

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 19, 2011, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Lynn Leopold, Patricia O'Rourke, Julie Baker and John O'Neill; Attorney David Dubow; Clerk/Treasurer Jodi Dake. Richard Durst, Planning Board Member.

Mayor Hartill called the meeting to order at 7:34pm and opened the public comment period. Jean McPeeters of Brooktondale stated that she was with the Chamber of Commerce. Jean stressed the need for workforce housing. She stated that there have been a number of studies done and it is all in how one interprets them. It is very difficult to get local workers because they can't afford to live here. Jean feels that a ladder of housing is needed. Many individuals rent first in the area they intend to buy a home in.

Mary Beth Bunge of Ithaca stated that she is a volunteer on the Chamber Board and she also supports workforce housing.

Yasamin Miller of Coventry Walk stated that she lives here in the Village and the ones that previously spoke do not. She stated that she has presented a lot of data and doesn't support this need in our area; however, she knows it is needed in the City of Ithaca. Yasamin would like the Board to consider the residents' needs and feelings for our community. Yasamin stated that the Village has 1,100 rental units already and a third of them go vacant every summer mostly because they are rented to college students.

Kara Taylor from M&T Bank on N. Triphammer Rd. stated that it an issue with their employees also. The employees can't afford to live where they work.

Carol Desanto, new Chair of Better Housing of Tompkins County, stated that many individuals can't afford housing in the Village of Lansing. She worked in the real estate business for years and sees that people are driving from outside of the area to the Village to work. She feels it is important for people to be able to live where they work.

Ron Simoneini, a representative of the Solomon Organization, owners Northwood Apartments, asked that the land have a voice. He wants to see an objective study. He indicated that they own 1,100 units in this area and he feels they are affordable. They do not care for housing being subsidized or tied to what they consider to be unfair interest rates. There will be a ladder of housing that isn't good for anyone that lives here. He feels land use actions should include residents.

John Spence of Better Housing of Tompkins County stated that they remain committed to the proposed Lansing Reserve PDA Project. He feels there is a need for the type of housing proposed and that their proposed project is a good one. They have worked with the Village with respect to this proposed project and will continue to do so. They support

the Village's decision to hire a planning consultant to provide input with respect to the general area of the Village that is under consideration.

Steve Fisher, owner of Ciao! Restaurant stated he supports this from an employer's perspective. People want to live close to where they work and close to public transportation. He encourages the Board to find a solution and supports this proposed development.

With no more comment from the public, the following motion was made and acted upon:

Motion-To Close the Public Comment Period

Trustee Leopold moved to close the public comment period. Trustee O'Rourke seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

Dave Putnam was present to give an Engineer's Report. He presented the Board with a change order to the 2011 Water System Improvement Project for \$23,526. The purpose of the change order is to replace the driveway culvert at Bolton Pint and adjust the price for water main installation due to utility conflicts.

Dave stated that there was a water main break repaired today at the corner of Cedar Lane and Cayuga Heights Road. This line predates the Village. The break was due to poor installation.

LRS Excavating Inc. made the last connection today. They will return after the holiday to finish whatever clean up they can do.

Resolution #5804- To Authorize Mayor to Sign Change Order #3- Adding \$900 to replace the 60 foot long Bolton Point driveway culvert at the same price and conditions stated in Change Order No. 2 for 62 Burdick Hill Rd. Add \$1,215 to supply and install sand back fill on exposed gas main. Add \$21,411 to the cost of installing the water main from Sta. 0+00 to 12+20 due to utility conflicts not shown.

Trustee O'Neill moved to accept change order #3. Trustee Baker seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

Since there were many residents present, Mayor Hartill asked Eric Goetzmann if his agenda matter could be moved to later in the meeting. Eric agreed to wait.

