

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, November 7, 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, Deborah Dawson.

Mayor Hartill called the Board of Trustees meeting to order at 7:30pm and opened the public comment period. He explained that our last session was a formal and required public hearing, but there may be some new information that didn't appear in that public hearing. Normally we would restrict comments that are on this evening's agenda, but since there is a great deal of interest, we will allow short comments and new information to be presented.

Suzanne Aigen of 49 Janivar Drive stated that she has written letters and wanted to know to what extent the Board has taken into account the comments from the neighborhood. Hartill stated that we have taken comments from the neighborhood into account and other information. Your neighborhood is a part of the Village and we must consider what is best for the overall Village. The Mayor knows there is a great concern about possible projects that might happen if the zoning is changed. We need to look at the overall Village. What we are considering is a zoning change that involves rezoning a parcel from a higher density use to a lower density use. Business & Technology (B&T) is a higher density use than High Density Residential (HDR). This is a fact.

Suzanne questions the facts and whose facts they are. She doesn't understand how you come up with the numbers. She thinks there would be more congestion with having 140 apartments which she thinks would produce 280 cars verses a business. She also feels the roads in Lansing Trails are not designed to sustain that amount of traffic. We use to have little traffic and now that the neighborhood has been connected to Bomax Drive she stated that she has to be careful when she's out walking. People are using it as a cut through.

A gentleman asked if the Board has taken into consideration the concerns of the neighborhood. The neighborhood is against this rezoning so he feels there must be something very powerful outside that the Board is taking into consideration. The Mayor stated that Cornell University owns the land, they are going to sell the land and something will happen to that land. The choice is, with the current zoning there is a higher potential for traffic then if it is rezoned HDR. Hartill has spoken with Cornell University and they are going to sell. The idea that the parcel is going to stay the way it is has very little chance. One needs to face up to that. The only way to keep the land undeveloped is to buy it.

Tim Bonniwell asked if the Board is considering Cornell as somehow an equal player. Hartill stated that that was not true. Tim asked what other things the Board is looking at besides the neighborhood. He asked for a better explanation. Hartill stated that our Comprehensive Plan is guidance only, not legal. One of the features of that plan is more housing and a spectrum of housing. There is significant demand for more HDR, demand for MDR which we have a significant amount of and there is a demand for LDR and there is some amount of that. What we are trying to do is provide a balance of the needs for the Village. Bonniwell wanted to know what are the other opposing arguments are. He feels like he is the kid and the Board are the parents and they are going to do whatever they want. He doesn't feel there is a need for housing. He stated that there is only one study that was considered and he feels it is not scientific because there has no comparisons and no control. Tim pointed out that there are tons of people here from the neighborhood who are opposing this. He feels it is lopsided because they are all here opposing and who is here for the project other than the possible developers. The neighborhood understands it will be developed. We are opposing this way. He questioned the Board's rationale for approving rezoning when there are so many people here against it in this neighborhood. The studies that say that there is a need, but where is that coming from? Hartill stated that Tompkins County is doing a county wide workshop on November 30<sup>th</sup> that anyone can attend to find out the need for housing.

A gentleman stated that rezoning is being discussed, but if we wouldn't change the zoning then there could not be an apartment complex. Lisa Bonniwell asked if the Board was taking into consideration the Lansing Trails Development. We have 2 more phases to do. She feels this rental project would change the character of their development. We haven't developed the land we've been approved for. Let us build our land and then let's look at it later.

A gentleman asked if the land has been listed by Cornell or gone out to bid. Cornell is usually a partner with other developers, but they don't sell their land and usually do long term leases. He feels this is Cornell's way of getting into the housing business.

Attorney Khandikile Sokoni, counsel for the Jonson family, believes the Board cannot proceed without an environmental review to determine if the parcel should be rezoned or not. Dubow stated that for the record if the Village Board decides to pursue this further tonight or at any point thereafter they are prepared to do a SEQR review. There is no doubt that this needs to be reviewed. The action of changing the zoning law will require an environmental review either tonight or some other time. It was always understood by the Board and there will be an environmental review before a vote is taken.

Fran Benedict stated that something is going to happen one way or another which will create more traffic in Lansing Trails. He feels the roads were constructed small and wondered what the plans are to make it safer to walk in the neighborhood. He would like to see a win-win situation for everyone. There has also been talk that our property value will decrease. He feels the Lansing Trails Development is taking the brunt right now. What is in it for us?

Hartill stated that the Village will consider helping by contributing up to \$250,000 to finish the road complex in that area. If the other involved parties participate, the Village will pay for half of the extension of Nor Way. Janet Jonson said it will never happen. Lisa Bonniwell stated that this is not the plan. That would create a straight-away which people would speed down. Lisa stated that the intention for the road was to be a cul-de-sac and not a through road. We own that land, that is part of phase 4 and we aren't even on phase 3. Lisa claimed that this is the first time the Village has offered us anything. Hartill stated that the Village has widened the roads and we finished off the road that was most recently constructed. The offer is there. Lisa said the offer is not a good one.

