that
128 the Northwood Apartment complex hired a traffic consultant to review the traffic study that was
129 submitted by the developer, which was handed out to the boards Gafney read points from their
130 traffic consultant's review, which is attached to the minutes, and believes that there is not
131 adequate access to the proposed site.

132 Marshall Rosen - chief operating officer for Northwood Apartment Complex- 92 River
133 Rd. Summit NJ. M. Rosen indicated that his company manages approximately 900 apartments
134 in the Ithaca area. M. Rosen noted that there have been representations made that eminent
135 domain will not be used to secure the Northwood private driveway. There are rarely,
136 approximately 8-10, empty apartments in the Northwood complex and no more than 30 empty
137 apartments in the Warren Road area. The Solomon Organization took over ownership in 2008.
138 M. Rosen added that they rent their apartments for approximately \$800-\$1300/month. M. Rosen
139 noted that they have rarely been approached to have affordable housing incorporated into their
140 complex, but would consider participating in an affordable housing program with other
141 landlords. This would prevent a disruption to an environmentally sensitive tract of land including
142 their complex. There are more than enough rental units in the Village of Lansing. The cost of this
143 project is \$14million that equates to about \$225,000 per unit, which is an incredible amount of
144 money to spend on only a dozen affordable housing units. M. Rosen added that all but 12 units
145 would be market rate.

146 Ulises Mejias - 4 Coventry Walk. Expressed concerned with project proposed by the
147 NRP Group. It warrants a full EAF. Mejias believes that the proposed development will have a
148 negative effect on the neighborhood by way of property values and the natural environment.
149 Mejias asked for a market analysis that is up to date to determine if this sort of project is needed
150 in the Village.

151 Shawn Depu- representing Northwood Apartments (manages apartment portfolios).Depu
152 expressed concern for the ongoing management for the proposed development. Depu asked

153 about a plan that would show how the proposed PDA complex would be run and their
154 application process. Depu raised questions like: Are they planning for future upkeep, will Better
155 Housing of TC be managing the development, what is the screening process for applicants,
156 would there be a sexual offender or criminal background check on the applicants, what are the
157 rules and regulations for the development, what kind of documentation would be needed for
158 income verification.

159 Ron Simoncini -Summit NJ (has worked with Solomon for 25 years). Simoncini
160 explained that it was his understanding that for the past 10 years, the Village has been thinking
161 about acquiring the Northwood driveway to gain a public access to the residential neighborhood.
162 Simoncini noted that they did not like the idea of giving the road to the Village because it keeps
163 people out that are not supposed to be at the complex and it keeps people in that are supposed to
164 be at the complex. Simoncini stated that there is no excuse for the Boards to not require a Type 1
165 action. Simoncini noted that the Village currently owns property that would be significantly
166 impacted. Simoncini added that the Village should explain to the developer that they, the
167 developer, should obtain the road first prior to the Village accepting a proposal. This is a quality
168 Board and place, and these issues are here. There are deed restrictions that the residents of Dart
169 Dr. have to vote to allow an access point to enter onto Dart Dr. Simoncini added that it also
170 could be a possibility that there is an overwhelming desire to have an affordable housing
171 development in the Village, but one should be proud of the application before one is proud of
172 developing affordable housing. The process should slow down to see if there is a wetland issue,
173 find out if the development can have access to a road that is owned by a private company that
174 may be competitive, and inform people of those issues at hand.

175 William Shang - 6 Coventry Walk. Shang noted that the NRP Group is a for profit
176 organization, and this project can't be done profitably without tax subsidies. He read a quote
177 from the NRP Group website which read: "From start to finish, every project The NRP Group
178 takes on is carefully contemplated and executed to maximize investment return. The NRP group
179 has been recognized as NAHB's multifamily development of the year and has been ranked
180 number 1 in the top 50 affordable housing developers for 2007, 2008, and 2009. This is not a
181 small corporation this is corporate America and we are subsidizing that. There is a direct transfer
182 from the taxpayer to this corporation". Shang added that America is going bankrupt by
183 subsidizing large corporations. The NRP Group is the winner and the losers are the local
184 taxpayers who live in the vicinity, decreased housing values, the local apartment owners who
185 will lose business, and the Lansing Village taxpayers who will subsidize the Lansing Reserve
186 project. Shang added that the Village residents already have subsidized 75,000 dollars to this
187 project

