

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, October 17, 2016, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, John O'Neill, Patricia O'Rourke and Gerry Monaghan; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Code & Zoning Officer, Marty Moseley; Planning Board Member, Mario Tomei.

Mayor Hartill called the Board of Trustees meeting to order at 7:31pm and opened the public comment period. A resident asked who they would talk to about paving Graham Road West. They feel it is very dangerous. Hartill stated that it is a private road and as soon as we take it over we will pave the road. We will patch potholes then rebuild when weather permits. It is part of an exchange of property to the south with the Shops at Ithaca Mall. We would have paved it when Suit Kote was doing N. Triphammer Road but we can't spend public money to pave on private property. Hartill stated that we have had many complaints. We hope to get the transfer completed before snow flies.

### Motion - To Close the Public Comment Period

Trustee Hardaway made a motion to close the public comment period. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye	Trustee Gerry Monaghan-Aye
Trustee John O'Neill-Aye	

The next item on the agenda was a Public Hearing to consider Proposed Local Law 3 (2016)-Amendment of the Village of Lansing Code/Zoning Law to Rezone an Existing and Undeveloped Portion of the Business and Technology District (BTD) on Bomax Drive on the Westerly Side of Warren Road, and to Incorporate the Re-Zoned Area into the proposed Adjoining High Density Residential District (HDR)

### Motion - To Open the Public Hearing on Proposed Local Law 3 (2016)

Trustee Monaghan made a motion to open the public hearing. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye	Trustee Gerry Monaghan-Aye
Trustee John O'Neill-Aye	

Mayor stated that all correspondence regarding this issue is on our website. Over 200 pages were added to our webpage. We have received more letters today which will also

be added. This evening everyone will get 3 minutes to talk. Hartill would like to end this meeting by 10pm and will except written documents after this. Last time we were together there was debating, but during this meeting the Board wants to collect information.

Hartill outlined what is happening. In early summer we received a proposal to downzone an existing parcel on Bomax Drive to allow for a change to the Village Zoning Law. If this parcel was developed under the current BTD regulations it could equate to possibly five additional BTD projects similar to the existing Transact project as far as the size. The parcel will eventually be developed. The idea that it will remain in its current state is unreal. Documents received both for and against the rezoning are on our website. Many people who are against the rezoning own property in that general area and are concerned with changes to traffic. On the website there are three documents on property values. Tompkins County Assessment says a rezoning of the parcel won't change your property value, and a national study likewise says that it won't change, but may even increase the value by 5%. Northwood could not be built under today's Code because it is twice the allowable density currently permitted. It was disturbing that there was one note received by the Village that was very threatening. We are not voting on this issue tonight. At the earliest it will be the first meeting in November.

Tom LiVigne-33 Grandview Dr.-LiVigne thanked the Board for allowing him to talk about the possible zoning change. LiVigne explained that they came here because they think the change will allow them to construct a residential complex that could possibly make a premier development. It is a suburban concept. If it is not built on this land, it won't happen. This land and neighborhood marry up very well. This niche doesn't happen anywhere else in the area. Cornell University recruits employees who want to move into this area but there is no new High Density housing available. We are looking at accommodating retirees and young professionals that are looking for temporary housing until they get familiar with the community and families. With the available transportation services it makes sense. The Village's Comprehensive Plan states that there are 60 acres of B&T and only 1.5 acres of multifamily available. More housing is needed.

Andy Bodowes-Park Grove Realty-Bodowes stated that they own and manage property in the Village. He has done business here for 15 years. He has worked with LiVigne on a few upscale suburban housing developments. There has been suburban housing, but there has not been urban housing in many years. There is a tremendous need. This parcel would be a down zoning, with buffer and transition features. What has been discussed as being possible on the proposed property is an upscale development of 140 apartments with walking trails connecting through the property, a pool, and community garden area all operated and managed by onsite personnel. There is a great need in this area. We also had a local market analyst research this. Growth and household growth are growing here.

John Caruso –Passero Associates- Caruso stated that they have talked about the social business aspects and he will speak of technical aspects. With down zoning you have

fewer impacts than if it was developed under current zoning. There are currently 60 acres of property zoned Business & Technology (B&T) and 1.8 acres of land for High Density Residential (HDR). Some of the marketing plans say we need 500 more units to meet the marketing demand. Where would we rezone to meet marketing demand? Transition zoning happens between single and multiple use property. This property happens to fall into a classic transition zone. It has greenspace to create buffers. There is a creek and sanitary sewer running through the middle. It has a physical impairment that you can get around if you do residential.