A resident stated that she doesn't know all the facts, but what she does know is that the development has taken a long time. The Board may feel that rezoning is in the best interest of the Village, but to her it feels like it is fast and it feels like you are pushing for someone. She feels that the Lansing Trails neighborhood will not benefit from a fast decision. She has not heard the need for jobs. Something doesn't make sense to her. It hasn't been conveyed. She feels this is a short term decision that will have a long term effect. She doesn't know if everything has been weighed.

Lisa questioned this new road that the Village may contribute to. She wondered if it goes through the park which was part of the original plat. Are you now going to change the dynamics of that land? She asked if the Village was going to do away with the park and open it back up. Hartill stated that his understanding of their plat is that there is a series of condos and that needs a road. Lisa stated that it was changed when the Bomax thruway went in.

Motion - To Close the Public Comment Period

Trustee Monaghan 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	

Hardaway requested that the Board go into private session for the purpose of attorney client privilege communications.

Motion-Village Board to Go Into Private Session for the Purpose of Attorney Client Privilege Communications.

Trustee Hardaway made a motion to go to private session. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Gerry Monaghan-Aye

Janet Jonson added that today is the 2 year anniversary of Ivars death and asked the Board to think about that.

The Board went into private session at 7:55pm. The Board members, Moseley and Dubow left the room.

#### Motion-To Come Out of Private Session

Trustee Hardaway made a motion to go to private session. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Patricia O'Rourke-Aye  
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye  
Trustee Gerry Monaghan-Aye

The Board came out of private session at 8:20pm. Hartill stated that we are back in our normal session. We now need to complete an environmental assessment regarding Proposed Local Law 3 before proceeding further. The Mayor went through the Short Environmental Assessment Form Part 1- Project Information. He asked Moseley to walk the Board through the form and assist in the required review. The first part is a statement of the project and in this case it is a zoning change.

Question 1.Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? The answer was yes, and the following is the narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality:

The Village Board of Trustees is considering re-zoning a 19.5-acre parcel of land (tax parcel number 45.1-1-51.12) to be incorporated in to the High Density Residential District (see the attached map). The parcel in question is located along Bomax Drive and is currently located in the Business and Technology District. A preliminary conceptual layout has been provided to the Village. Additionally, the parcel is contiguous to the High Density Residential District, Medium Density Residential District, and the Business and Technology District. It is not anticipated that any environmental resources would be affected by the re-zoning of this parcel to the High Density Residential District.

Application accompanied materials and provide a recommendation. On July 26, 2016, the Village Planning Board did review the application, and the attached supplemental materials, and made a recommendation that the Trustees consider allowing the parcel of land to be re-zoned and incorporated into the High Density Residential District.

The re-zoning of this parcel would allow for a transition in the zoning districts and further protect the Medium Density Residential District areas to be better protected from commercial uses, which are currently allowed in the Business and Technology District. By allowing the re-zoning to occur, and allowing for the transitional zoning to occur, it would be consistent with the past practices of the Village. Most recently, the Village re-zoned a section of the Commercial Low Traffic District into the Commercial Medium Traffic District and amended uses in the Commercial Low Traffic District. By allowing the changes in the Commercial Low Traffic District, it provided a transition within the Zoning to better protect the residential areas of the Village.

Additionally, this re-zoning would be consistent with the Village Comprehensive Plan. Some examples of this project being consistent with the Village Comprehensive plan are:

- The Village is committed to controlled planned development for its current and future developments. This action would be a down zoning request and therefore would be further restricting and controlling the development on this parcel and reducing the impact on the contiguous zoning districts.
- The Comprehensive Plan also indicates that any substantial residential development would require planning around the existing infrastructure and encouraging the use of sidewalks, bike trails, and bus routes, which are all in the vicinity of the proposed parcel to be re-zoned.
- The Village planning requirements and oversight should reflect continued commitment to preserving the non-commercial character of residential areas, and the re-zoning action that is being considered does preserve the residential areas in a more effective manner.

There was also a map.

The Mayor then signed Part 1. Hardaway questioned the date on the form. The date was when the Board started the proposed process. Moseley explained that this was originally provided back in August.

Next, a Short Environmental Assessment Form Part 2-Impact Assessment was completed.

Marty explained the two categories for answers, either “No or small impact” may occur, and the other being “Moderate to large impact” may occur. Moseley also created a narrative to go along with each question.

1. Question #1: (Answer: No Impact) The proposed re-zoning is compatible with and is supported by the Village’s Comprehensive Plan. The re-zoning of this parcel would allow for a transition in the zoning districts and further protect the Medium Density Residential District areas to be better protected from commercial uses, which are currently allowed in the Business and Technology District. By allowing the re-zoning to occur, and allowing for the transitional zoning to occur, it would be consistent with the

past practices of the Village. Most recently, the Village re-zoned a section of the Commercial Low Traffic District into the Commercial Medium Traffic District and amended uses in the Commercial Low Traffic District. By allowing the changes in the Commercial Low Traffic District, it provided a transition within the Zoning to better protect the residential areas of the Village. Additionally, this re-zoning would be consistent with the Village Comprehensive Plan. Some examples of this project being consistent with the Village Comprehensive plan are:

