

**Village of Lansing
Planning Board Meeting
July 29, 2008**

The meeting of the Village of Lansing Planning Board was called to order at 7:30 P.M. by Chairman Ned Hickey. Present at the meeting were Planning Board Members Phil Dankert, Maria Stycos and Mario Tomei; Alternate Member Richard Durst; Trustee Liaison Lynn Leopold; Village Attorney David Dubow; Code Enforcement Officer Ben Curtis; Audrey Kahin, observing for the Community Party; Tim Yaeger and Bob Wilson from the Vineyard Church of Ithaca and a reporter from WHCU.

Hickey appointed Alternate Member Durst to serve as an Acting Member in place of Carol Klepack who could not attend.

Public Comment:

Hickey opened the Public Comment Period. There being no one who wished to speak, Dankert moved to close the Public Comment Period. Seconded by Tomei. Ayes by Hickey, Stycos, Durst, Dankert, and Tomei. Motion carried.

Special Permit #2292 – Petrov Home Occupation

The next item on the agenda was Special Permit No. 2292, Aleksey Petrov, to operate a home occupation consisting of a computer repair service in and from his home at 10 St. Joseph Lane in the Medium Density Residential District, Tax Parcel Number 47.1-2-8.

Noting that the applicant was not yet present, Hickey opened the hearing, but moved on to the next agenda item pending arrival of the applicant.

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Vineyard Church at the Small Mall

Hickey welcomed Tim Yaeger and Pastor Bob Wilson from the Vineyard Church of Ithaca, noting that they had provided a lot of useful information which the Board had received in their packets. Yaeger stated that the cover letter from Pastor Wilson he had provided outlined the general use and intensity of use that would be entailed as follows:

“The following is an outline of how we envision a typical Sunday at the Ithaca Vineyard. Initially we will hold two Sunday morning services the first will run from 9:15 am to 10:30 am. The second service would start at 11:00 am and end at 12:15. Although it is difficult to predict with a great degree of accuracy, I would estimate that our average attendance in the fall would be in the 280 to 320 range. Likely 15-20% of that number would be children under the age of 11.

While we would love it if the attendance at the two services would be a 50-50 split, most likely about two thirds of the people will attend the first service.

At our current attendance we frequently hold only one service on holiday weekends as well as

when Cornell and Ithaca College Students are on break.

Although this is how we envision a typical Sunday looking when we first get started, since 2004 we have grown at about a rate of 25% per year. Part of the reason for the large sanctuary space is so that we will be able to accommodate our anticipated growth over the length of our 5 year lease.”

Hickey noted that a major concern that he and Curtis had when they first discussed the proposal with Yaeger and Wilson at a preliminary meeting was the parking. He appreciated the effort the Church had undertaken to discuss their proposal with neighbors and in trying to secure space for overflow parking if needed. Referring to the parking lot diagram they had provided, Hickey noted that there were a total of 73 onsite parking places, 3 of which were for handicap parking; the church had surveyed the other store owners in the Mall who indicated that collectively they would need only 14 spaces on Sunday morning. Yaeger noted that the owner of Ithaca Tofu was out of town and they would not have his response until the next meeting.

Hickey pointed out that on street parking is not permitted and that the Church needed a fallback plan for occasions when the number of cars needing parking exceeded that available in the lot. He appreciated that many of their members would be arriving by bus or walking and that the Church had reached out to neighbors to secure approval for overflow parking on the neighboring properties. Yaeger confirmed that they had had promising discussions with Dick Thaler of Triphammer Development which owns the vacant lot across from the Small Mall as well as Triphammer Mall. The adjoining apartment complexes have also been supportive, but CFCU will not permit them to use its lot. Curtis reiterated that there can be no on street parking. There is no provision for on street parking anywhere in the Village and parking on Cinema Drive is particularly dangerous because it is short and narrow, there is no way to get out of the drive lanes and there are 90 degree turns at either end. It must be absolutely clear that parking on Cinema Drive will not be permitted under any circumstances. Hickey suggested that when the Church comes back for their Special Permit approval they should bring a plan to provide for parking in the worst case scenario, including, if possible, specific signed agreements. Hickey also noted that provision needed to be made to reserve the parking spaces in the Mall needed by the other businesses on Sunday morning.