188 Hartill noted that the Village of Lansing has not subsidized the project by \$75000, but TC
189 has.

190 John Spence - executive director of Better Housing for Tompkins County (BHTC). They
191 will be 51% owner and manager of the Lansing Reserve. Spence noted that there was a full page
192 ad in the Ithaca Journal, which only indicated that a large national company targeted the Village

193 of Lansing for this development and left out information that BHTC would be a partner and the
194 manager of the proposed development .BHTC is a not for profit agency with a 30 year track
195 record. BHTC has built, owned, and managed apartments in Newfield, Trumansburg, and
196 Slaterville Springs. Spence invited anyone to visit any of their apartment complexes, and
197 explained that he would be happy to speak with anyone with questions. A quick survey at Shops
198 at Ithaca Mall suggests that affordable housing is needed. Spence added that he would contact
199 people who work in the neighboring malls and other businesses in the Village that he would
200 expect to find that they would like to live closer to their jobs that don't make a lot of money.
201 Spence noted that he has a petition from approximately 160 individuals who were unable to
202 make the meeting this evening indicating that they live, in Elmira, King Ferry, Owego, Ovid,
203 Cortland, and other locations, taking care of their families. The proposed development would
204 house a diversity of families that make between 30%-90% of the area median income. Spence
205 stated "it's diversity, it's a neighborhood. It's not a concentration of one particular income
206 group." The tax credit program through NYS rewards for-profit and non-for profit partnerships,
207 which is why the tax credits are involved. Spence added that the job of NRP Group is to attract
208 investors, and noted that the property will pay taxes, but it will be taxed based upon assessed
209 value determined by income. Strict governmental oversight will ensure that maintenance,
210 management needs and capital reserves are regulated. Spence noted that a for-profit developer
211 could walk away from a development, but BHTC does not have that choice. They are obligated
212 to maintain and manage the development after it is constructed. Good management will be an
213 important part of ensuring the success of the proposed development and BHTC welcomes the
214 idea of working with folks. BHTC will not be an absentee landlord.

215 Jim Morris - 37 Dart Dr. Morris noted that when he bought his house it was the lowest
216 value in the area, and he has doubled the value by remodeling the structure. He is concerned with
217 property values and traffic. The easement, for the proposed walkway is almost across from his
218 house. Morris added that Dart Dr. is already a very busy road. He hopes the Village will listen to
219 residents and their desires "when it comes to our property," and leave it the way it is. Our
220 neighborhood is not the solution for TC's housing issue.

221 Karan Creenan- 8 The Strand. Creenan noted that she has been a tenant at the Kensington
222 town house development for 15 yrs. Creenan explained that she has stayed at the apartment
223 complex because of the natural amenities like the wild life. She added that it is close to all
224 shopping needs, but is set back from the road so there are no traffic issues. Creenan would hate
225 to see this development go through, and if it is developed she will move due to increased traffic
226 and noise.

227 Lena Brooks - Northwood apartment complex. Brooks agrees with what Creenan has
228 stated. Brooks indicated that there are not many rental areas that are located in such a nice
229 location as the Northwood apartment complex. She has lived in the area for 10 years. Brooks
230 explained that most of the people who live outside of TC, that she knows, own their own home
231 and do not rent. She stated that she can't afford to own her own house in this area. Brooks likes
232 the idea of local apartment complex owners uniting to form a low income housing proposal.

233 Reneta McCarthy 41 Janivar Dr. She handed out comments. She is concerned with living
234 on a busy street and hasn't heard anyone advocating for the project. She noted that the
235 environmental studies have not been completed.

236 Phil Miller- 3 Coventry Walk. P. Miller is concerned with the impact on the immediate
237 neighborhood and the surrounding square mile, which probably has approximately 60-80 houses
238 and 1000 in the area. He indicated that there is some willingness for the current apartment
239 owners to supply affordable housing. He asked why it is the Village's responsibility to solve
240 TC's affordable housing needs. P. Miller added that he was concerned with the potential of the
241 street in his neighborhood becoming busy. He added that he has not heard of any taxpayers or
242 renters who advocate for this new proposed project. P. Miller explained that the environmental
243 studies have not been filled out correctly, that the market studies and the traffic analysis are
244 inaccurate and need to be further reviewed, and that the state has turned down funding for the
245 proposed project twice.