- a. The Village is committed to controlled planned development for its current and future developments. This action would be a down zoning request and therefore would be further restricting and controlling the development on this parcel and reducing the impact on the contiguous zoning districts.
  - b. The Comprehensive Plan also indicates that any substantial residential development would require planning around the existing infrastructure and encouraging the use of sidewalks, bike trails, and bus routes, which are all in the vicinity of the proposed parcel to be re-zoned.
  - c. The Village planning requirements and oversight should reflect continued commitment to preserving the non-commercial character of residential areas, and the re-zoning action that is being considered does preserve the residential areas in a more effective manner.
2. Question #2: (Answer Small Impact) The change and intensity of use would be similar in nature, to some extent, because an office building could be built in the High Density Residential District (HDR) as could it be built in the Business and Technology District (BTD). If the use were to fall into a category of a residential use, which would be an acceptable use in HDR, then the intensity of use would actually decrease compared to a use in the BTD, because based on the overall densities there would theoretically be less land that would be developed compared to a commercial or industrial use.
  3. Question #3: (Answer: No Impact) Community character is defined by all the man-made and natural features of the area. It includes the visual character of a town, village, or city, and its visual landscape; but also includes the buildings and structures and their uses, natural environment, activities, town services, and local policies that are in place. With that being said this re-zoning would allow for the character of the neighborhood to remain the same, because there are commercial uses and single family residential uses, and multi-family residential uses on contiguous lots. By the zoning being changed some of the same uses are allowed in the HDR.
  4. Question #4: (Answer: No Impact) There are no Critical Environmental Areas (CEA) in the area and the rezoning would not promote the development of a CEA.
  5. Question #5: (Answer: Small Impact) if the re-zoning were to utilize a residential use compared to a commercial or industrial use, then the traffic would be anticipated to be less as provided in both the traffic analysis as provided to the Village and the DEC workbook (part one question eight table one) which indicates that an apartment complex with less than 150 residential dwelling units or a condominium/townhouse (owner occupied) use of 190 residential dwelling units would be greater than or equal to 100 peak hour vehicle trips. Since an apartment (multi-family residential) development

could only be built out to a maximum of 141 apartments, based on the Village's Zoning Law for the HRD, the vehicle peak trip would be anticipated to be less than 100 peak hour trip thresholds, which then appears to indicate that the traffic would not result in any significant increases in traffic. Additionally, there has been a traffic analysis provided, to the Village, showing that a conceptual buildout of 140-unit multi-family residential uses (apartments) would have less vehicle trips than a commercial or industrial use.

6. Question#6: (Answer: No Impact) The re-zoning change will have no energy affects, as the rezoning is an administrative change and there is no formal development proposed at this time
7. Question #7 (Answer: No Impact) The re-zoning will not have any impact on the existing water or sewer supplies, as the rezoning is an administrative change and there is no formal development proposed at this time.
8. Question #8 (Answer: No Impact): Historic, archaeological, architectural, and aesthetic resources are very important to many communities. These resources are a component of community character. These resources can be impacted by, for example, demolition, changes to the important architectural features of a building or structure, or introduction of elements that block or change views or streetscapes. Aesthetic character is tied closely to the kind of architecture in the area. However, other features contribute to the aesthetic character too. These include the streetscape, width and type of road, presence of sidewalks, setbacks and heights of buildings, lighting, and signs. The aesthetic character in some communities is also influenced by nearby land uses, and even the topography of the area. Since the nearby land uses are BTM, MDR, and HDR districts, the re-zoning would be in line with the existing land uses.
9. Question #9: (Answer: No Impact) The re-zoning action would not impact any wetlands, waterbodies, groundwater, air quality, or flora and fauna. The overall change from BTM to HDR would decrease, since the lot coverage for the HDR is five percent less than what is allowed in the BTM. Therefore, if there were development built in accordance with the re-zoning (HDR) it would be anticipated to have less of an impact due to the lot coverage decreasing because of the Village HDR Zoning regulations. Additionally, a special permit is required to be obtained in accordance with section 145-48 of the Village Zoning Law and would be further evaluated by the Village Planning Board for environmental impact on drainageways, which are identified on the Village Zoning map.
10. Question #10: (Answer: No Impact) The proposed re-zoning action would not increase the potential for erosion, flooding, or drainage problems. In the event that any development (commercial or residential) was to be built on this parcel of land it would require compliance with chapter 124 of the Village Code titled Stormwater Management, Erosion and Sedimentation Control Law and the Department of Environmental Conservation rules and regulations. Furthermore, in October of 1996 there was a plan to relocate a stream on the property in question from the middle of the property to the southern edge. This was completed and reviewed by the Village Planning Board and the Village Engineers, and if development was to occur the new

location of the stream would be the concern not the old one as depicted on the Official Zoning map

11. Question #11 (Answer: No Impact) It would not be anticipated that the re-zoning would create a hazard to environmental resources or human health. The re-zoning action would not produce any solid or hazardous waste, which is also regulated by New York State. Other hazards such as some agricultural uses or landfills would not be expected on this property since it has underbrush and young forest on the existing property.