Jennifer Tavares-Tompkins County Chamber - Tavares is supportive. She has sat through many meetings where we hear a lot about lack of housing. This project could help. It would give seniors a place to retire in the community where they live. Given its close proximity to other residential areas and shopping, it appeals to senior professionals. I have just moved to Tompkins County. The market is of a unique nature. With 11,000 commuters coming in to Tompkins County to work, having more places for them to live would reduce the carbon footprint.

Janet Jonson-For 40 years they have been planning this area. She presented a letter to the Board stating that she is respectfully against the local law which will rezone a parcel on Bomax Drive. She stated that the letter talks about what they have done and how many people they have worked with. Janet claimed that Ivar gave a lot of money to all of you.

Lou Tufford-34 Janivar Drive-He feels as if we are talking about zoning and proposed change in the Village, but we are getting confused with what the County's needs are, not the Village's needs. The multi dwelling percentage is high in the Village. We have gone from 50-75 high density? He suggested that to meet the needs of the Village, change it to Medium Density Residential (MDR) instead of HDR. We are hearing about a project, it has a number of merits. They are lovely and he can see the value. Regardless of what gets built there, the impact on the neighborhood is significant as it relates to safety and traffic. There are narrow roads and no sidewalks. It is dangerous now. Traffic must be mitigated. There is a drainage issue in our yard. He asked the Board to look at the impacts. If the project goes away what happens? That is her question.

Lisa Bonniwell-2 Jon Stone Circle- Lisa has walked the neighborhood and encouraged residents to voice their opinion. Her mother gave what was a heartfelt presentation. What does this project do to us? They say they want to attract retired folks, where is the elevator? High income driving into the community and now they want to live here. One can target a market but you don't know what you are going to get. The business districts there are walking and driving through our neighborhood. She feels business will only complement our business. She feels property values will go down, it is personal and we are not happy. We want you to look at what you plan to do and take our thoughts into consideration.

Khandikile Sokoni-True, Walsh & Sokoni, LLP- Attorney representing the Jonson's and Bonniwell's. She has written remarks to be included in the records.\* Her clients are

strongly objecting to rezoning. She feels it is impermissible spot zoning without regard to the Comprehensive Plan. She stated that the Comprehensive Plan was just reviewed and it has a stated “life span” of 2015-2025. In February 2016, the Village adopted several zoning amendments throughout the Zoning Law, including the addition of a Commercial Medium Traffic District (CMTD). She feels that if there was a need to rezone the B&T zone to HDR that it would have occurred or would have been brought up during that process. Clearly, what has prompted the current rezoning is the request from a developer seeking to construct an apartment complex on the 19 acre lot that is currently zoned B&T. She feels the timing indicates spot zoning. She feels that the Planning Board review and recommendation in support of the rezoning was not based on objective criteria. What were they really looking at? The objections from the neighborhood are a legitimate consideration in reviewing the rezoning request. She reminded the Board that they need a super majority to vote in this change.

John Wisor-9 Leifs Way- Did not wish to speak.

Suzanne Wisor-9 Leifs Way- Wisor stated that others have already voiced her objection and she didn't feel the need to say any more. She asked that the Board consider the opinions of our neighbors.

Larry Fabboni- Has represented Jonson & Bonniwell for the last 30 years. He feels that the Village should assess environmental factors before rezone. Fabboni thinks it is a great project but it should go somewhere else. He suggested the area south of Route 13 by the Swim Club. There have been scare tactics. He suggests that a Planned Development Area (PDA) be done where you can tie down specifics. He feels the Planning Board doesn't have much say with specifics unless it is a PDA. The Jonson's have invested millions in development. They have invested a lot of their life and he feels that they are being ignored.

Tim Bonniwell-2 Jon Stone Circle- Tim opposes even though he is a business owner in the Village. The neighborhood is great just the way it is. There seems to be a lot of empty places where this could go. He doesn't see a shortage in apartment housing. This may not be the worst thing that could happen. He asked that the Board listen to the people who live here. There was already a plan in place and it's not fair to those invested in the area to change it.

