

**Village of Lansing
Planning Board Meeting
August 11, 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 and Mario Tomei; Village Attorney David Dubow; Code Enforcement Officer Ben Curtis; Tobias deBoer, observing for the Community Party; and Aleksey Petrov.

Public Comment:

Hickey opened the Public Comment Period. DeBoer stated that he was observing on behalf of the Community Party Observers Program. DeBoer explained that members of the program take turns attending meetings of the Board of Trustees and the Planning Board, and report back to the other members of the Community Party and interested residents about what transpired. The program has been in operation for four years and there are around twenty observers, so each observer attends about two meetings a year. Their reports are distributed by email and there are approximately 43 recipients. The program raises awareness of what the Boards are doing on behalf of the residents and confirms for the Boards that residents are actively interested in what their Village government is doing. If someone is interested in knowing more about the Village and how it functions they are welcome to subscribe to the Observers' email reports and to be more involved as an Observer if they like. They can simply contact deBoer and request to be included. There being no one else who wished to speak, Tomei moved to close the Public Comment Period. Seconded by Dankert. Ayes by Hickey, 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.

Hickey noted that he had opened the Public Hearing at the previous meeting and adjourned it to this meeting because the applicant had been unable to attend the previous meeting. The applicant was now present and Hickey stated that the continued hearing was open for anyone wishing to comment. Hickey asked Petrov how he could repair computers without anyone coming to the house. Petrov replied that he anticipated operating his business on an on-call basis where he would go to the home or business where the computer was located and fix it there. He could, however, bring the computer home to work on it, if that was necessary. In most cases he could pick up parts and install them on site. Hickey stated that his concern was parking at Petrov's home and if people were not coming to his home, then parking would not be an issue. Tomei asked if there would be a sign and Petrov replied there would not be a sign.

Hickey proceeded to review Section 145-60D of the Village of Lansing Code, Additional Conditions for all Home Occupations. Petrov confirmed that he complied with each of the Conditions. Dankert

moved that the Conditions had been met, seconded by Tomei, all in favor. Dubow noted that the conditions are ongoing and continued compliance would be required to continue a home occupation. Curtis confirmed that he had received proof of mailing to contiguous neighbors. Hickey moved on to review Section 145-59E, General Conditions required for all Special Permits. Tomei moved that the applicant met the General Conditions, seconded by Dankert, all in favor. Dubow noted that under the Village's Code this was an exempt action under SEQRA and no independent environmental review was required. Dankert moved the following resolution, seconded by Tomei:

VILLAGE OF LANSING PLANNING BOARD RESOLUTION FOR SPECIAL PERMIT
APPROVAL ADOPTED ON AUGUST 11, 2008

WHEREAS:

- A. This matter involves consideration of the following proposed action: 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; and
- B. The Village of Lansing Planning Board, in accordance with (i) Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), (ii) 6 NYCRR Section 617.5, (iii) Section 123-2 of the Village of Lansing Code, and (iv) Section 145-60, subsection D (3) of the Village of Lansing Code, hereby determines that the approval of the proposed special permit is a Type II action, and thus may be processed without further regard to SEQR; and
- C. On July 29, 2008, the Village of Lansing Planning Board opened a public hearing regarding this proposed action, and thereupon, based upon the applicant's absence, adjourned the public hearing to its next regularly scheduled meeting on August 11, 2008; and
- D. On August 11, 2008, the Village of Lansing Planning Board re-opened the adjourned public hearing regarding this proposed action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant in support of this proposed action, including information and materials related to the environmental issues, if any, which the Board deemed necessary or appropriate for its review, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- E. On August 11, 2008, in accordance with Section 725-b of the Village Law of the State of New York and Sections 145-59, 145-60, 145-60.1 and 145-61 of the Village of Lansing Code, the Village of Lansing Planning Board, in the course of its further