Dubow stated that those are the recommendations that Code & Zoning Officer Moseley has provided. Hartill asked if there were any concerns about this evaluation or other comments. Monaghan stated that the evaluation is comparing the different developments that could happen as the lot currently exists. In that regard it is correct. Hartill stated that this is following the guidelines of New York Environmental Law. Hardaway stated that when someone wants to develop this land they would still have to go through an environmental review specific to that project. Dubow stated that another SEQR review would be needed no matter what ultimately goes on the property. This is just about the rezoning. The Village Board can comment on any of those impacts.

Don reminded everyone that this is only about the zoning change.

Tim Bonniwell asked if this was open to discussion. The Mayor stated that it is not normally but this is an abnormal situation. Bonniwell stated that you say there is no project in mind, but it certainly seems like there is a project in mind for this parcel. Dubow indicated that that statement is not accurate. Lisa questions why Passero was here and why they are interested in rezoning 140 units, "oh wait 141 units". Moseley stated that 141 is a conceptual buildout of what the property could hold. It was based off a conceptual design of a multi-family project.

Hartill reminded the audience that we adopted a Comprehensive Plan that is used for a guide for future changes in the Village. Lisa was concerned that this rezoning didn't come about until this project came about.

Dubow stated that the Village is intending to operate on the bases of the Comprehensive Plan ("CP") which is a guide for what the community would like in the next 10 years. When they did that it provided new input to what we now should be looking at as part of our CP. For example, based upon the CP, the Village can now look at and say that we now we have CMD which never existed before, but as a result of the CP there was a determination by the Trustees and Planning Board that it would make sense to modify the existing commercial areas. What is happening now is exactly the same issue. There are significant references in the CP to housing. When you look at these things you should look at the community inside and outside of the area in which we all live. Now that we have identified the needs there is an opportunity to take the CP and provide that input. This is a second approach, after having done the previous one, to look at various places to see what would be better for the Village. Lisa Bonniwell argued that there are other areas they can go build their apartments. Dubow stated that someone may come in and may

want do an apartment complex. The result is the Village's planning process which is for an overall evaluation. It appears that housing is a huge issue here and in the surrounding areas. The County has done their own plan which incorporates all municipalities and those documents are available everywhere. It is intended to be the results of what has been spent in time and effort to look ahead.

Attorney Sokoni stated that it is not a fair statement to say that the 140 unit project is not totally detached from this zoning decision. The chronology speaks for itself. In February, the Board made alterations to the Zoning ordinance (should be "Law") and decided to close loopholes. What is interesting is that this issue didn't come up at all. She feels the chronology doesn't add up. Either the rezoning is prompted by the project or it is not. The Board gets its authority to act from the State's "home rule" provisions. Your actions should be based on the safety, health and well-being of your community. She is not seeing the balance that the Board is taking into account.

A gentleman asked about the guideline. There is a need for housing of course, but the guideline doesn't designate a specific area. You are only changing because there is a project. You can't say the rezoning is independent of the project.

Moseley reiterated that the conceptual layout that has been provided to the Village was in the context of the process of rezoning. It was only a conceptual design. Likewise, there has been an initial traffic analysis and engineer evaluation, but there has not been a full project proposed to the Village. Also, the Village only has a conceptual layout to assist in its rezoning consideration.

A gentleman asked why HDR was not MDR. Bonniwell asked why not change to MDR. Moseley asked how MDR would buffer MDR. There is transitional zoning that takes place with commercial medium traffic and commercial low traffic. If you further extended MDR there would be no zoning buffer. It was asked why we need a buffer, when we don't have it at the other end of the development? Marty stated that there is a buffer; it is Commercial Low Traffic at the other end of the road. Moseley explained that the intent is to further transition and buffer the residential areas from the higher uses in commercial areas.

Hartill stated that there continues to be a misunderstanding as to what the Comprehensive Plan is. It is only a guide. The Zoning Law sets out the areas. What is being proposed is a down zoning of a certain area to a lesser intense use that is consistent with the Comprehensive Plan.

It was asked what the urgency is for making this decision so quickly. Dubow stated that the intent of the Comprehensive Plan is not tied to a particular time line. They are usually done sequentially. They are vetted through the Planning Board. That was one completed and now the Boards continue to look at what will be best for the Village as a whole. The Boards are now focusing on what we should be doing for HDR. We have a lot of older projects and we don't know what they want to do. All we are doing now is taking what

the Comprehensive Plan provided and evaluating it and understanding and commitment to what needs to be done. There is no designated timeline. There is a usual commitment to exercise the recommendations that are in the Comprehensive Plan. That is what the Board is doing.

It was asked why this project and why here? Dubow indicated that the probable reason is that a determination was made that the use of that property may have better use based on what the Comprehensive Plan is providing. That's was what was done for the MCT and now we are doing the same thing with this parcel. It's been talked about extensively, what would be the best for the Village. There is a lot of evidence that housing is a priority.