246 Tom DiCiccio - Northwood apartment complex. Decisio noted that he would be upset if
247 the Lansing Reserve were developed because the road would potentially turn into a busy street
248 and it would change the neighborhood.

249 Andrew Rosen-Representative of Northwood Apartments. Rosen stated that the Solomon
250 Organization "has never said that we had an interest in dedicating our road or giving access to
251 our road for the purposes of this development and I just want to be clear about that". Rosen was
252 concerned for his 271 residents and other neighbors in the vicinity; if the Village were to extend
253 Woodthrush Hollow Rd. and connect it to Triphammer Rd. Rosen added he was also concerned,
254 as a large tax payer, for the property value of the Northwood apartment complex.

255 Bob Crowley - Dart Dr. resident Crowley questioned why the boards are considering the
256 proposal if all but one person in the room are against the project.

257 Y. Miller explained that other residents that could not make the meeting wrote letters for
258 her to submit to the boards. The residents at 5 Coventry were concerned with the apartment to
259 housing ratio that has already been pointed out, and they are also concerned about the negative
260 impacts on the school system. The resident at 29 Janivar Dr. would like to be on record publicly
261 opposing the proposed development.

262 Tomei responded to the question: Why are we doing this when there is so much
263 opposition? He indicated that procedurally the PDA review process was initiated in response to
264 a proposal submitted to the Village and the Village is just working through the process and
265 reviewing all the details for the proposal with an unbiased view. The Village is simply here as
266 two boards that are attempting to work through the PDA authorization process provided for in
267 the Village Zoning Law. The Village will continue to do its homework for this proposal and any
268 future proposal. Tomei noted that the Village would work through this same process for any
269 proposed development.

270 Joanne Florino - Triad Foundation. She noted that Triad Foundation is a property owner
271 and taxpayer in the Village and currently provides funding for the BHTC program. Triad has also
272 funded the Battle for Brooklyn film. The Triad Foundation has been careful in not taking a
273 position on anything, like deer management, fracking and the Lansing Reserve proposed
274 development. Joanne stated that BHTC is an outstanding organization and is one of the leading
275 non-profit organizations in TC. Joanne noted that the full page ad in the Ithaca Journal was
276 misleading to people because it did not name BHTC as a partner in the proposed development,
277 and that BHTC is highly respected in the area. Any suggestion that the property would not be
278 properly managed would not be the case. Joanne noted that the neighborhood has other issues.
279 Joanne explained that she was offended by the Stop Lansing Reserve website because the Battle
280 for Brooklyn movie was being used in relation to the proposed development. Joanne noted that
281 Mr. Park is a foe of eminent domain, and the Battle for Brooklyn movie talks about a mixed
282 neighborhood being destroyed because government gave subsidies to a private developer and an
283 out of town developer, of Russian decent, to knock down low income housing and high priced
284 condominiums for the purpose of building a NBA arena and office space. This movie has no
285 place being used in this situation. She is appealing to the parties involved to be honest and to
286 stop the inaccurate propaganda. Joanne would like a traffic light at the intersection of Craft Rd.
287 and Triphammer Rd. This is a neighborhood first of all, she indicated, and further noted that she
288 appreciates the value of the Village and wanted to thank the boards because this is a tough place
289 to be at this point in time.

290 Dooley Keifer - TC Representative for the Village of Lansing. Keifer was concerned with
291 the comments on why TC feels they need to solve their housing issues in the Village of Lansing.
292 Keifer noted that TC is not trying to solve housing issues by only targeting the Village, but rather
293 has identified many areas in TC that would make sense for this type of a development to occur.
294 Keifer added that she felt that the individuals that were speaking have not really accepted the fact
295 that when "you live or rent in a place where there are undeveloped woods near you, they can't be
296 guaranteed to stay undeveloped forever." TC is very grateful to BHTC for the work that they
297 have done. Keifer noted that she was not happy to hear BHTC being criticized and believes that
298 the people that were doing so are not familiar with their organization and how it operates.