deliberations, reviewed and took into consideration (i) the general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60, including subsection D thereof relating specifically to special permit requirements and regulations for home occupations), (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61), and (iv) any environmental issues deemed necessary and/or appropriate;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Lansing Planning Board hereby finds (subject to compliance with the conditions set forth in Village of Lansing Code Section 145-60, subsection D, and the additional conditions and requirements, if any, set forth below) that the proposed action meets (i) all general conditions required for all special permits (Village of Lansing Code Section 145-59E), (ii) any applicable conditions required for certain special permit uses (Village of Lansing Code Section 145-60, including subsection D thereof relating specifically to special permit requirements and regulations for home occupations), and (iii) any applicable conditions required for uses within a Combining District (Village of Lansing Code Section 145-61); and
2. It is hereby determined by the Village of Lansing Planning Board that Special Permit No. 2292 is **GRANTED AND APPROVED**, subject to the conditions set forth in Village of Lansing Code Section 145-60, subsection D, and the following additional conditions and requirements:

The vote on the foregoing motion was as follows:

AYES: Phil Dankert, Ned Hickey and Mario Tomei

NAYS: none

The motion was declared to be carried.

Inservice Training

Creating and Sustaining Affordable Housing, A Developer's Perspective - Jack Jensen,
Executive Director, Community Building Works, Inc.

Noting that Jensen had not yet arrived, Hickey directed the Board's attention to the handout Jensen had provided for the packets. Included was a conception plan of Jensen's proposed development, Farm Pond Circle, at the intersection of Peruville Road and Collins Road in the Town of Lansing. The development includes 4 affordable housing lots out of a total of 20 lots. Hickey noted that the plan

incorporates a number of features which are consistent with Village goals – clustering, preserving open space, tree planting, and minimal infrastructure. The single access road for twenty units is close to the Village standard. Curtis reported that Jensen was moving ahead with the plan - he had the land, arranged with Ithaca neighborhood Housing to do one of their projects and use the proceeds to finance construction on his site, and was recruiting volunteers to help construct the affordable units. He plans to use the volunteer labor to keep costs down and also as a vehicle to train people in construction skills. The site is not connected to either municipal water or sewerage. The 4 affordable lots will be sold for \$8000 each through the nonprofit, Community Building Works, Inc., and the remainder will be sold at market rate - \$35,000 to \$50,000.

Hickey noted that elsewhere in the material Jensen indicates his goal is to produce a good affordable home that costs \$130,000 as opposed to the minimum \$180,000 home the market can produce. Curtis stated that \$180,000 was less than the cheapest homes he was seeing constructed in the Village. Dankert recalled that one of the other presenters at the recent Affordable Housing Forum spoke of constructing affordable homes for \$115,000 plus land at \$15,000 - \$25,000 which was about the same as Jensen was proposing. Curtis noted that that builder constructed the same good basic house over and over again and the resulting efficiencies helped reduce the cost.

Tomei asked where there was land in the Village that could be developed with affordable housing. Hickey noted that one key to affordable housing was availability of municipal water and sewerage which, for the Village, for the most part meant land east of North Triphammer Road and south of Bush Lane, at least for sewer. The Dart properties, for example, are in this area. Another approach to affordable housing involves mixed use – residential mixed with commercial as with retail on the first floor and residential above. For this type of development, there are undeveloped Commercial Low Traffic lots that have both municipal water and sewer like the vacant land next to the YMCA.

Curtis noted that affordable housing could be built in these areas now without any amendments to the Zoning Law, using provisions such as those for clustering or mixed use. An amendment to the Zoning Law would be required, however, to offer incentives such as increased density to induce a developer to construct affordable housing, or to institute requirements that some percentage of the units in any development over a certain size be affordable. At the Forum a number of the developers commented on the difficulty to find land close to the urban center, jobs and services, with municipal water and sewerage. There are undeveloped parcels in the Village that meet that criteria. Tomei asked how big a parcel needed to be to be considered for affordable housing. Curtis responded that several of the developers had spoken of 5 acre developments, again where municipal services are available. One of the developers, Conifer Realty, put 48 units on 5 acres. Hickey stated that he did not envision a development with only affordable housing, but rather one that included a mix of affordable and market rate units. He did not think the Village would benefit from establishing neighborhoods of low cost housing with all the stigma that goes with that approach. There should be a ratio of, say, ten market rate to one affordable and all the units should be comparable and blend together.