A resident stated that as you continue to reference evidence of a need for housing, are you referencing the Danter Study? Dubow stated that there are many studies about housing and housing for people that can't pay a lot of money. There is also housing for professionals coming into the area. Janet Jonson stated that there is a 6% vacancy rate and the prices of apartments are going down all the time. She doesn't think that a new apartment complex will get the rents they think they will. Lisa Bonniwell stated that the whole community is being developed with a lot of apartments. There are other apartments in the Village that are approved and haven't even gone in. Moseley stated that this would be the 2<sup>nd</sup>. As part of the Lansing Meadows PDA there is a plan for 12 units for Senior living, but Moseley is not sure if they will be for sale or rent. Janet Jonson stated that they could do more but they wouldn't do that to her people. Janet stated that they are still building. They are building a neighborhood. Lisa Bonniwell stated that the Village hasn't let them finish their project yet. They have two more phases to go. O'Neill stated that it has been 30 years.

There were no further comments from the Board. Moseley has provided an initial run thru for Part 2 of the SEQR review. The Mayor asked if the Board had any objections to what Moseley has provided. The Mayor and the Board members again reviewed all the questions again. The Board agreed to all of the provided comments.

Mayor Hartill stated that based on the information and analysis, and any supporting documentation, the proposed action will not result in any significant adverse environmental impacts. The Mayor went around the table asking if each Trustee wanted a negative or positive declaration. All Trustees voted for option one negative declaration. The Mayor entertained a motion for a negative declaration:

Resolution#6323-SEQR Review

**WHEREAS:**

- A. This matter involves consideration of the following proposed action:  
Adoption of Proposed Local Law 3 (2016), to be designated Local Law 3

(2016) upon its adoption, to amend the Village of Lansing Zoning Law and Zoning Map, all in accordance with the following:

The purpose and intent of this Local Law is to amend the Village of Lansing Zoning Law and Zoning Map and to amend the Village of Lansing Zoning Law and Zoning Map so as to re-zone a 19.5-acre parcel of land (tax parcel number 45.1-1-51.12) currently in the Business and Technology District (BTD) and to be incorporated into the High Density Residential District (HDR). The parcel in question is located along Bomax Drive on the westerly side of Warren Road. Additionally, the parcel is contiguous to the High Density Residential District (HDR) and the Medium Density Residential District (MDR), as well and the Business and Technology District (BTD). The re-zoning of this parcel is intended to allow for a favorable and effective transition in the Zoning Districts, and further protect the Medium Density Residential District (MDR) areas. The proposed re-zoning action is intended to be consistent with the Village Comprehensive Plan.

- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On November 7, 2016, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), (i) thoroughly reviewed the Short Environmental Assessment Form (the “Short EAF”), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part 2;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

- 1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part 2, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental

significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:

- 2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part 3, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

Trustee Hardaway moved this resolution. Trustee Monaghan 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 Mayor then signed the negative declaration for the Environmental Assessment Part 3.

The Mayor then asked the Board for their comments on Proposed Local Law 3(2016). Monaghan stated that it has been an interesting experience to be part of this process. He recognizes that the people of the neighborhood are opposed to this proposal but he understands that our job is to think about what is best for the whole Village. He also knows we don’t need more B&T property and down zoning makes the most sense. When you look at the zoning map it fits nicely with other properties in this area. Monaghan attended the TCCOG meeting that explained both the Danter studies. In order to keep up with the housing needs in this area we would need to create 250 housing units per year in the County and we are currently creating about 150 housing units per year, which clearly indicates a need. I think that I have to follow the wisdom of the Planning Board that this would be a positive change. O’Neill had no comments. Hardaway and O’Rourke had no further comments.

Mayor Hartill stated that we have discussed a lot and all documentation is on the Village website. There are over 300 pages. I have spent a significant amount of time trying to understand all sides. There are arguments strongly for and against. It is clear that the neighbors don’t want any development and have suggested putting it somewhere else. It has become clear that we don’t have a larger demand for B&T Parcels. Our economy is such that there is no longer a strong move to do this. The last structure built in the B&T development was in 2005. Dairy One is in the HDR District not the B&T Park. With great reluctance I have to support this proposal.

Mayor Hartill went around the table to ask each Trustee if each individually approves or disapproves the change. It was unanimous to approve Local Law 3.

Resolution #6324 - Adoption of Proposed Local Law 3 (2016)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law 3 (2016), to be designated Local Law 3 (2016) upon its adoption, to amend the Village of Lansing Zoning Law and Zoning Map, all in accordance with the following:

The purpose and intent of this Local Law is to amend the Village of Lansing Zoning Law and Zoning Map and to amend the Village of Lansing Zoning Law and Zoning Map so as to re-zone a 19.5-acre parcel of land (tax parcel number 45.1-1-51.12) currently in the Business and Technology District (BTD) and to be incorporated into the High Density Residential District (HDR). The parcel in question is located along Bomax Drive on the westerly side of Warren Road. Additionally, the parcel is contiguous to the High Density Residential District (HDR) and the Medium Density Residential District (MDR), as well as the Business and Technology District (BTD). The re-zoning of this parcel is intended to allow for a favorable and effective transition in the Zoning Districts, and further protect the Medium Density Residential District (MDR) areas. The proposed re-zoning action is intended to be consistent with the Village Comprehensive Plan; and

