

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, February 4, 2019, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Ronny Hardaway, Gerry Monaghan and Patricia O'Rourke (John O'Neill arrived at 8pm); Clerk/Treasurer Jodi Dake; Attorney William Troy; Planning Board Member Lisa Schleelein. There were 13 additional people in attendance at the meeting.

Mayor Hartill called the Board of Trustees meeting to order at 7:35 pm. The Mayor opened the public comment period. Julie Baker was the observer for the Community Party. There were no comments.

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 Gerry Monaghan-Aye
Trustee Ronny Hardaway	Trustee Patricia O'Rourke-Aye

The next item on the agenda was to approve the minutes from January 7th and 17th.

Motion- To Approve the Minutes from January 7, 2019

Trustee Hardaway moved to approve the minutes. Trustee Monaghan seconded the motion. A vote was taken:

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

Motion- To Approve the Minutes from January 17, 2019

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

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

Training Approval

Hartill stated that the next item on the agenda was to grant permission to Brian Quadrozzi, Village Fire Inspector, to attend the Training on Medical Gas Systems in Hospitals and Clinics in Syracuse on February 21, 2019 at an expense not to exceed

\$105.00. The registration fee is \$35.00 and the mileage estimate is \$70.00 based on the 2019 IRS mileage rate of \$0.58/mile and a round-trip travel distance of roughly 120 miles. The course material is relevant to the work he performs in the Village based on the number of health care occupancies located here and the scope of their operations. This course will provide two continuing education units that will count toward his required annual recertification amount of 24 CEUs. Hartill stated that Quadrozzi is doing a great job and entertained a motion to approve the training.

Resolution #6535- To Authorize Quadrozzi to Attend the Training on Medical Gas Systems in Hospitals and Clinics in Syracuse on February 21, 2019 at an expense not to exceed \$105.00.

Trustee Monaghan moved this resolution. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway

Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke-Aye

Budget Transfer for Tractor Purchase

Courtney has requested that the Village purchase a new tractor to plow the Village sidewalks for \$43,932. It was not an item in his original budget but he would like the Board to transfer money from Permanent Improvements, Capital Outlay, A5112.2 since he does not think he will be able to complete all the projects he had planned for.

Hartill stated that while he was in California we had a little snow. Our tractor that takes care of the sidewalks is inadequate. Monaghan asked if we will be selling the tractor we currently use. Hartill stated that we would do so eventually. Hardaway stated that this will allow us to plow quicker and free up our staff. Our sidewalks are expanding. We use one person to clear sidewalks and this will help to get all the sidewalks cleared quicker. Hartill stated that we are anticipating more sidewalks in the future. Monaghan stated that the City of Ithaca is talking about taking over the maintenance of all of Ithaca sidewalks. They are currently poorly maintained.

Resolution #6536- To Authorize a Budget Transfer in the Amount of \$43,932 from A5112.2, Permanent Improvements, Capital Outlay, to A5110.2, Transportation, Street Maintenance, Equipment for the Purchase of a John Deere 3039R Compact Utility Tractor with Cab, Light Kit, Front Mount Blade, 59 inch Two-stage Snow Blower and a 60 inch Heavy Duty Rotary Broom.

Trustee Hardaway moved this resolution. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway-Aye

Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke-Aye

Beer Proposal

At the December 10, 2018 Planning Board meeting the Planning Board had their final discussion on the proposal by Hunt Engineering and Beer Properties LLC for a Planned Development Area (PDA) on the property currently owned by Millcroft. After a thorough review the Planning Board passed a resolution by unanimous decision that the Planning Board recommend to the Board of Trustees that no further action be taken on this proposed PDA. All Trustees had previously been given a copy of the discussions from that meeting.