299 Bob Crawly - Dart Dr. Asked if there were any other properties in the Village that could
300 be developed for affordable housing?

301 Tomei thanked all the individuals for the comments that were expressed.

302 Hartill thanked all the individuals for their participation and explained that it is important
303 to the Village to hear the comments on any proposed project. Hartill noted that as Keifer pointed
304 out, unless you own the undeveloped property there is no guarantee that it will stay that way,
305 otherwise it is up to the process to determine what can be done. Hartill added that the people who
306 own property have the right to develop the land as long as they comply with the Village Code
307 and Zoning Law district regulations. Hartill explained that the proposed project is by its nature
308 complex and raises a number of issues and potential problems which include vehicle access and
309 a very strong resistance against this project.

310 It was asked if there was an impartial website that has all of the information about the
311 proposed development.

312 Y. Miller stated that nothing would have happened if the Village did not support the
313 project in the beginning stages with the NYSHCR. Y. Miller added that they are not opposing
314 development, but rather the fact that “you didn’t ask our opinion in the first place, now we are
315 telling you we didn’t want this in the beginning you didn’t ask us if we supported it or not we are
316 wondering why you supported it in the first place”. Y Miller noted that they are opposing
317 subsidizing.

318 Hartill explained that the Village was following their comprehensive plan and
319 undertaking a process that provides fairness to all parties.

320 Simoncini noted that people want an honest assessment of the development. He explained
321 that the Village needs to confront the fact that some of the people opposing the proposed
322 development see certain contradictions. He further explained that the process itself has some
323 element to discipline.

324 Hartill noted that the Village has hired their own traffic engineer to analyze the data that
325 was supplied to the Village by the developers’ consultants. Y. Miller asked who was going to
326 pay for the traffic consultant. Hartill noted that the developer proposing the project would pay for
327 the Villages traffic consultant.

328 Y. Miller embraced the fact that some of the other apartment owners’ indicated a
329 willingness to incorporate affordable housing in their complexes. Y. Miller asked if that would
330 be a better plan and would fall in line with the Village comprehensive plan.

331 Hartill noted that it is the Village’s obligation to the developer to look at the proposed
332 project and work through the correct process for that project.

333 Dubow noted that the Village has always tried to communicate that a property owner has
334 the right to do on their property what they want as permitted by the Village land use regulations.
335 Dubow added that the PDA legislation, adopted by the Village, provides for a procedure for the
336 Village to make a determination in response to a proposal for rezoning a piece of property in a
337 creative, collaborative and cooperative way targeting both the best interests of the Village and
338 the impact on the neighboring community. To begin the process, the Village needs to be able to
339 gather information and to thereby be able to make an informed decision, which is where the
340 Village currently is with regard to the Lansing Reserve. Dubow stated “The fact that we are still
341 talking about this” is to provide additional information for the Village. Dubow added that “it is
342 simply a process to be fair and equitable to the Village in terms of its determination as to whether
343 this particular project would have a significant benefit to this Village community”. Dubow added
344 that it is just as fair to give a potential developer the same opportunity to advocate for their
345 proposal and to address the impact of that particular project. Dubow noted that for someone to
346 criticize the Village “for not pulling the plug” before they have been able to gather and review

347 the information is clearly unfair to all parties. That would be worse and more unfair than having
348 to go through the process. Dubow addressed the question as to why the Village is considering the
349 project if it does not have approved funding from the NYHCR agency. He indicated that the
350 developer not having received funding in round 1 or round 2 doesn't mean they won't get
351 funding in round 3 or round 4. Dubow added that there are also other alternatives to funding and
352 financing if original funding approach doesn't go through. Dubow noted that the PDA process is
353 a rezoning process that ultimately is up to the Board of Trustees and where the Planning Board
354 serves as an advisory agency to the Board of Trustees. Dubow stated that "we are at the point at
355 which we are getting a lot of comments and input". Dubow added that some of the information
356 that was provided to the Village was provided as a result of the questions raised in both the
357 Board of Trustees s and Planning Board meetings.

358 Simoncini stated that at this point in the process the developer could expect to be
359 informed whether or not the Village believes that this project would require a Type 1 SEQR
360 action.