- B. The Village of Lansing Board of Trustees has received a rezoning request as provided for and set forth above, and for the purpose of the proposed action set forth above; and
- C. The Village of Lansing Board of Trustees has preliminarily reviewed and discussed the proposed action and then referred the matter to the Village of Lansing Planning Board in its customary manner; and
- D. At the request of the Village Board of Trustees, and after following up on its initial review, the Village of Lansing Planning Board extensively reviewed the proposed action and thereafter referred it back to the Village of Lansing Board of Trustees with a favorable recommendation; and
- E. Thereafter, the Village of Lansing Board of Trustees has over the last several months and at several Board meetings (i) reviewed, evaluated, and discussed the proposed action and the purposes and intent of Proposed Local Law 3 (2016); and (ii) sought input (written and oral) from multiple parties, including, but not limited to, Village residents, property owners, other municipal and governmental

entities, identified experts, affected parties and unaffected parties, after which the Village of Lansing Board of Trustees scheduled a formal public hearing for October 17, 2016; and

- F. On October 17, 2016, the Village of Lansing Board of Trustees held a formal public hearing regarding the proposed action, and thereafter discussed and reviewed (i) Proposed Local Law 3 (2016); (ii) the Village of Lansing Planning Board's recommendation in favor of the proposed action; (iii) all other information and materials rightfully before the Board [including the response by the Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-1 and -m] indicating that the proposed action would not have any adverse effects; and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations, after which the public hearing was closed; and
  
- G. Thereafter, after further review and discussion by the Board of Trustees, it was determined that no action would be taken until the next regularly scheduled Board of Trustees meeting on November 7, 2016 or thereafter; and
  
- H. On November 7, 2016, the Village of Lansing Board of Trustees determined that the proposed action constitutes an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to the proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
  
- I. On November 7, 2016, the Village of Lansing Board of Trustees completed its review of (i) the proposed action; (ii) Proposed Local Law 3 (2016); (iii) the Village of Lansing Planning Board's favorable recommendation of the proposed action; (iv) all other information and materials rightfully before the Board; and (v) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations [including the response provided by the

Tompkins County Department of Planning in accordance with General Municipal Law Sections 239-l and -m];

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

The Village of Lansing Board of Trustees hereby **APPROVES** the proposed action and **adopts** the attached Proposed Local Law 3 (2016), to be designated Local Law 3 (2016).

Trustee Hardaway moved this resolution. 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 Mayor stated that he knows there is a great deal of disappointment as a result of this. We are a Village and we will make sure all of the phases of Lansing Trails will be a success.

Most of the public left at this time.

**Amendment to Pyramid Drive Municipal Subdivision**

The Trustees have received a corrected map of the Pyramid Drive Municipal Subdivision. The Mayor stated that the northern entrance to the Shops at Ithaca Mall is in poor shape. We are swapping a piece of Village land on Pyramid Drive which is the southern entrance where we recently constructed a sidewalk and a parcel adjacent to sidewalk for a piece of land along Graham Road West. We installed a sidewalk on the north side and on the south side we now have an agreement to extend a sidewalk from N. Triphammer Road to the medical office. We will also redo Graham Road. We had a diagram that was approved previously and unfortunately it had a couple of small errors which Moseley caught. This proposal is to correct those mistakes and make the needed changes.

Resolution #6325-Amended, Corrected and Reaffirmed Resolution #6288-  
To Adopt the Shops at Ithaca Mall Municipal Subdivision

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Municipal Subdivision by and between the Village of Lansing Board of Trustees and Pyramid Mall of Ithaca, LLC (regarding the Shops at Ithaca Mall) pursuant to the provisions of the Municipal Subdivision definition set forth in the Village of Lansing Code, Article 1, Section 125-2. The subdivided lot is set forth on the map entitled "Survey Map for Village of Lansing

Pyramid Drive - R.O.W. Exchange” attached hereto, incorporated herein, and made a part hereof; and

- B. On June 6, 2016, the Village of Lansing Board of Trustees, in accordance with the provisions of the Municipal Subdivision definition set forth in Section 125-2 of Chapter Section 125-6 of the Village of Lansing Code, reviewed the Survey Map and related documentation and thereafter scheduled a public hearing for June 16, 2016 as required; and
- C. On June 16, 2016, the Village of Lansing Board of Trustees, in accordance with Section 125-2 of Chapter Section 125-6 of the Village of Lansing Code, determined that the approval of the proposed Municipal Subdivision is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR); and
- D. On June 16, 2016, the Village of Lansing Board of Trustees held the scheduled public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the provisions of the Municipal Subdivision definition set forth in section 125-2 of Chapter Section 125-6 of the Village of Lansing Code and the attached map entitled “Survey Map for the Village of Lansing Pyramid Drive-R.O.W. Exchange” attached hereto; (ii) the proposed Municipal Subdivision and accompanying materials and information presented in support of this proposed action, including information and materials which the Board of Trustees deemed necessary and/or appropriate for its review; (iii) all other information and materials rightfully before the Board of Trustees; and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board of Trustees’ deliberations; and
- E. Based upon all of its foregoing review and action, and based further upon the determination of the Board of Trustees that it is in the best interests of the Village to proceed, on June 16, 2016, the Village of Lansing Board of Trustees determined that approval of the proposed Municipal Subdivision was **GRANTED**, subject to the conditions and requirements set forth below:

