

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, October 5, 2020, via Zoom Videoconferencing/Teleconferencing.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Simon Moll, Patricia O'Rourke, and Randy Smith; Clerk/Treasurer, Jodi Dake; Attorney Bill Troy; Code & Zoning Officer, Mike Scott; Supt. Of Public Works, John Courtney; Planning Board rep. Jim McCauley; Planning Board Chair Lisa Schleelein; Monica Moll, Dan Veaner, Eric Goetzman, Jim Bold.

Mayor Hartill called the Board of Trustees meeting to order at 7:36pm and opened the public comment period.

Motion - To Close the Public Comment Period

O'Rourke made a motion to close the public comment period. Smith seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Randy Smith-Aye	Trustee Patricia O'Rourke-Aye
Trustee Simon Moll-Aye	

Approval of Minutes

The next item on the agenda was the approval of minutes from September 17th and 21st.

Motion - To Approve the Minutes of September 17, 2020

Smith made a motion to approve minutes. Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Randy Smith-Aye	Trustee Patricia O'Rourke-Aye
Trustee Simon Moll-Abstain	

Motion - To Approve the Minutes of September 21st, 2020

O'Rourke made a motion to approve minutes. Smith seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Randy Smith-Aye	Trustee Patricia O'Rourke-Aye
Trustee Simon Moll-Aye	

Lansing Meadows Senior Housing

The next item on the agenda was to continue the discussion on Arrowhead Ventures request to subdivide Lansing Meadows Senior Housing. Hartill stated that there is a number of complications.

Originally, the parcel was a dump site from the construction of Pyramid Mall. A lot of areas collected water and then became wetlands. A proposal then came to the Village to up zoning roughly half of the parcel to Commercial High Traffic (CHT) which was originally a Commercial Low Traffic (CLT) zone and as part of that package the other parcel was down zoned to Medium Density Residential (MDR). This was a PDA to enable the construction of BJ's and 12 units of rental housing for seniors. There were several small ponds in the area that were mitigated. To minimizing the size of those wetlands they purchased wetland materials in a salt marsh at the Northern end of Cayuga County which relieved the situation with the Army Corps of Engineers. So, the wetlands were then decreased to a rather small area. It took a long time for this.

Hartill went on to explain that there was pressure from the County to increase the number of senior units from 12 to 18. Construction started and the plan was for a private senior development with a private water system. Per Tompkins County and Bolton Point, a parcel can only be served by 1 water meter and a backflow meter. One way around would be to subdivide the parcel so each unit could have its own water service. The water line would need to satisfy all the Village's specifications. The initial plan did not work. The developer then submitted alternate plans. The engineer is awaiting the Mayor's approval for him to then explore those plans to see how the infrastructure has to be modified to satisfy our requirements. Hartill would like to develop a path forward to satisfy IDA and Village conditions.

O'Rourke asked how this legally stand now. Hartill stated that 12 units are currently being built. 18 units have been authorized in total. They can build up to a "build to line" and the parcel could have up to 30 units, just barely. There are various interpretations about how many units could be put on the parcel. 18 have been approved by the Planning Board. Our Planning Board Chair had a discussion with the Army Corp of Engineers that indicated that the developer's expectation was that it would be more than 18 units.

Smith stated that he has reviewed a lot of information and it appears that the last thing he saw was the July 8, 2019 minutes. There was an agreement to allow changes, Phase I and Phase II. There were many conditions with that, and Smith asked if those conditions have been met. Mike has reviewed Conditions A-M and many of the conditions have been addressed. There are conditions that will need to be met before a Certificate of Compliance can be issued. The governors executive order allowed the extension of all permits by 120 days, which the Trustees approved.

Goetzman stated that one of the issues that was still open was the sidewalk. That had to go back to the Trustees to set an escrow amount. Scott stated that Courtney has come up with an amount that will be discussed later in the meeting.

Schleelein stated that aside from the 239 which suggested that maybe more than 12 units would be desirable, the Planning Board has never felt pressure from Tompkins County to increase the number of senior units and never to allow up to 30 units. As far as the wetland mitigation, that was something the developer applied for, it was never requested by the Planning Board. Schleelein feels it will be a big surprise if 30 units is presented to the Planning Board in the future.

Hartill stated that in the early days, there was a lot of pressure from one of the legislators who was also involved with the IDA process that felt that 12 units was not enough to grab this kind of

exception. Schleelein stated that the Planning Board never felt undue pressure when making their decisions, especially last year. Hartill stated that this was 6-7 years ago.

O'Rourke asked about the situation with the water main being dedicated to the Village on this parcel. She did not recall the subject of the Village taking over the water line ever coming to the Trustees at a meeting or even the Planning Board. Hardaway stated that he did not recall it either. O'Rourke stated that this is the first that she has heard of the Village taking over the water main on that parcel.

Courtney stated that on the plans they put a meter pit, which beyond the meter pit the Village would never take ownership. The plans have comments on them that say owned and operated and maintained privately. The review process is different for a privately owned water line as compared to a Village owned water main. If the developer wants the Village to take over the water main than the developer has to come up with a template. The Village would then sign a 348 Form, which is a State Health Department form. Then it would move on for an approval process. None of these things have ever been done. The water system is not designed to be taken over by the Village.