Durst asked if the Church was limited to Sunday morning services, noting that the parking plan discussed so far depended upon the other businesses in the Mall not requiring much if any parking. At times other than Sunday morning that might not be the case. Curtis noted that the Special Permit approval can include conditions such as limiting services to certain times. The Church needs to decide if it can live with such a condition and, if not, propose a contingency plan to accommodate the additional projected parking.

Curtis noted that the plan submitted shows 365 seats in the assembly space and wondered what would happen, in terms of parking, if they had a full house. Wilson explained that in this type of use all seats are never taken; 70 % occupancy is considered full. Curtis pointed out that 70% of 365 is over 250 and suggested that their worst case scenario should probably accommodate at least that number, bussing, car pooling and all. Dubow noted that the Village Zoning Law requires one parking space for each four seats which would be 92 spaces. If there are 73 spaces on the property and 14 are required

by the other tenants, there are 59 spaces for the Church. They would need to secure at least another 33 spaces off site just to meet the Zoning Law requirement. Dubow noted that the formula in the Zoning Law was probably based on a more traditional model of a family of four arriving in one car whereas the Vineyard Church seems to have a different demographic with more younger single members, so that the Zoning requirement may not accurately reflect the actual parking load. Tomei pointed out that a significant number of members will be coming by bus which will help. Dubow stated that the Board should take all these factors into account in making its final decision. Hickey added that securing commitments from neighbors like Triphammer Development would be essential. Hickey stated that the Planning Board could approve the Special Permit even though the parking was off site, but the off site parking would need to be firmly committed for the Church's use. Yaeger stated that he would survey his members so that he would have a clearer idea of what the actual parking demand was likely to be. Dubow suggested that there were a number of options that might be included in the Church's plan including possibly a park and ride option from a point like the Shops at Ithaca Mall even further away. It would be the Church's responsibility to come up with a viable plan.

Discussion ensued on how the Church space was arranged, how exiting would be accommodated and whether the use could be fitted to the building within the limits of the Building Code. Curtis explained that if the project was approved, the Church would need to enlist the services of a licensed design professional whose responsibility it would be to design the improvements as required to comply with applicable codes. Curtis would then review the design documents and, if they complied with the Code, issue a permit. Before incurring that expense, however, it is reasonable for the Church to ascertain if the Planning Board will approve the use and with what conditions.

Dubow informed the Board that the Trustees had approved the amendment to the Zoning Law permitting religious facilities in the Commercial High Traffic District. Yaeger said the Church hoped to be ready for Special Permit approval at the next meeting on August 11. He asked if the Board had any other concerns. Hickey responded that parking is the major concern. He asked if they had thought about signage. Curtis noted that the Small Mall has a Planned Sign Area and they would need to comply with that, but that signage was a separate matter.

Land Stewardship Program

Hickey noted that Klepack was on vacation and would not be back until the August 26 meeting. The Board will receive an update at that meeting.

Affordable Housing Workshop Report

Dankert attended a recent workshop sponsored by the Tompkins County Planning Department and Better Housing of Tompkins County on affordable housing. He reported the workshop was very worthwhile because the presenters were actually in the business of constructing and managing affordable housing. They provided hands on practical information. The Tompkins County Comprehensive Plan adopted in 2004, which is available on their web site, <http://www.tompkins-co.org>, includes an action item to conduct a housing needs assessment to serve as a basis for a plan to guide development of affordable housing in Tompkins County. The assessment was completed in 2006. It projected a need for 3894 new housing units between 2006 and 2014 and that over the next

10 years the community would need to develop 2500 housing units affordable for households at or below the County's median income.

Presenters represented groups actively involved in the development and management of affordable housing. They included Andy Bodewes, Project Director for Conifer Realty which has worked with Better Housing of Tompkins County to develop projects like the Linderman Creek Apartments on West Hill, a mixed income project. They have developed and managed age restricted as well as affordable housing. Bodewes noted that management was the key to maintaining a desirable quality of life in housing complexes especially where mixed incomes are a goal. He added that the success of the projects in the Town of Ithaca owed a lot to the Planning Board which took a leadership role in the process.