Hartill stated that we have received quite a bit of literature from the Beers. Steve Beer, his son David Beer and wife Beverly Beer were all present. Steve Beer stated that this is a family operation. A revised application for a PDA was received by the Village Boards last Friday. Steve Beer briefly explained what was in the packets. He explained that they did a lot of additional engineering work after the Planning Board advised the Trustees to not continue with a PDA. He went on to explain that the introduction tells what they are proposing to do. Steve Beer thanked the Board for listening to their new proposal and agreeing to meet with them.

Steve Beer pointed out the substantial revision they made. The following changes were pointed out:

1. The original proposal to the Planning Board was for 9 neighborhood pockets of cluster housing. The present proposal is now for 3 neighborhoods instead of 9.
2. They showed a map of the layout that is permitted in this MDR zoning over the same area they are proposing for the cluster neighborhood.
3. Setbacks are different based on the construction of duplexes. This was drawn and analyzed to see what they could do. They ended up with 3 neighborhoods with 40 single residents. The first pocket neighborhood would have 15 residents. They would want to do this in the coming construction season. The second and third neighborhoods would be done in 2-3 years.
4. The 7th page of the packet they distributed was a picture of what the residence would look like. They plan to build ADA compliant residence. Single family homes with no stairs no upstairs.

Steve Beer stated that when the Planning Board voted on the resolution on December 10th they unanimously voted not to proceed and gave their bases for refusal. They have taken these grounds that were provided to them and commented on what was stated. They did not agree with what the Planning Board found lacking. There is a summary of their opinion of why they feel their proposal should have been approved starting on page 8. They have been discussing this for 6-8 months. The last pages do not pertain to what they are proposing now but of the original proposal.

Randy Marcus stated that he was present as the Beers legal advisor.

Steve Beer went on to state highlights in the current revised plan. They propose to maintain Mr. Millers Phase II plan as it had been originally approved by the Village. These would be owner occupied homes very similar to Millcroft Phase I Development. They feel this would not change the character of the neighborhood. The upper right corner is currently undeveloped and they have no current plans for that area other than some walking trails. They have not engineered that area. They are proposing that the PDA Area only consist of the pocket neighborhood portion of the property. The undeveloped area can be developed in future as MDR.

Hartill asked the Beers if they were purchasing the entire 41 acres. They were but the PDA acreage is less than 17 acres. The plan is for smaller houses that are approximately 1000 sq.ft. They are proposing small cottages that are grouped close together. They still plan on building a club house.

Marcus stated that they went back and incorporated the Planning Board's comments. The Planning Board had thought there were just too many of the proposed cottages. Their primary focus was to reduce the number of cottages. Even though that point was not made in the resolution, they are proposing to decrease the number of cottages from 96 down to 40. He stated that the Planning Board focused on that so they have reduced the scale of the project by 2/3rds.

John O'Neill arrived at 8pm.

Steve added that one of the Planning Board's concerns was with these all being rentals. The Planning Board did not like that so in the revision they have a proposal to reduce the number of rental cottages to 40 and have 11 single family owned lots similar to those on Millcroft Way. Monaghan voiced his concern regarding the 7.5 ft. setbacks. Steve Beer stated that there would be a lot of common greenspace behind the cottages.

Hardaway asked if there would still be community gardens. David Beer stated that there would be but the landscaping plan has not been developed yet. It was asked if there would be electric heat pumps since there is no gas available to Village. That would be the case but they would prefer gas if it was available.

Hardaway asked about the two points of proposed entry off of Craft Road. There was concern with the two roads being so close together. Steve Beer stated that the road to the west would not be developed until there is interest in people purchasing lots in Phase II. The second point of entry to the proposed PDA area would be from Millcroft Way. If the Village prefers, it could be an emergency entrance only.

Hardaway recalled that one of the Planning Board's concerns was that they wanted some ownership. There may be some people that want to buy and not rent. David Beer stated that if they were to do that they would have to subdivide the individual lots. David Beer felt that maintaining the Phase II as owner occupied would satisfy that concern.