George Ross-54 Nor Way-George stated that he lives four places from the Bomax Drive. He mentioned a four way stop which he thinks will turn into a traffic light. He has lived in area since 1960 and has had experience with zoning. He respects the progress because it seems to have a plan that favors families. He found a perfect house in the Lansing Trails Development that fits his high end definition. He is very happy there; it is a nice residential area. He questioned whether or not the character will stay the same. Currently, it is a nice quite neighborhood. He wouldn't mind having sophisticated businesses in the area. He questioned why we are changing this. He is concerned because he doesn't think this is in the best interest for the Village of Lansing.

Tatyana Duval-25 Janivar Drive-She stated that the neighbors have expressed how she feels. Duval is against the rezoning. She feels it will be unsafe because of traffic. If development takes place trees will be gone. Commercial development would require a 150-foot buffer zone. HDR does not require a buffer zone. She previously sent a letter against the rezoning for many reasons. She feels that not many people want to rent in this area any more. She loves the neighborhood and fresh air. She thinks everything will be destroyed. She questioned why Tompkins County is looking to us for apartments. Why do we have to satisfy all of Tompkins County's apartment needs? There is land in the Town of Lansing that could allow this. She hopes the Board listens to our voices and not Cornell University or developers.

Jerry Deatz-CSP Management- CSP manages apartment rentals. That property will change and it is a zoning issue. He is not for or against the rezoning but is here to speak about the Danter Company report and questions some of the validity. He pointed out that the Village already has many high end apartment units. If that's what you want, then this is appropriate. Affordable housing is the direction he encourages the Village and whole County to go. The housing issue is very complex. If you feel this fits the tenor and is code compliant you should build it. He would like to see affordable housing but that is not what is being proposed.

Dawness McPherson-2 Leifs Way-Dawness feels the proposed is based on a perceived need. She stated that they did a survey of apartments. All had vacancies. If this is the case, then why do we need more rental housing?

Richard Boisvert-18 Janivar Drive-Richard stated that he is new to this area. He had nothing to add to what has already been said. He doesn't completely understand the rational of unfilled demand for this housing in this Village. There is demand in greater areas but doesn't know how you parcel that out as to what is going to affect the Village of Lansing. Concerned that we are a target market and he doesn't see that. If the target market isn't there, it will be rented to someone. If this goes ahead, issues of safety and drainage are really important. He hopes the Board will proceed slowly with lots of examination.

Deborah Dawson-51 Dart Drive -Deborah sees a lot in communication. The Village is not a closed system. We are part of a larger community and the needs of those communities must be considered in this rezoning decision. The fact remains that we need a significant number of housing units. The price to build homes and condos in this area is high. Based on a report done in 2015, fewer than 20% cannot afford to pay more than \$150,000 for a home. We can't build that price of homes. The underlying property is too expensive. We have acres for single family houses under construction, but people can't afford \$250-400,000 homes. We need apartments.

George Frantz-604 Cliff St.-Park Grove is in support of efficient use of the property in the Village and the proposed rezoning has merit. The Comprehensive Plan anticipates 500-600 more houses can be built in the Village. One of the Comprehensive Plans key

goals is to have a broad range of housing. The Village of Lansing population is aging. Bomax is ideal to transportation; it is a 15 minute walk to shopping and within a ten minute walk to the B&T Park. TCAT bus could run through this area and increase riders. Residential development will have less of an impact than a B&T Development. He feels the site is ideal for HDR.

John Caruso-Passero- For the record, our client has a lot of experience. They did a traffic study and that study shows traffic would be reduced by 60% with rezoning. The attorney for the Jonson family earlier said there is potential SEQR. Why would people go westerly when it is easier to go to Warren Road? He has heard concerns for drainage. When you develop there is an engineer plan and now there isn't any drainage on this property so developing will help that. He heard that same attorney talk about spot zoning. He has been involved with many rezoning matters and it is his opinion that this is not spot zoning. Connectivity is there so you can rezone. The Comprehensive Plan can't predict what the market demand will be. The process is working at hand.

Khandikile Sokoni-She spoke again to clarify that spot zoning in New York State is the concept to respond to an individual request. The timing of updating the Comprehensive Plan last November and then in February did a zoning change and now another. Zoning is a comprehensive process to meet the needs of the Village. Her point was that these changings are being so close in time that this indicates that there are no other projects. The Planning Board has an advisory role. They must look at it objectively. The Comprehensive Plan update process took a couple of years. It is an unlisted option. You have to take a very careful look at the impact.