The next item was to discuss a petition the Village received from William Shang requesting that the Village of Lansing designate two parcels of land known as Tax Parcel Nos. 46.1-7-99.1 and 46.1-7-100 as park land. They include the stream that runs southwesterly behind northerly and westerly properties of Coventry Walk, and surrounding wooded area, including Lansing Greenway walking paths, that connect Coventry Walk to Churchill Dr. and Janivar Dr. neighborhood. The petition states that “these beautiful pieces of property allow the surrounding residents to stroll in pristine natural surroundings, and also enable the Village to decrease our carbon footprint by traveling by foot or by bike to neighborhood merchants. He indicated that the paths have been thoughtfully developed by the Village leadership, and he and his fellow petitioners would like to take the additional step of preserving these properties in their present state in perpetuity by designating it a park. He indicated further that in recognition of Audrey and Bill Edelman's yet unrecognized extremely generous gift to our community by donating this land to the Village, they we wish to make tribute and lasting recognition by naming this park in their honor.

Mayor Hartill reviewed a brief history of some of the background as to the development of this area in question and how we got to the current point. He stated that back in the 1990's the Village didn't have many sewer permits. The Edelmanns' development, also known as Kensington Subdivision, had developed 9 single family homes and used up the Village's sewer units that had been allotted to the Village of Lansing by the Village of Cayuga Heights (VCH). There were also 24 high density residential rental units built in that same area and known as Yardley Green. The VCH moratorium on sewer units pretty much stopped development. The Village addressed and fixed some infiltration issues and got a few permits from VCH. The high density and medium density residential build-out that was approved never came about because there were no sewer units. There were approved subdivision plans for the Edelman's property. The Edelmanns then donated the remaining undeveloped property to the Village as a large tax write off. The Mayor indicated that the Village has kept the property open and provided walkways and related improvements pending further decision-making by the Village as to its use. Given the current circumstances and fiscal constraints, he indicated that turning the property into a forever wild park would be fiscally irresponsible. Mayor Hartill stated that he appreciates the petition and the request that is being made. Based upon his consultation with legal counsel and the Villages engineering consultants, he has determined that declaring this property as parkland at this time would not be prudent.

Bill Shang of 6 Coventry Walk stated that he was the one that submitted the petition. He stated that the petition had 146 signatures, which is more than the number of Village residents who participates in the Village election. Bill applauded the Board for the foresight of keeping and developing the land as they have with trails. He asked for the Board to take an additional step to save this area as a park forever. He would like to see the area be more “park like” with benches. Bill thanked the Board for their fiscal responsibility. Bill would like the will of the people to be heard. He asked if a referendum could be held.

Attorney David Dubow explained that a legislative board is not bound by a petition seeking a particular zoning designation. Whether or not to designate land as parkland is a legislative decision. He further indicated that there is significant legal authority in New York that municipalities cannot make determinations such as this by holding a referendum. This request can be brought to the Board for consideration, but it can't take action by a referendum unless otherwise provided for under New York law. There are two types of referendums, permissive or mandatory. An example of a permissive referendum would be if the Village wanted to take monies out of a capital reserve fund to use for a particular capital project, in which case such action would under certain circumstances be subject to a permissive referendum whereby a sufficient number of Village residents could petition for a referendum within 30 days of the action taken by the municipality. There are other actions that require mandatory referendums before the action is deemed final. A referendum seeking the designation of Village owned property and similar land use matters are not subject to either a permissive or mandatory referendum, and therefore the Village cannot independently pursue such a procedure. Bill stated that if the decision is made by the Board then the only way to change that is at the next election.

Yasamin Miller stated that she feels this is a closed discussion. The audience has only heard from the Mayor and she would like to hear what the rest of the Board thinks.

Julie Baker stated that this is an interesting idea and she understands that residents in that area wish to keep the land the way it is. She feels there should be no decisions until the larger question of access and use are studied. Bill Shang stated that this is a different parcel. Julie stated that there is still a question of access for this area.

Bill Shang pointed out that the petition had 146 signatures which is more than the 70 people that turn out for the last Village election. Mayor Hartill stated that when there has been controversy in the Village we have had 600 people turn out for the elections. Things have been going smoothly in the Village so people generally don't come out to vote. There are over 3,200 people in the Village, so one should compare that number to the total number of people who may have signed a particular petition.