Hardaway asked if they had done a traffic study with Craft Road. David Beer stated that no formal traffic studies have been done. Steve Beer stated that this PDA would accommodate the 55+ community. The older community does not generally work outside the home and they would create less traffic than working people. David Beer stated that they have different driving habits. Randy Marcus stated that these would not be families with children.

Mario Tomei asked if they were planning on building on the eleven lots that were part of the original Millcroft land or just selling the lots. David Beer stated that their first priority is building the cottages and the lots would be second priority. Tomei questioned whether the Beers would be back to ask to develop a similar PDA on the vacant land. David Beer stated that they may but the village could say no and they could deny future requests.

John Gillott asked if the eleven building lots were subject to the same covenants as the current homes in Millcroft Phase I. David Beer stated that those covenants would not be conveyed. He added that they have not thought it through but they do not want to be restricted by covenants. Marcus added that Mr. Miller has already removed the covenants from those properties as in the original Phase I lots.

Steve Beer stated that if they want to develop the lots they would be obligated to extend the utilities to that area and develop the road access to the lots. This is not their first priority. If demand is there then they would do that.

Steve Beer would like to receive rapid approval of this PDA so they can start building in 2019.

Monaghan asked the Beers if they have done any market analysis. They have done nothing formal but informally are aware of the Horizons development and the demand there for housing. Horizons has a long waiting list. They think theirs will be more in demand than Horizons since they will be new and ADA Compliant. Marcus pointed out that if you look at the County's housing study done two years ago it shows a demand for smaller and ADA compliant homes. They could hire a consultant to get information but the County's study was done over a couple of years. The study showed a demand for small homes and particularly senior housing.

Hartill asked what the proposed rents would be. David Beer stated that the rent would be in the neighborhood of \$2,000/month. There would be five or six different designs. The cottages would be roughly 1,000 sq. ft. with one and two bedrooms with a loft space. David Beer stated that they have not decided if the cottages would be stick built, panelized or modular with a basement or crawl space.

Marcus stated that he is hopeful that the Board of Trustees would have some kind of vision as to what would happen next and suggest more detailed information to present to the Planning Board regarding the direction the Trustees would like to see this go. He also

hopes that the Planning Board can do an expedited review considering the time they have already spent on the previous proposal.

Hartill asked if they would subdivide off the Miller division and the upper right hand corner. Steve Beer stated that the area for the cottages would be the area subdivided for the PDA. The PDA is only on 17 acres. He stated that they would be committed to make the connection to Millcroft Way to have access to Craft Road.

O'Rourke asked what is to say that you would not continue with this pocket neighborhood concept. Beer stated that the PDA would only be for the cottage area and the rest would remain Medium Density Residential. David Beers stated that if they want to do something different with the vacant land in the future they would have to come back to the Board of Trustees.

Hartill stated that the Village has had a very good Zoning Law since 1974. PDAs are only there for something that is extremely desirable to the Village. Our real stability is in our zoning ordinance. There are some features of the revised proposal that could be attractive but he is not convinced that this meets the threshold for further consideration of a PDA. 75% of our Village is already rentals. He finds it a difficult push to add more. We feel we have not reached the threshold to send this revised PDA back to the Planning Board.

Hardaway stated that he likes the idea but is not convinced that the location is the greatest. The Planning Board would have to review the new proposal since there are substantial changes to the layout of the development. Roadways and storm sewer are all changed. He is also not 100% convinced that the threshold for a PDA has been met.

Monaghan stated that he struggles with the setback going from 25 ft. to 7.5 ft. It is a problem and is defying the thinking behind our zoning.

David Beer stated that with pocket neighborhoods they are trying to foster a community that is close. They feel that is positive. Some people may not want the space.

O'Rourke stated that she felt similar to Hardaway. She is not 100% sure that this meets the threshold for a PDA. If we are not sure then we do not want to send it back to the Planning Board.