Joe Bowes, Director of Real Estate Development at Housing Opportunities, Inc., spoke of their partnership with Ithaca Neighborhood Housing to develop 39 affordable housing units between Floral Ave. and Chestnut Street in the City of Ithaca. The rental project will operate as a 50/50 partnership for the first 15 years after which INHS will have a right-of-first-refusal to purchase the units and tenants will have the opportunity to purchase units through INHS. INHS has been promoting the Housing Trust Fund concept where it retains ownership of the land and sells the building in order to hold down costs and ensure units remain affordable.

Jack Jensen, President of Jack Jensen Development Company and Executive Director of Community Building Works, Inc., spoke about a project he is developing in Lansing. He is developing approximately 50 acres of abandoned farm land into 20 building lots 4 of which will be for affordable housing and priced below market value at \$8000 each. The remaining lots will be developed at market rates. He will be using a variety of tools such as reforestation, open space, deed covenants and home owners association to ensure sound environmental practices and partnering with the INHS Homeowners Classes, volunteer labor and grants to ensure a sound affordable housing project. In addition, he has committed to build one affordable house in Guatemala for each one he builds here which in turn accesses tax advantages. He pointed out that you can build a whole village in Guatemala for \$140,000 which is more than the average house costs to construct in this area.

Barb Lamphere, Vice president of Development at Two Plus Four Construction, works with nonprofit developers to put together funding applications and has participated in a number of projects developing affordable apartments and converting old schools into apartments.

Jeanne Leccesse from the Tompkins County Planning Department reviewed the County's Housing Needs Assessment, emphasizing that the County will need 4000 new housing units over the next 10 years and that 2500 need to be affordable. He pointed out that there are a lot of people working lower level jobs in Tompkins County who can not afford to live here. The Planning Department is considering various strategies including promoting inclusionary and incentive zoning, encouraging employer assistance programs, building an affordability fund and pursuing the Housing Trust Fund concept to knock down the up front cost of housing development. They will be partnering with

developers and not-for-profits like those at this workshop.

Finally, Rusdie Sumner, co-owner of Avalon Homes, LLC, spoke of their private business approach through which they have mastered efficient methods for producing a good basic house for \$115,000 plus land inclusive. The design is focussed on ease of construction and efficient use of material plus the added efficiency of building the same house over and over. They are developing 26 lots on 50 acres off Millard Hill Road in Newfield with lots priced at 15 – 25K. Key obstacles her company has encountered are lack of infrastructure, protracted approval time which runs up the cost, and skepticism – why are they building affordable housing instead of going for all the market will bear.

The speakers agreed that it was difficult to find land to develop that was both affordable and connected to municipal services. Some of the groups only develop apartment units and only on land with municipal services which support denser developments. Dankert noted that Conifer put 48 units on 5 acres which made him realize that there may be more lots in the Village with the potential for affordable housing. Flexibility in zoning can be instrumental in a successful development. It was noted, for example, that in age restricted senior housing two parking places per unit is overkill.

Curtis attended the workshop as well and helped Dankert fill in some of the blanks. Both agreed that it was a workshop loaded with a lot of good practical information from people working in the trenches.

Hickey reported that Cornell is committed to providing affordable work force housing and one of the three parcels they own and have identified as being suitable for that use is in the Village, that being the land surrounding the Swim Club off Uptown Road. With regard to amending the Zoning Law to encourage affordable housing, the Village is on sound ground in that the Comprehensive Plan identifies affordable housing as an important issue. Hickey suggested a section might be added to the Zoning Law specifically for affordable housing with definitions, requirements and other provisions. Dubow agreed this could be done, but suggested that the Planning Board first decide exactly what they wanted to include and then determine where and how to include those provisions in the Zoning Law. Hickey suggested the Board add affordable housing to its to do list for the winter. He suggested that inviting Jack Jensen to speak to the Board might be a good place to start. Dubow noted that the County Planning Department might be a good resource as well. Affordable housing is a key section of the County's Comprehensive Plan and they are reaching out to municipalities across the County to gain cooperation in implementing its goals. It is much more a countywide problem than just a local issue for each municipality.