361 Dubow explained that the PDA environmental review does not happen until a further
362 stage of the process. Dubow explained that at this point in time, there has not been a
363 determination of who the lead agency will be. Dubow added that there may be other involved
364 agencies that the Village will have to inform and who will participate in determining if the
365 Village Board of Trustees will be the lead agency. Dubow noted that there may also be
366 independent reviews from other agencies. Dubow noted that the Village is hopeful that they will
367 not and should not be criticized for working through the process that is fair to the residents and
368 the developer.

369 B. Shang noted that conventional funding would not be an option for the NRP Group
370 because they are funded by wealthy individuals who profit through tax breaks. B. Shang asked
371 how many projects has the NRP Group secured with conventional funding.

372 Dubow emphasized that the Village is in the stage of gathering information and there
373 could be many questions associated with this. Dubow added that, at this stage the Village is just
374 trying to determine if it has received sufficient information. Dubow pointed out that the
375 developers have been attending the meetings to answer any questions that the residents have.
376 That is what this process is about. Dubow suggested that if the Village residents have questions,
377 they should ask them.

378 Chris Dirr - NRP Group. Dirr noted that in 2010, 5 of 20 projects were pure market rate
379 and a total of approximately 3000 projects at the pure market rate. B. Shang asked if the NRP
380 Group would make profit from 225,000 dollars per unit. Dirr indicated that NRP would not
381 pursue a project unless it makes sense. Dirr added that they are committed to developing the
382 current parcel in conjunction with BHTC. Dirr explained that they would develop the project in
383 the way the community determines is the best way. Dirr noted that if the community determined
384 that affordable housing was not appropriate for the site, they would look at alternate housing.
385 Dirr asked how the community would like the site developed. Dirr added that he has distributed

386 his phone number/email address and no one has contacted him or BHTC about what they would
387 like to see as a project.

388 Simoncini noted that it is not the community's job to design the development, but the
389 community has come to the meeting to discuss the insufficient application.

390 A. Rosen asked if the Village has taken into consideration the covenant restrictions with
391 regard to Dart Dr. vehicle access from the proposed site. A. Rosen explained that the Solomon
392 Organization would like to keep the existing site in its current state.

393 Dirr pointed out that the property has been for sale for a while and the Solomons could
394 have bought the land to preserve.

395 Dubow indicated that there is legal authority in New York where Boards are restricted as
396 to their land use decisions being based upon private restrictive covenants. Dubow added that the
397 restrictive covenants may or may not be the Village's concern, but rather issues to be addressed
398 by the private property owners.

399 A. Rosen noted that he brought up the restrictive covenants because people were not able
400 to talk at previous meetings.

401 Tomei explained that any individual has had the right to speak at all of the previous
402 meetings, but he had asked the individuals wishing to speak to hold their comments until the
403 Board was done discussing the topic at hand.

404 M. Rosen noted that there is a need for affordable housing in TC, but this development
405 would only provide 12 affordable housing units. M. Rosen added that the Village might not need
406 any more apartments but rather more owner occupied homes.

407 Dirr noted that 15% of the units would be above 60% the average median income and the
408 remainder would be below the 60% average median income.

409 Simoncini noted that the incomes that are "associated with those people are basically
410 minimum wage".

411 Y. Miller noted that the study being quoted by TCPD was conducted by consultants
412 whose name was the Economic and Policy Resources. In their report they noted that they were
413 surprised that the County doesn't do a yearly study. T. Miller requested that the Village require a
414 Type 1 SEQRA; perform a comprehensive survey of renters, homeowners and seniors; perform a
415 full economic impact study and traffic study; that a full environmental impact study be
416 performed by the Army Corp of Engineers; and advise the Dart Drive property owners to look at
417 their deeds.

418 Larry Bieri of 86 Oakcrest Rd. Bieri noted that someone owns the land in discussion and
419 "there is no way that the Board can just say no you can't do that". Bieri stated that he does not

420 like the idea of any developer cutting down trees. Bieri added that the PDA process allows the
421 Village to negotiate with the potential developer of any project for a benefit for the Village.
422 “How do we negotiate all these interests?”

423 B. Shang noted that “I have no problem if they bought it with their own money and they
424 built it off their own money”

425 Y. Miller asked Dirr if the Village did not support the development would NRP be here
426 discussing potentially developing the property at hand.