David Beer stated that they must not be doing a good job of selling the idea of pocket neighborhoods. He feels their proposal would build relationships that rely on one another and act as a neighborhood unit in a way that the standard zoning does not allow with larger setbacks. He does not think you have that in other neighborhoods. It has been successful in other communities. He feels their proposal is much more appealing with a nice landscaped area. It is an idea that has been executed in other areas of the country. The Village has to buy into the notion of pocket neighborhoods for it to work.

O'Neill stated that he does not agree with the pocket neighborhood concept.

David Beer stated that you only need 40 people that want to live together. The developer will be responsible for making it successful.

Hartill stated that at current prices it would cost around \$200,000 to build a cottage therefore 40 cottages would be \$8 million. This is working on a 12% margin. David Beer feels it is within the margins. They do need the PDA and the 25% bonus for the PDA to be affordable. When you consider between 32 and 40 units, in their opinion, 32 units is not viable.

Don Edwards, Village resident, stated that he is concerned with the lack of curb appeal. When you are trying to rent a home you need a good first opinion. When you drive by your proposed cottages you are looking at driveways and garages and he does not think this is very appealing. David Beers feels that they can be built and landscaped in a very attractive manner. With slightly more density they could have more money to spend on landscaping.

Mayor Hartill asked the Board if they were prepared to come to a conclusion. O'Neill stated that he does not like it at all. Monaghan stated that reducing the setbacks is the real problem for him. It is also very expensive for someone that is retired and questioned how that aspect of the plan would really work. David Beers stated that the Horizons are substantially more expensive. Monaghan argued that the Horizon houses are much different and they have beautifully finished basements. Steve Beer stated that they could build with full basements. David Beers argued that there is a market that can afford these cottages.

Hartill's read is that the threshold to go for a PDA has not been reached.

Steve Beer stated that he was surprised to hear that one of the objections is rental verses home ownership. He does not see anything about that in the appendix of the Comprehensive Plan. 68% of housing in the Village is rentals and the other is home ownership. Proposing 40 rental cottages and 11 homeownerships, he feels they would not be changing the ratio at all. He wishes that the Village would have told them eight months ago that they did not want more rentals. Hartill stated that we have tried to suggest this but it has been ignored, quite frankly. Hartill added that it is not just the rental housing it is also the small setbacks. In the two PDA's that the Village currently has there has been a significant contribution to open space. It is not apparent here, along with other things. Hartill stated that he is a patient person and he feels they are pushing the envelope.

Resolution #6537- To Reject the Original Planned Development Area Application and the Revised Application for a Planned Development Area

WHEREAS, a request having been received by the Board of Trustees from Beer Properties, LLC requesting the creation of a Planned Development Area ("PDA") in what is known as the Millcroft Development; and

WHEREAS, the Board of Trustees having referred the PDA request by Beer Properties, LLC to the Planning Board for review pursuant to a Resolution adopted on August 6, 2018; and

WHEREAS, the Planning Board thereupon then undertook several months of review of the proposal presented by Beer Properties, LLC, prior to a joint meeting of the Board of Trustees and Village of Lansing Planning Board was conducted on October 23, 2018; and

WHEREAS, further Planning Board meetings having been taken after the joint meeting through the remainder of October, November and December of 2018: and

WHEREAS, the Planning Board having recommended to the Board of Trustees that no further action be taken on the PDA application submitted by Beer Properties, LLC; and

WHEREAS, the matter having come on to be heard by the Board of Trustees at a regular meeting held on February 4, 2019, and representatives of Beer Properties, LLC having been heard by the Board of Trustees on their application, including some changes being proposed for the first time which might require further consideration by the Planning Board if the matter were to go forward; and

WHEREAS, the Board of Trustees having discussed the matter in open session, and concluding that there is no basis or need for the grant of a PDA with respect to the Millcroft proposal of Beer Properties, LLC; now, therefore, be it

RESOLVED, the application for a Planned Development Area proposed by Beer Properties, LLC in the Millcroft subdivision be **rejected**.