Lynn Leopold found it interesting that the Village has owned that property for over ten years and now all of a sudden the petitioners are requesting a forever parkland designation. She can't help but think this is because of the potential development in that area and this is a way for them to protect themselves. The problem the Village has is that Coventry Walk is a cul-de-sac that isn't connected to any Village road. This problem has existed since Lynn first came on the Board.

Bill Shang stated that there is now a trail there. Yasamin stated that she doesn't want the Village to use this as a road.

Mayor Hartill stated that the Village is not taking any position supporting or opposing the proposed NRP project as indicated by the next item on the agenda. We are looking to hire a consultant to look at the whole area and the potential for development of the vacant

parcels. Don stated that we have no intentions of changing the zoning of our property prior to the intended study being completed.

Lynn stated that this area is wild and a nice area. It's also a wet area. Lynn feels it is a great buffer and consideration will be given to various issues associated with the land use of this property.

The Mayor stated that the study is to look at the whole area, not just the parcel currently being proposed for development. Don stated that the Board has to focus its attention on a number of issues, including life safety issues. We need public road connectivity and the most likely connection would involve Janivar Dr. If we do connect, the intent would be to include sharp curves or other traffic calming designs to deter speeding traffic. Another concern of the Village is potential liabilities associated with possible claims related to an inability to provide sufficient public road access in the event of a life safety incident. This has been and continues to be a concern and the Village is compelled to consider and address this issue. Yasamin feels the Board has never been concerned before and she has never witnessed an accident on the road.

Dubow stated that the secondary access issue and the need for such access arise out of the fact that Coventry Walk and Wood Thrush Road are Village roads that are not connected to another Village road. The Village has been under pressure for years to make the necessary connections. The issue is long-standing despite that fact that it not often a specific agenda matter, and there is a rather long history of this development and the road issues. There have been repeated requests and efforts by the Village to take over the currently private Northwood Road but it hasn't happened and the present owners of Northwood have made it very clear that it won't happen. In the past, the owners of the properties on Coventry Walk and Wood Thrush Hollow Road came to the Board requesting that the Village accept dedication of the roads as public roads so that they would not need to be repaired and maintained by the abutting property owners, and the Village eventually accommodated the residents and did accept dedication of the two roads notwithstanding the road connectivity issue. Dubow stated that there is now a significant need to address this issue. The study that will be done will address the broad issues of that area and road/access issues as well. It was indicated that it would be inappropriate to make any determinations regarding the parcels being proposed to become parkland until after the consultant has completed a report and the Village has evaluated the report and its recommendations.

The Village has no legal obligation to keep the property they own as green space. It may be that a road goes through there and the rest of the parcel stays green. It is premature to designate that area as a park. Bill Shang requested that the Village include the petition with the information that is given to the consultant so they will have that information in making their determinations. Don stated that the consultant will not make a decision based upon recommendations, and the purpose of the study is to obtain independent review. Don thanked the public for their efforts to provide a decision.

Jodi Dake, Clerk/Treasurer reviewed the petition at that time, and it had 61 signatures, 18 of which were from residential addresses, 2 were non-residents and 41 of the signatures were from individuals who live in the apartments near the properties in question.

Now that the Board has reviewed the Village of Lansing Small Area Development Issue Identification Report prepared by Tompkins County Planning Department, a consultant needs to be selected. Ed Marx and Jonathan Kanter have both provided a list of possible consultants. The Mayor intends to write a letter to a number of the potential consultants asking for their responses to the Village's RFP. He is prepared to spend \$15-20,000. He hopes to have responses back by the end of January so that the Board can choose a consultant. He would then like the consultant to have a report to the Village by the end of February, but that date will be somewhat subject to what the submissions received provide for.

Yasamin Miller questioned whether this timeline was realistic. Don stated that we are suggesting a target completion date, not imposing that date. The consultant will let us know how long the project will take. Much of the preliminary work has already been done by Tompkins County Planning. Ron Simoneini asked if the Board would request a "no action" alternative in the final report. Don indicated that given the situation that is not a likely option. He then requested that a "no action" alternative be included as part of the evaluation for the Village parcel being requested to be parkland. Don stated that the Village will take their requests into consideration.