Dubow noted that some of the more dense developments, such as the one placing 48 units on 5 acres,

may have been apartment complexes or multiunit residences which are not a permitted use in the Medium Density Residential District. Curtis suggested that incentives can include greater intensity of use such as permitting multiunit residences where normally only one and two family units are permitted as well as increased density where more units are permitted per acre or lot.

Hickey noted that another Medium Density Residential parcel with municipal sewer and water is the 25 acre parcel next to the Swim Club off Uptown Road. Cornell owns the land and has identified increasing the availability of good affordable work force housing as a goal in their plans for the next ten years.

Jensen arrived and Hickey asked him to join the Board at the table. Hickey stated that he had asked Jensen to speak to the Board because there is undeveloped land in the Village with municipal water and sewer that might be suitable for affordable housing, and the Board needed guidance to determine what if any measures to recommend to encourage developers to construct affordable housing. Jensen confirmed that it is much more challenging to construct affordable housing without municipal water and sewer, but not impossible, noting his proposed development has neither.

Jensen explained that the guidelines for affordable housing are set by HUD which defines the target population as those making 80% or less of the median income for the area adjusted for family size. In Tompkins County the median income for a family of four is in the mid \$50,000 range, and to be “affordable housing”, the housing would need to be affordable for a family of four making less than 80% of that amount or around \$40,000. That might be a teacher, a fireman, a policeman or similar occupation. The term “work force housing” has replaced “affordable housing”, recognizing that many people priced out of the housing market are employed full time. There has also been an effort to move beyond stigma and stereotypes; the term “low income housing” is seldom used anymore.

To be affordable the housing cost must not exceed 30% of the income of the particular family in the target population. Housing cost for a renter is rent plus utilities and for a home owner it is the mortgage payment (principal and interest), taxes and insurance referred to as PITI in the industry. Non-profits like Better Housing of Tompkins County and Ithaca Neighborhood Housing Services use these guidelines. It is worth noting that utilities are included in the calculation of housing costs for renters, but not for homeowners. This has made it more difficult to merge the goals of green building and affordable housing. Money invested in making a home more energy efficient increases the cost of the house, but the calculation of housing costs does not credit the impact of reduced utility bills on the ability of the family to shoulder a little higher cost for the house.

Hickey asked how the Village could ensure that affordable housing was also energy efficient. Jensen replied that in his development the houses are required by covenant to meet NYSTAR standards which are roughly 20% more efficient than the energy standards stipulated in the Building Code. NYSTAR homes are inspected and certified by a third party as meeting those standards. The next step up is LEED (Leadership in Energy and Environmental Design) certification where buildings earn points up to 69 and are classified Certified, Silver, Gold and Platinum based on energy efficiency and

environmental responsibility. Again, a third party inspects and rates the building which can exceed the NYSTAR standards by more than double depending upon which level is attained. As energy costs increase it will become increasingly attractive to buy an energy efficient home.

In terms of promoting the construction of affordable housing, Jensen recommended adopting an inclusionary zoning provision which requires that some percentage of the units, 10 – 20%, in any development over a certain size be affordable. The affordable units would be comparable to the market rate units and mixed in with them.

Jensen noted that a number of larger municipalities in densely developed and rapidly appreciating markets adopted inclusionary zoning years ago when they realized that people they needed to do lower level jobs were being priced out of their communities. This creates additional problems in terms of traffic, wasted energy resources, sprawl, social stratification, etc. In addition to inclusionary zoning which requires the units to be provided, there is incentive zoning which offers special rewards to developers that include affordable units in their developments such as increased density or increased intensity of use. A municipality can also use a combination of both approaches, a carrot and stick approach. Jensen recommends the combined approach.