427 Dirr indicated that they did not need the letters of support for the NYSHCR funding
428 agency.

429 Hartill noted that the current proposal sets aside approximately half of the area, abutting
430 Dart Drive, to remain in a forever wild state, and the most effective way to preserve items, like
431 land, is to proceed through the PDA process. Hartill noted that the developer could build a
432 cluster townhouse development, provided that some of the units were owner occupied, and
433 thereby the opportunity to develop more units. Hartill explained that is why the Village is willing
434 to proceed through the PDA process in an effort to analyze the possible benefits to the Village
435 how best to achieve those benefits. Hartill noted that the NRP website, which was handed out
436 this evening, has the proposed project if anyone was interested.

437 Tomei asked if there were any additional questions for Ed Marx or any additional
438 comments. Marx added that the TC County Government identified that within the existing water
439 and sewer districts there is enough capacity to grow for approximately 20 years. It is important to
440 develop within the already established water and sewer areas to help keep the taxes low. Marx
441 added that the water and sewer system that is installed is geographically limiting and it is
442 important to develop to a density that takes advantage of the current water and sewer
443 infrastructure in order to make the housing more cost effective.

444 Kanter asked what the Boards hoped to accomplish in tonight’s meeting. Hartill
445 explained that the joint meeting was intended for an information gathering session. Hartill noted
446 that the Village is waiting on its own traffic consultant to finish the traffic study analysis, and
447 there are issues with respect to vehicle access. Hartill added that the Village is now aware that
448 dedication to the Village of the now privately owned Northwood roadway and the Northwood
449 entrance/exit are not viable alternatives.

450 Baker noted that although Northwood is a private road, Coventry Walk and Woodthrush
451 Hollow Road, as Village roads, offer residents in that area a right of way to Warren Road.

452 Dubow indicated that all of the properties north of the Dart property appear to have a
453 right to access Warren Road through the Northwood Apartment complex.

454 Baker asked if the Village still has an access problem even if this project was not
455 developed.

456 Hartill indicated that the vehicle access issue would still be an issue that the Village
457 would need to address.

458 Dubow noted that the vehicle access has been an issue since the beginning of the project,
459 which the Village had explained to the developers. Dubow indicated that there had been an
460 extensive effort with the previous owners of Northwood Apartments to obtain the private drive
461 for public use. Dubow added that the Village was very close to an agreement with the previous
462 owner, whereby the Village would have obtained the private drive into Northwood Apartment
463 complex. Dubow noted that now it has been made clear that the Solomon Organization has no
464 intention to allow the Village to obtain the private drive into the Northwood Apartment
465 Complex, which may have a potential timeline impact on this project.

466 Hartill stated that the proposal the Village had with the previous owners of the
467 Northwood Apartment complex included an extensive reconfiguration to improve an already
468 dangerous roadway.

469 Cross indicated that it seems like there is a misunderstanding about the thresholds with
470 regard to the Type I SEQRA. Cross pointed out that this project, if already zoned for the use,
471 would not typically need a Type 1 SEQRA action, and the Type 1 SEQRA action that is being
472 discussed is the Board's determination in relation to the potential rezoning of the parcel. Cross
473 added that this is not a question as to whether or not this property would require a Type 1
474 SEQRA action, but it is a question as to the Village action to be taken as to the proposed use of
475 the property.

476 Dubow noted that if there are 25 acres or more and there will be a change in the
477 allowable uses within the zoning district, it would be classified as a type 1 SEQRA action.
478 Dubow pointed out that the Village Board has not determined that this is not a Type 1 action at
479 this point in time.

480 Cross added that a SEQRA is generally done due to the physical impacts of the project.

481 Dubow noted that if the proposed project followed the current Zoning, it is quite likely
482 that the project would not trigger a type 1 SEQRA.

483 Kanter added that if it is determined that this is in fact a Type 1 SEQRA action, it does
484 not automatically mean that there would be an environmental impact statement. Also, if it is
485 determined that the action falls under an unlisted action, that does not mean that an
486 environmental impact statement would not be required.

487

488 Dubow stated that the staff members and the Board members have worked very hard in
489 gathering information, and for anyone to accuse the Village of not doing their job fully and
490 correctly is completely unfair.