As Bill Shang was leaving he asked which Board members were up for reelection in April. It was indicated Julie and John's terms are up this coming year.

Dubow explained that the next item on the agenda was to clarify and finalize the District Regulations for Lansing Meadows PDA (BJ's Project). Code Officer Marty Moseley previously emailed the following to the Trustees explaining the situation:

Situation:

Mr. Goetzmann has asked for the exterior lighting height to be extended to a maximum height of 35 feet. The Lansing Meadows PDA district regulations, currently, indicate that the maximum height on the exterior lighting is 30 feet. The exterior lighting that Mr. Goetzmann has installed is approximately 32 ½ feet in height, which was approved by the Lighting Commission per the construction plans in my office. The exterior wall height on the BJ's Wholesale Club is 28'-8" in height, except for the peaked entrance area (where the main BJ's sign is) which is 35 feet.

History:

When inspecting on site, after the very first light pole was installed, I had asked Mr. Goetzmann if the exterior lighting was in fact no more than 30 feet in total height. He indicated that it was installed per the plan. I stressed that the district regulations were specified, for the exterior lighting, as no more than 30 feet in height. During an inspection last week, with John Courtney, I noticed that more light poles had been installed. John and I then measured the light poles that were lying on the ground, which measured approximately 30 feet. I again indicated that there would be a problem with respect to the district regulations specifying the maximum height of the exterior lighting. (Please keep in mind that both Ben Curtis and Jim Bold worked on, and agreed to, the Lansing Meadows district regulations, which were approved by both the Planning Board and the Board of Trustees.)

I have also left the plans for the BJ's wholesale club out for the Board to review, if necessary. The photometric plans are located on pages E1 and E2 of the plan set.

Eric stated that the plans have not changed. The poles are 30 feet tall but with the bases they are 32.5 ft. Dubow stated that the Planning Board was very interested in having lower poles than the rest of the mall which has 50 foot poles. Eric stated that all the poles are already installed. Dubow pointed out that Marty Moseley, the Village Code and Zoning Officer, made Eric aware of the issue after the first pole went up. Lynn stated that she is on the Lighting Commission and she didn't even think about the support system under the pole.

Dubow stated that the two options are to cut two and a half feet off the top of the poles or revise the height limitations in the PDA district regulations. There is also a timing issue as the target opening of BJ's is in mid to late January, so a proposed law would have to have a public hearing and SEQR completed before it could be adopted, and that could affect the timing of the issuance of a temporary certificate of occupancy and the store opening. Don asked if the local law could be acted upon at our regularly scheduled Thursday noon meeting in January. Dubow stated that it is a public meeting so it is possible. There are also issues of maintenance agreements for the bird sanctuary and stormwater management areas which would also need to be approved at that same meeting.

Mayor Hartill will be out of town until January 23rd and Lynn doesn't know if she will be here for the January 12th meeting.

Resolution #5805- To Appoint John O'Neill as Acting Mayor in the Absence of the Mayor and Deputy Mayor.

Trustee Baker moved this resolution. Trustee Leopold seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

After considering the situation, the Board preferred to have four members present.

Resolution #5806- To Cancel the Thursday, January 12, 2012 Meeting and Reschedule it for Tuesday, January 10, 2012 at noon.

Trustee Leopold moved this resolution. Trustee Baker seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

David Dubow presented three (3) versions of Proposed Local Law A (2012) regarding the Lansing Meadows PDA / amended setback and dimensional regulations that were reviewed by the Planning Board at their November 29th meeting and thereupon recommended to the Board of Trustees. The proposed local law provides for the attachment of the map that has been prepared and submitted to the Village for the purpose of better defining and providing the various amended setbacks as they have been laid out around the permitted improvements as previously authorized and approved. Eric has given David a larger and more legible version of the map. The map will be Appendix C.