In addition to these zoning provisions, Jensen added, some municipalities provide additional incentives such as infrastructure breaks. As an example, the Village might waive hook-up fees for the sewer or have its highway crew help with the road construction.

Jensen stated that he is developing in the Town of Lansing because he is working from a schedule and a budget. He started in the City of Ithaca looking for land and moved further and further out until he found the fifty acre parcel for his Farm Pond Circle development. He would have preferred to develop a parcel closer in with municipal services had he been able to find one he could afford. Curtis noted that one of the Dart parcels is 23 acres and listed for around \$250,000. Once a developer nets out roads, storm water management and recreation land, there should still be 18 or more lots, and using the clustering provisions, probably 35 or more units or \$8,000 or so raw land costs per unit. The necessary improvements, however, including roads, sidewalks, trails, stormwater, engineering and legal costs will add a lot to that. Jensen stated that he thought the Seacord development just outside the Village hoped to sell 8000 sf lots for \$50,000, but that would include roads and quasi-municipal services – a package plant for septic. It is more dense and that presents a marketing problem in that it begins to seem less like homeownership and more like an apartment.- less like the American dream with a place of your own, a lawn to mow and maybe a garden. And being able to sneeze without waking up your neighbor. Curtis noted that the townhouse projects in the Village were denser than the Seacord development, but that there also seemed to be a market for places with smaller yards and less upkeep required and open space owned in common.

Jensen stated that the key to including affordable housing in his development was simply that his commitment to affordable housing motivated him to option four of his lots for \$8000 instead of the \$35,000 market value. The advantage for him is those four lots are already sold and the hardest part

of any development is the first 30%. He is working with Ithaca Neighborhood Housing which has a pool of qualified home buyers who have completed the INHS homeownership training and are ready to take the next step. INHS graduates 12 to 20 potential homeowners monthly and Better Housing graduates 5 to 10. These graduates have financing behind them as well. The foreclosure rate for graduates of these programs is much lower than the national average and the local banking institutions are very supportive.

Jensen plans to push the road through this winter and break ground on the first house in April or May.

Dubow noted that “infrastructure grants” could be complicated as there are constitutional provisions that restrict municipalities from benefiting individuals as opposed to the common good. Jensen replied that the mechanism for doing so might involve channeling CDBG funds through the municipality for that specific purpose. With regard to maintaining the affordability of the housing created by any means, Jensen suggested that the Board invite Paul Mazzarella, Executive Director of INHS or John Spence, Executive Director of Better Housing of Tompkins County to share their ideas. The Housing Trust Fund idea, where the non-profit agency retains ownership of the ground under the house and thereby the ability to ensure it remains affordable, is gaining some traction in this area, but is still experimental. It comes with the drawback of limiting the ability of the homeowner to build equity and thereby rise above the need for assistance. Building equity in a home has been for generations that surest path to the American Dream.

Hickey asked what would make it attractive to developers to provide affordable housing. Jensen replied that there were very substantial tax advantages for providing low income housing, but that was mostly limited to rental units and came with a lot of strings attached. A hybrid involves a lease/purchase approach. Most of the restrictions for the rental housing subsidies go away after 15 years at which point an agency like INHS or Better Housing can sell the units to qualified low and moderate income home buyers. Competition for those subsidy dollars in New York is intense, however.

Hickey asked about mixed use commercial/residential rental housing. Jensen replied that there are a number of vehicles for funding affordable housing of this sort. One is an 80/20 bond which provides low interest and tax credits through State Agencies for developments in which 20% of the units meet the affordability guidelines. The money for these programs originates at the Federal level and is funneled through the states. Jensen added all of these approaches are complicated and that while most of the municipalities that adopted inclusionary zoning are glad they did, it was not often done without resistance. Hickey stated that the Planning Board’s job was to understand the issues and the options and determine if there was a course of action which would fit this Village. If it determined that there was, then the Planning Board would recommend that course of action to the Trustees whose job it is to make such decisions.