Conditions and Requirements:

- A. The approved Municipal Subdivision shall be effective upon its filing in the Tompkins County Clerk’s Office of (i) this resolution and (ii) the attached Survey Map, which Map shall include both the Village of Lansing Board of Trustees’ approval and the signature of the Mayor; and one or more deeds for the purpose of conveying the new subdivided lot to be conveyed to the Village of Lansing as may be required; and

- B. Final completion and execution of the prior Minor Subdivision approved by the Village of Lansing Planning Board on May 31, 2016 pursuant to which a parcel of property owned by PMI NEWCO LLC (a related party to the Shops of Ithaca Mall) is to be divided whereby a new and additional subdivided lot is intended to be conveyed to the Village of Lansing by PMI NEWCO LLC for supplemental right-of-way purposes as set forth in (i) the final approval resolution of the foregoing Minor Subdivision approved by the Village of Lansing Planning Board filed with the Village of Lansing Clerk, and (ii) the accompanying Map to the approval resolution entitled “Survey Map for Village of Lansing Graham Road West – R.O.W Acquisition”, and the concurrent filing and recording at the Tompkins County Clerk’s Office of the required conveyances whereby (a) PMI NEWCO LLC will convey the intended parcel to the Village of Lansing, and (b) the Village of Lansing will convey the intended parcel to Pyramid Mall of Ithaca LLC.
  
- F. Thereafter, it was discovered that the Map referenced in the previously approved June 16, 2016 resolution was not the intended map; and
  
- G. Therefore, on November 7, 2016, the Village of Lansing Board of Trustees reviewed and accepted a corrected map dated August 10, 2016 with the missing note which states that “VILLAGE OF LANSING TO REMOVE EXISTING CONCRETE WALK AND RESTORE TO GRASS”;

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

- 1. Based upon all of its foregoing review and action, and based further upon the determination of the Board of Trustees that it is in the best interests of the Village to proceed, it is hereby determined and reaffirmed by the Village of Lansing Board of Trustees that re-approval of the proposed Municipal Subdivision is **GRANTED** reflecting the correct map, and subject to the conditions and requirements set forth above; and
  
- 2. The amended, reaffirmed and approved Municipal Subdivision, shall (in lieu of the June 6, 2016 Resolution that has not yet been filed) be effective upon its filing in the Tompkins County Clerk’s Office of (i) this resolution and (ii) the attached corrected Survey Map, which Map shall include both the Village of Lansing Board of Trustees’ approval and the signature of the Mayor; and one or more deeds for the purpose of conveying the new subdivided lot to be conveyed to the Village of Lansing as may be required; and
  
- 3. Final completion and execution of the prior Minor Subdivision approved by the Village of Lansing Planning Board on May 31, 2016 pursuant to which a

parcel of property owned by PMI NEWCO LLC (a related party to the Shops of Ithaca Mall) is to be divided whereby a new and additional subdivided lot is intended to be conveyed to the Village of Lansing by PMI NEWCO LLC for supplemental right-of-way purposes as set forth in (i) the final approval resolution of the foregoing Minor Subdivision approved by the Village of Lansing Planning Board filed with the Village of Lansing Clerk, and (ii) the accompanying Map to the approval resolution entitled “Survey Map for Village of Lansing Graham Road West – R.O.W Acquisition”, and the concurrent filing and recording at the Tompkins County Clerk’s Office of the required conveyances whereby (a) PMI NEWCO LLC will convey the intended parcel to the Village of Lansing, and (b) the Village of Lansing will convey the intended parcel to Pyramid Mall of Ithaca LLC.

Trustee Hardaway moved this resolution. 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	

#### Delinquent Taxes to County

Hartill explained that every year the Village taxes that are unpaid get turned over to the County for collection. They are relieved on the Town & County Tax bill, and the County reimburses the Village in the spring. There are 19 unpaid bills totaling \$6,215.93.

Resolution #6326-To Forward the Delinquent Village Taxes in the Amount of \$6,215.93 to Tompkins County

Trustee Monaghan moved this resolution. 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	

The Board approved the returned Village taxes that will be sent to Tompkins County and the Board members signed the Certificate of Trustees.

#### Appointments

Gerry Monaghan has stepped down from the Greenway Landscaping Committee and there is a request to appoint Larry Bieri to take his place.

Resolution #6327-To Appoint Larry Bieri to the Greenway Landscaping Plan Committee to Replace Gerry Monaghan

Trustee Hardaway moved this resolution. Trustee O'Neill 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	

Patricia O'Rourke has agreed to replace Gerry Monaghan on TCCOG as of January 2017.

Resolution #6328-To Appoint Patricia O'Rourke to TCCOG Replacing Gerry Monaghan in 2017.

Trustee O'Neill moved this resolution. 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	

Lastly, the Mayor recommended Lynn Leopold be reappointed to the Water Resource Council for another one year term. This is a Tompkins County advisory board on which Lynn has represented the Village for many years.