Tatyana Duval-How will this affect properties and rental properties in the Village? They are exceeding our residential housing. We homeowners are a minority to apartments. In the Town of Lansing on Warren Road there are new apartments. Have we thought about this? We came here because we love this place. Why does this apartment complex need to be in the Village of Lansing? Look at other places. If a new business came in then there would be new people to buy Janet's housing. She feels no one is listening to the people of Lansing Trails Development. There is a need for apartments in Tompkins County, but why here when we already have so many apartments. We live in a college town. I know many graduate students come for a few years. There are too many apartments. Warren Road has apartments for \$800. No need for additional apartments around the area.

Final statements- Think about the future. Apartment buildings and deterioration is a concern. When people own their homes they usually have upkeep.

Mayor Hartill thanked everyone for being forthright. We will continue to gather information. Please review the documents online. The ones this evening will be added. It is complete and very transparent. It will be based on this. It is not a done deal either way.

## Motion to Close the Public Hearing

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

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Trustee John O'Neill- Aye  
Trustee Patricia O'Rourke-Aye

There are still opportunities to get additional information. Our next meeting is not until November. The plan is to not vote until November 7<sup>th</sup>.

Most of the public left the meeting.

### Mayor's Comments

The Mayor stated that we have an interesting time before us. He wants to talk individually with each one of you to find out where we are. He finds it a very difficult situation and can argue either way.

We have started working on Northwood Rd. We are in the final stages of getting Graham Road West. Dubow has made contact with the Mall's attorney and they know they want it done. He will await feedback and documentation and then pursue it as quickly as possible.

All of our water meters are being updated to radio. There are people that are concerned because they suddenly went from 100 gallons a day to 600 a day. Bolton Point has taken photos of the original meter. In several places people have been leaving off the last digit of their water reading. Bolton Point is working through these issues. The Village may need to work with some people on this. We are going to have an opportunity to approve the Intermunicipal Agreement. We will need to schedule a discussion. The Agreement is between five municipalities and involves five attorneys so it is a bit difficult to manage. Currently, they are working on an amendment with hopes of having an agreement by the end of year.

Mayor Hartill stated that he and Courtney are working on a more seamless traffic diversion plan. When there is construction we need to reroute traffic. We may invest in two road signs. We will borrow a road sign from the Town of Lansing when we do Northwood Road construction. The sign will warn the residents of when to expect major delays. Woodthrush Hollow will most likely have its name changed. Leopold explained that the reason it was named that was due to the wild life in the natural area. Leopold doubts if any Woodthrush birds still there. It is very confusing to have one straight away be named two different roads. Northwood was the old Talandis property.

Ivar Jonson did a lot of apartments on East Hill. He started out as a carpenter on Chateau Claire. There is a long history that leads to tonight's discussion. We have to decide if this is a good thing for the Village independent of the project.

Dubow stated that if and when the Board wants to discuss private attorney and client privilege they can ask for this discussion at a meeting. Any Board member can make a request for a discussion with counsel and the Board can vote to do so. This session is a private session. You have the right to do that. Given that there was some legal representation you may get clarification. Hartill stated that he would rather have individual conversations first.

O'Neill stated that there has been a plan for Ivar Jonson's development for 30-40 years.

Monaghan has reviewed the archives on the Lansing Trails Development. It has a long history of no sewer units. Some houses have septic. The first houses were built in the 70's. Originally, there was Lansing Trails, then it expanded to Lansing Trails II, which has three phases. Single family houses are very expensive.

Hui of 23 Highgate Circle has requested that her water service penalties from July be waived. She has never been late and stated that she never received the bill. The Board agreed to waive the \$14.83 in water & sewer penalties.

#### Resolution#6322–To Waive \$14.83 in Penalty for Account N1742

Trustee Monaghan moved to waive penalties. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Trustee John O'Neill- Aye  
Trustee Patricia O'Rourke-Aye

#### Motion to Adjourn

Trustee O'Neill moved to adjourn. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Ronny Hardaway- Aye  
Trustee Gerry Monaghan-Aye

Trustee John O'Neill- Aye  
Trustee Patricia O'Rourke-Aye

The meeting was adjourned at 9:01pm.

Jodi Dake, Clerk/Treasurer

\*All submitted documents are posted on the Village webpage at [vlansing.org](http://vlansing.org). under Bomax Rezoning