491 Morris asked how he would find out about the Village Board meetings.

492 Hartill noted that the Village website will have the current agenda for that specific Board.
493 Tomei noted that there are two Trustees meetings per month and two Planning Board meetings
494 per month. Moseley added that if the meeting is a public hearing or information meeting, there
495 would be a legal notice ad posted on the outside of the Village office and in the Clerk's office as
496 well as in the legal section of the Ithaca Journal.

497

498 **Tomei noted that the Murray Estates discussion was removed from the agenda.**

499

500

501

502

503 **Temporary Commercial Activity Continued Discussion**

504

505 Tomei explained that since there is a joint meeting, the Planning Board thought it would be a
506 good time to introduce the concept of the possibility of amending the Temporary Commercial
507 Activities (TCA) section of the Village Code. Tomei explained that the Shops at Ithaca Mall
508 originally asked for the TCA section to be expanded to accommodate potential outside sales
509 timeframes

510

511 Dubow noted that this would be a zoning law change.

512

513 Tomei explained the chart as attached below.

514

515 Moseley noted that some of these TCA uses already occur in the Village like a food drive, which
516 would be a benefit to the community. This will be coming to the Board of Trustees for their
517 review and possible action.

518

519 Durst-restriction on the amount of parking area but we decided to let the malls determine that.

520 Kanter noted that some categories would need special permit approval like temporary outdoor
521 sales.

522

523 Dubow noted that all categories need to comply with all other district regulations.

524 Dubow pointed out that the Planning Board is at the point where they can either can make a
525 recommendation to the Board of Trustees or gather and evaluate more information and then
526 decide if they would make a recommendation to the Board of Trustees.

527 Regarding the proposed Lansing Reserve PDA, Hartill indicated that that the proposed project
528 has more complex issues than just access issues, like the fact that here is a potential life safety
529 issue for the current Coventry Walk residents. Hartill explained that the residents in that area are
530 facing a potential risk by not having a public access to their development. Moseley noted that he
531 witnessed a T-bone accident on the Northwood driveway. Hartill added that one thing the boards
532 need to carefully think about is that there is another proposal coming for the western parcel that
533 would access directly to Graham Rd.

534 Hartill noted that the Village might need to engage the services of the TC Planning Department
535 for planning efforts related to the area as a whole.

536
537 Dubow noted that the Village Board of Trustees can halt this process at any point in time if
538 rezoning the parcel doesn't have a sufficient benefit for the Village. Dubow added that if the
539 Village feels compelled to slow down the process, which too can be done.

540 Leopold asked due to the developer already investing money into the project could that make the
541 Village liable for the already invested money.

542 Dubow indicated that since the PDA procedure is a legislative rezoning process that the Board of
543 Trustees can choose to act upon or not, there is little likelihood that the Village would be held
544 accountable for the funds that the developers may have already invested. Dubow added that the
545 developer could withdraw their PDA application and submit an application that follows the
546 district regulations for the area, which would be permitted as of right.

547

548 Stycos asked if a moratorium for the area would be in order until a future time when the
549 Village had a plan for development for the overall area.

550 Dubow indicated that typically, in this type of situation, a Village would not need to institute a
551 moratorium unless they are contemplating a zoning change that would limit or eliminate current
552 permitted uses.

553 Baker asked if the Village is liable for the protection of the people on Coventry Walk, and if so,
554 would the Village be required to make a connection. Hartill indicated that such required action is
555 quite likely.

556 Hartill would like all Board members to think about what makes the most sense to go forward
557 with this particular proposed project.

558 Leopold noted that Y. Miller made 6 points and wondered if the Village would be
559 accommodating her request. Hartill noted that if it is not in the zoning the Village has no basis to
560 require the additional items.

561

562 **Reports**

563 *Trustees- None*

564

565 **Adjournment**

566 O'Rourke moved to adjourn at 10:14 PM. Seconded by Leopold. Ayes: Hartill, O'Neill,
567 O' Rourke, Leopold and Baker.

568

569 Kanter moved to adjourn at 10:15.PM. Seconded by Durst. Ayes: Tomei, Dankert,
570 Stycos, Durst and Kanter.

571