The multiple versions of the proposed local law reflect three (3) different height limitations for the exterior lights --- (i) one for the current 30 feet included in the PDA authorization and accompanying local law; (ii) one for 32.5 feet based upon the current poles as constructed and installed; and (iii) one for 35 feet just to make absolutely sure that the lights are compliant. Dubow explained that the primary changes are in subclauses 4, 5, 6 and 7 under subsection E of Section 145-42.1 of the Village Code/Zoning Law. This would be considered a minor change; however, it still requires a public hearing. This change does not require a General Municipal Law 239 by the County Planning Department, but as has been the case in the past regarding Lansing Meadows PDA actions, Marty will send it to them electronically as a courtesy.

Lynn stated that she was sorry she didn't take the base into consideration and she wants to try to be reasonable about this. She doesn't want to see them have to cut the poles off. Eric stated that the photo metrics were all done at that height so that isn't a difference in the lighting. Julie Baker asked if the poles were lower than the current poles at the mall. The Shops at Ithaca Mall poles are fifty feet so they are much lower. The proposed height is about the same as the height of BJ's. Don stated that he drove by there and it looks pretty good. The poles are lit. The Board decided to allow the poles to be a maximum of 35 feet tall.

Resolution #5807- To Set a Public Hearing for Proposed Local Law A (2012) Amendment to Village of Lansing Code-Zoning Law-Lansing Meadows PDA for Tuesday, January 10, 2012 at 12:05pm.

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

Mayor Donald Hartill-Aye

Trustee John O'Neill-Aye

Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye

The next item on the agenda was to discuss future Board meetings. There are no Monday meeting in January due to January 2nd being a Federal Holiday since the 1st is on a Sunday, and Martin Luther King Day on the 16th. It has also been suggested that a joint meeting be held with the Planning Board to discuss the new office building either on

January 31st of February 13th. The Board decided that January 31st would be a good time so that they could also select a consultant at that meeting.

Resolution #5808- To Schedule a Special Joint Meeting with the Planning Board on Tuesday, January 31, 2012 at 7:30pm.

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

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

Next on the agenda was to approve the minutes from December 5, 2011.

Motion - To Approve the Minutes from December 5, 2011

Trustee O'Neill moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee O'Rourke seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Abstain | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

Mayor Hartill stated that this has been a very active evening. There are many views which will be taken into consideration. He feels that people don't understand that there is a whole lot more to a village other than one issue. This is a real life safety issue that we can't ignore. Lynn remembers when she was first on the Board and residents from Coventry Walk came in upset because there was no through road. Julie Baker stated that we've worked with Northwoods. Don stated that we were very close with previous owners.

We have reached the end of the construction season. Don doesn't have high marks for the contractor that is doing the water project. We had a great construction season and the job should have been completed. Lynn asked if we could have chosen someone else for the project. Don stated that we must take lowest bidder unless we can prove that it is not a responsible bidder. The difference between their bid and the second place bid was significant and therefore it could not be justified to select another contractor.

John O'Neill is still attending Town of Lansing meetings. Lynn stated that she was contacted by someone from the Town of Lansing to have a Village resident run for Town of Lansing Board. Lynn wondered if we could somehow collaborate with the Town of Lansing. Don stated that we used to but out of necessity we've had to be independent. Lynn is interested in a Town center.

Jodi stated that we have received five applications for the Fire Inspector position. Don will interview before he leaves for vacation.

Resolution #5809- To Authorize the Mayor to Hire a Fire Inspector

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

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| Mayor Donald Hartill-Aye | Trustee Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

Motion- To Adjourn

Trustee Baker moved for adjournment. Trustee O'Neill seconded the motion. A vote was taken:

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| Mayor Donald Hartill-Aye | Lynn Leopold-Aye |
| Trustee John O'Neill-Aye | Trustee Julie Baker-Aye |
| Trustee Patricia O'Rourke-Aye | |

The meeting adjourned at 9:27 pm.

Jodi Dake
Clerk/Treasurer