Hickey stated he thought there was general agreement about the value of affordable housing. The challenge was figuring what would be the best approach for the Village to take to encourage affordable housing in this municipality. And the answer to that question will vary from one municipality to another. Curtis noted that one factor that all the presenters felt was important was availability of municipal water and sewer, and that is something the Village may have that other municipalities do not. If affordable housing projects can be done on as little as 5 acres, there may be more opportunities in the Village than previously realized. Dubow noted that the City of Ithaca had targeted much of the

development of Southwest Park for affordable housing for much the same reasons. Hickey will contact the County Planning Department.

Special Permit #2292 – Petrov Home Occupation

Hickey noted that Mr. Petrov still had not arrived. Dubow suggested that the matter could be adjourned to the next meeting and the hearing continued at that time. Curtis confirmed that he had received proof of mailing. Stycos moved to adjourn the proceeding, seconded by Durst, all in favor.

Approval of Minutes

Durst moved to approve the minutes for the July 14 meeting as submitted, seconded by Stycos, all in favor except Dankert who abstained because he was not at the July 14 meeting.

Proposed Local Law D (2008)

Dubow directed the Board's attention to Proposed Local Law D (2008) which had been distributed to the members prior to the meeting. The law deletes the use "one-unit residence converted" from the Zoning Law. In preparing the law he was responding to the Board's request from nearly a year ago which had been lost in the shuffle. The term appears in twelve places. He suggested the Board review the proposed law, and if it was still inclined to do so, recommend it to the Trustees. By way of review, Curtis explained that he had recommended removing this "use" because it made little sense to permit single family residences and two family residences by right, but to require a special permit with general and additional conditions to convert a single family residence to a two family residence when the owner could have built the same two family residence from scratch without a special permit. The term "one-unit residence converted" is not so much a description of a "use" as a description of the history of the building, and as such really should not be in the Zoning Law. It does not make much sense and would probably be difficult to defend in a court of law if push came to shove.

Hickey recalled that when the "one-unit residence converted" use was established it was in response to concerns early in the Village's history that single family homes in residential districts would be bought up to be converted into rental units. The "one-unit residence converted" use was intended to allow residents whose children had grown up and left home to rent their extra bedrooms without at the same time opening the door to wholesale conversion of single family homes to apartments. That was the reason for requiring such converted residences to be owner occupied. Since then, however, the ways people live together and even the definition of family as established by the courts has changed and the restriction is probably no longer effective or appropriate. Tomei moved to recommend to the Trustees adoption of Proposed Local Law D (2008), seconded by Durst, all in favor.

Other Business

Curtis noted that, in the most recent issue of Soil and Water Conservation News, the Local District announced they were accepting empty ink jet cartridges for which the Envirothon would receive up to \$4 apiece. Curtis has a container in the Office where such cartridges can be deposited if anyone would like to participate. Orders for the Fall Tree Sale will be accepted up until September 10. The

District is also looking for volunteers to plant trees into the fall as part of stream stabilization projects in Tompkins County. Curtis will leave the newsletter on the book shelf in the meeting room.

Reports

Trustees – Stycos reported the Trustee meeting was a very short one. The Village is entering into an agreement to share with S.C.L.I.W.C. the cost of the proposed new water tank to be constructed on Burdick Hill Road, which additional tank will operate with the existing tank at that site and will clear the way to demolishing the concrete tank behind the Village Office. The Trustees discussed the annoying pump noise in the Village Office which resulted from a design error when the old pumps were replaced, but for which there does not seem to be an easy fix. The Trustees were updated on the recent collision of a truck born wind tower shaft with the Triphammer Road overpass which will require repair and temporary closure of part of the right north bound lane. There was also some discussion of the recent fatal accident on Rt. 13 between Triphammer and Warren Roads resulting from a car turning south at Warren Road into the north bound lanes of Rt. 13. It is one more unfortunate occurrence that eventually may lead to a review of the Warren/Rt.13 intersection.

Stycos reported she had been approached by someone from Concerned Citizens for the Environment with a petition to restrict the application of pesticides on public lands. She noted that some communities are considering bans on pesticides in parks and playgrounds where young children play and that the Village may want to consider the matter.

Adjournment:

Dankert moved to adjourn at 8:30 P.M. Seconded by Stycos. Ayes by Hickey, Durst, Dankert, Stycos and Tomei. Motion carried.