Resolution #6329-To Reappoint Lynn Leopold to the Water Resource Council For a One Year Term

Trustee Hardaway moved this resolution. 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	

### Approve Minutes

Motion- To Approve Minutes from the Special Meeting Held September 19, 2016

Trustee Monaghan moved to approve the minutes. Trustee O'Rourke seconded the motion. A vote was taken:

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

Motion- To Approve Minutes from the Meetings Held October 3<sup>rd</sup> & 13th, 2016

Trustee Hardaway moved to approve the minutes. Trustee O'Rourke seconded the motion. A vote was taken:

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

#### Waive Late Penalty

Dake stated that 939 Cayuga Heights Road is requesting to have the penalties for her account waived. She could not attend tonight's meeting but has sent a letter stating that her water bill was not delivered until after the due date. She wishes that we would adopt a dependable billing system instead of sending the little cards and that we would bill electronically. She claims that many times her card has come late or gone to a wrong address.

Resolution #6330-To Waive the Penalty of \$8.33 for Account N1820

Trustee Hardaway moved this resolution. 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	

#### Village Park Playground Replacement Equipment

Hardaway stated that he has solicited three quotes for the playground equipment that will replace the wooden structure in the Village Park. The vendors were Play Power out of Huntsville, Alabama. They were on the OGS list but received no response. They would be for equipment since that is all they could do. A proposal was received from RE Woodson which Hardaway shared with the Board. The third solicitation for quotes went to Raymond Michael Limited who did not respond. RE Woodson is the only quote that was received. They submitted an earlier quote but resubmitted a revised quote for \$1,000 less if we take shipment by November 15<sup>th</sup>. We would get free shipping. RE Woodson also reduced there installation costs if we do the installation after April 15,2017. This translates into saving about \$3,500. They are also extending their discounted carpet price which was a special two months ago. According to Courtney, this was a good price. Hartill asked is the installation paid prevailing rate. Hardaway was unsure but would check to make sure that was the case.

Resolution #6331-To Purchase the Playground Equipment for \$21,833.63 and Hold on Installation Until it is Confirmed That They Pay Prevailing Wage

Trustee O'Neill moved this resolution. Monaghan 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	

#### Rename Woodthrush Hollow Lane

Dake has contacted both Leopold and Klepack and neither have a problem with renaming Woodthrush Hollow Lane to Northwood Road. Now that Northwood Road belongs to the Village of Lansing there is no need to have one straight away with two different road names.

Resolution #6332-To Rename Woodthrush Hollow Lane to Northwood Road.

Trustee Monaghan moved this resolution. 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	

Moseley stated that the Village Code traffic law provisions will need to be updated to indicate that the Village owns Northwood Road. Monaghan asked if the residents that live on that road were notified. There are no residents on the road.

#### Mayor's Comments

Mayor Hartill stated that we've been very lucky this construction season. We have achieved more than he thought we would. Courtney is putting the finishing touches on the initial temporary rebuild of Northwoods Road. The expectation is that we will pave on Thursday. Hartill stated that he has heard some positive comments on how the construction was handled. The construction is from the boulevard to the end of the Northwood property. Hardaway stated that he and Deborah walked by the culverts and they did a nice job. Hartill believes that the culverts that came out were installed in the late 60's or early 70's. They were way beyond their useful life. Dake stated that she received a phone call today from Denise Nadel of 1 Yardley Green. She and her husband Jeff are upset that Northwood Road was completely closed and concerned that there was no way to get to or from her home. She asked Dake to express to the Board that this is totally unacceptable. She has tried numerous times to contact the Supt. of Public Works but he is never available. They think the Village should have put in a temporary side road through the grass area to accommodate people in that area. It is a real problem to only have one way in and out of that area. They are concerned that if there was an emergency they would be stuck. Dake informed Mrs. Nadel that the crew was ready to fill in the hole

if there was a true emergency. This made her feel better but she stated that she still felt that this was unacceptable. She is happy that we finally own the road and that we are working on it but we need to find another way to get in and out of the neighborhood. Mayor Hartill stated that part of the contract in getting Northwood Road was that there can't be another entrance into Northwood, except for an emergency road. There is a boulevard in and then it is a very wide road. It would be very difficult to image that there would be an accident that would make it impossible for emergency vehicles to get in there.

Lastly, Mayor Hartill thanked the Board and realizes that there are a number of people that are upset with the Local Law approval. His read is there will be some increased traffic and would be surprised if there is any change in property values. He hopes we can come together after people stop and really think about it. If anyone is concerned with any of the documentation, it is on the Village website. He encouraged everyone to look at that. If we have over looked something he would like to hear about it. It is also available in the office.

Monaghan stated that the Uptown sidewalk is looking good. He asked if it was going to be finished this season. Mayor Hartill stated that the new Uptown sidewalk will probably be blacktopped in the spring. They are debating on whether to put down concrete or blacktop. Blacktop is more flexible and less expensive.

O'Rourke stated that she had notes from the last Planning Board meeting but she will wait to present those at the next meeting.

#### Motion to Adjourn

Trustee Monaghan 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