Trustee Hardaway moved that the application for a PDA proposed by Beer Properties, LLC in the Millcroft subdivision be rejected. Trustee O'Neill seconded the motion to reject the PDA application. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway-Aye
Trustee John O'Neill-Aye

Trustee Gerry Monaghan-Aye
Trustee Patricia O'Rourke-Aye

Hartill stated that he was sorry we did not communicate more clearly in the past but that is where we are at.

Proposed Local Law 2(2019)

The next item on the agenda was to set a public hearing for parking garage legislation. Hardaway stated that NY State says you must have this. Troy added that we have never had a parking garage in the village. The underground parking garage at Cayugaview Apartments does not meet the criteria for a parking garage. Mike Scott has just returned from Code Training and the instructor says we are one of few municipalities that are being proactive in creating a law. Troy stated that he drafted the new law following the regulations drawn by the State. There are a few typos that need to be corrected but the current version presented to the Board tonight is otherwise good.

Hardaway wondered what the City of Ithaca is doing. Troy stated that the parking garages downtown have the the City of Ithaca concerned.

Motion- To Set a Public Hearing for Proposed Local Law 2(2019)-
Amendment to Village of Lansing Code-Uniform Fire Prevention and
Building Code Administration and Enforcement-Regulation of Parking
Garages for March 4, 2019 at 7:35pm

Trustee O'Rourke moved this resolution. Trustee Monaghan seconded the motion. A vote was taken:

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

Trustee Gerry Monaghan-Aye
Trustee Ronny Hardaway-Aye

Mayors Comments

Mayor Hartill stated that it has been a long meeting. He is just back from spending 2 ½ weeks in California. It is good to reflect on what we have been through. We have been asked to basically design the Beer project and that is not a positive path forward.

We have had a couple water main breaks in the Village. One was last week on Warren Road near the Post Office and the other was on Sunday on Graham Road.

We are making good progress on the sewer project. The Mayor has tried to get the State to reduce the speed from 55mph to 45mph on Route 34. They considered it again and still have not changed their mind. However, Hartill has not heard anything on his request for a double line by the entrance to Blackchin. Monaghan finds this to be crazy since the tiny stretch of Route 34 in the Village that is 55 is between two 45 mph zones. Hartill would like to revise the end of Cayuga Heights Road. Troy stated that easements for the sewer project are underway. Hartill hopes that the project will go out to bid in early April but late April is more realistic.

General Discussion

Monaghan stated that Sterling Optical, American Eagle and Yankee Candle have all closed at the Shops at Ithaca Mall. Best Buy did however sign for another 5 year lease. This is very concerning to the Board. The owners of the mall are from Long Island.

Hartill stated that he tried to get them to give the Village Graham Road but has been unsuccessful.

Monaghan stated that he spoke with people from the Mosque and they are still committed to going in on Graham Road.

Hartill stated that the plan is for construction of a sidewalk along Dart Drive this season. He would also like to install a pedestrian crosswalk at the entrance of the park. Hardaway stated that the battery tends to stop working on the radar signs on Dart Drive and then people go any speed they want. Solar powered radar signs are the only ones that make sense.

O'Rourke stated that the Mexican restaurant at the Shops at Ithaca Mall is opening fairly soon.

Hardaway stated that he met with Joey who is the director of Running to Places. He feels it is a good model and they have a lot of support. Hardaway did a tour of Running to Places and he would do a similar tour if the Board members are interested. It is located in the old theater area of the mall. High School and Middle School theater groups are helping with the set up. Hardaway is impressed with the thought they put into it and their plans for the future. It has the potential to pull people into the food court. This is a positive thing with the mall.

New York State did not realize that they had to contact us with their plans for sewer at the newly proposed NYSDOT building. Hardaway got a contact name and gave it to Mike Scott so we can call them if they have not reached out to us in the next couple of weeks.

Hartill commented on how the airport has changed.

Motion to Adjourn

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

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

Trustee Gerry Monaghan-Aye
Trustee Ronny Hardaway-Aye

The meeting was adjourned at 9:05 pm.

Jodi Dake, Clerk/Treasurer