Jensen is currently working with INHS on a “house recycling” project where INHS will invest \$200,000 in renovating the house and sell it to a qualified buyer for \$140,000, the \$60,000 difference

will be subsidized by federal, state and local funds. The buyer is required not to sell the house for 7 to 10 years and if they do so they must repay all or part of the subsidy. If they meet the obligation the subsidy is forgiven. That is a substantial subsidy. Using the County's projection that 2500 units of affordable housing is needed over the next ten years, at \$60,000 a unit that would cost \$150 million. Hence other strategies are needed for the County to be successful in meeting its goal. Some of the most promising and creative approaches involve public and private sector partnerships, whether it is his program using volunteers or another builder capitalizing on efficiency to deliver an affordable house.

Without this sort of commitment, homeownership will slip further and further beyond the reach of American families. Low end builder costs are now \$110 – \$120 per square foot or \$180,000 for a 1500sf single family house, plus land. It is hard to find a lot with services in Tompkins County for under \$35,000 which is part of the reason people are living in surrounding counties and commuting long distances to work. Hickey noted that there was undeveloped land in the Village with services that may be affordable if the right provisions were in place. Tomei asked if it would be a deterrent to some one buying a market rate home for over \$200,000 if their house were next door to one that was being sold as affordable housing for \$140,000. Jensen stated that in the case of his development the use of volunteer labor would allow him to make the affordable house comparable to the market rate house. Jensen added that in his development there was an unusual deed restriction that the size of a house can not exceed 2400sf as a statement against the trend toward McMansions that has swept the high end housing market and in an effort to be more environmentally and socially responsible. Jensen is also hoping to appeal to the green market which he sees as a growing segment of the market. He has had a number of inquiries pending final approvals and is cautiously optimistic.

Hickey thanked Jensen for taking the time to share his thoughts with the Board. He suggested that the Board would follow up with the County and possibly INHS or others in the affordable housing field to better enhance the Board's understanding of the issues. He noted that Cornell had expressed an interest in workforce housing, had committed a substantial amount of money for it, and had land in the Village suitable for it. It was only a matter of time and he would like the Village to be ready when that time came. His goal is to have a recommendation to send forward to the Trustees by years end. Dubow noted that this is a very complicated issue, both technically and politically, and the end of the year is probably much too aggressive a schedule. It may be advisable to propose a joint meeting with the Trustees to share the information the Planning Board has collected and get a better sense of where the Trustees may want to go with the issue. Eventually, the public should have the opportunity to comment and it may be worthwhile to bring together representatives from Cornell and others who have a special interest in affordable housing. Hickey would like to get more information before moving ahead and hearing from the County would be a logical next step. Dubow noted that the issue of affordable housing is one that affects the County as a whole and each municipality differently and perhaps, in this instance, it might make good sense for the County to take a lead role, at least in terms of coordination, research and technical support. Hickey recognizes that the end of the year goal is ambitious, but would like to have something to shoot for anyway.

Approval of Minutes

Tomei moved to approve the minutes for the July 29 meeting as amended, seconded by Dankert, all in favor.

Other Business

There was no other business.

Reports

Trustees – Dubow reported there was only one meeting and that was short and nothing of significance to the Planning Board was discussed.

Hickey reported that he had received a copy of the executive summary of the Generic Environmental Impact Statement for transportation-related impacts of hypothetical Cornell University population growth. It is an offshoot of the Northeast Traffic Study done some years ago and deals with the northeast quadrant of the Town of Ithaca. It does not include the Village of Lansing. It is available if anyone would like to read it.

Hickey has started a folder of discussion topics which includes some of the articles Curtis puts in the packets. He would like to open them up for discussion when the whole Board is present and time permits.

Adjournment:

Dankert moved to adjourn at 9:05 P.M. Seconded by Tomei. Ayes by Hickey, Dankert, and Tomei. Motion carried.