Goetzman stated that a year ago they asked for the road, water and sewer to be handed over to the Village. He claimed they could not do because they did not have a subdivision. The road was not accepted because it does not meet Village specifications. Each tax parcel can only have one water meter. Goetzman claimed that the system was designed and approved by the Tompkins County Health Commission. Goetzman assumed that if it is private or public it is all the same standards. Goetzman feels this water main is designed to comply with Bolton Point and the Village's requirements and they are looking for the engineer to sign off on it.

Courtney stated that it is designed for a private main distribution, not for public. Courtney agreed that they have qualified for a private distribution system, but the Village requires more if it is going to be a public system. There is a lot of things that the Village would do different that is not done in a private distribution system. Courtney stated that if they had intended to make this water main public, they should have made it very clear in the beginning. Goetzman stated that it has all been changed and submitted to the Village engineer. Courtney stated that it was just submitted last Friday and there are issues. Courtney also wanted to be clear that the Village did not accept the sewer on Stone Creek Drive, but they did take over the water lines.

Smith asked where this is leading to. Hartill stated that the Trustees need to decide whether we want to allow this area to be subdivided. If we decide to then it would have to satisfy all the Villages requirements for water lines infrastructure and Homeowner Association. It is a long path. If we allow them to subdivide, we have to accept the water lines so the infrastructure will need to be up to the Village's standards. We would also require easements. A 348 Form would need to be filled out and a new approval from Tompkins County Health Department would be required. The plan they submit would need to include the total buildout for the parcel.

Hardaway asked if subdividing the parcel automatically means that the Village must accept responsibility for these water and sewer lines. Hartill thought the answer is yes. It would have to be up to Village standards to accept. Courtney stated that there was a lot of stuff to be done before the Village could take over the water infrastructure. Hardaway also asked if the Village had to

accept the cost for all these changes in the designs, the process, the materials, and the construction of the lines. Courtney stated that the developer is responsible for all of that.

Simon feels that the Trustees need to know the future plans are for the development to help make a decision. Since it could be further complicated by any more development. Moll stated that he was surprised at the last meeting because he thought the 18 units was the max allowed. He was also surprised that potentially Eric is planning for future development.

Goetzman claims that the “build to line” allows him to come back to the Planning Board and build more. At that point they will have to follow the district regulations as it pertains to the site and what we can and cannot build. Courtney stated that the total build out is what has to be submitted to the County Health Department because that determines the water and sewer sizing. Typically, you include that in a one-track development.

One of the main concerns of the Trustees was that they do not know what the total build out is for full development of that parcel. No plans have been submitted to the Trustees to show what is planned. Only 18 units have been approved by the Planning Board, but it could be possible that up to 30 units could be built on that parcel.

Goetzman claimed that the water main design is 8” ductile iron to meet Bolton Point and Village standards. He also claimed that the two district regulation changes they are asking for do not build any more density. Schleelein questioned what Goetzmann meant by “cannot increase density” from what? There was no straight answer from Goetzman. He stated that you could build a 35-foot-high building and he does not know how many units you could get on there.

Schleelein does not feel the intent of the PDA has been fulfilled. All these minor changes have mounted up a terrible amount of energy, resources, money and time. Increasing the density beyond the 18 units that has already been approved does not fulfill the intent of the PDA regardless of what the district regulations allow. She feels this is segmentation. She and other residents would like to see the 18 units completed and not a bunch of senior housing crammed onto this small spot. Schleelein thinks the Planning Board has always thought home ownership is desirable.

Bold stated that the infrastructure is all engineered for a build out of 30 units.

Goetzman stated that they are asking for these two changes so that they can go forward with a subdivision so they can sell the units. Each parcel can only have one water connection, so a subdivision is necessary for each unit to have a separate water account.

Schleelein stated that not giving the total plan is very frustrating. It is hard to make a decision without knowing the full intentions. Bold stated that a full build out was presented to the Planning Board. Schleelein recalls a presentation that was unacceptable, but the Planning Board agreed to go forward with the 18 units. The Planning Board did not want to go any further with any more buildings.

Hartill stated that the most straight forward path is to have a public hearing. A proposal local law with the two requested changes will be created and then a public hearing can be set after that

resolution is accepted by the Trustees. Hartill asked Troy to draft a local law. If the Local Law is passed to approve the proposed changes, then the next step would be for them to go before the Planning Board and ask for a subdivision. The water line would have to be built to Village specifications.

Lansing Meadows Sidewalk Escrow

The next item on the agenda was to determine an escrow amount for a sidewalk along Oakcrest. Originally, the Planning Board wanted a sidewalk installed but they were willing to set up an escrow if Goetzmann did not want to build it at the time of construction. One of the final conditions on the approval was that the escrow account would have to be set up to install a sidewalk at a later date with an amount determined by the Trustees. Courtney has come up with an estimate for that public works project of \$123,212. This number was derived at from previous work in the Village with the help of TG Miller Engineers.

Goetzmann thought the estimate was high. Courtney explained that if the Village has to build the sidewalk it would be a public works contract and the Village would have to pay prevailing wage which increases the costs.

Resolution#6683- Set the Lansing Meadows PDA Sidewalk Escrow Amount to \$123,212

Hardaway motioned to set the escrow at \$123,212. Smith seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Patricia O'Rourke-Aye
Trust Simon Moll-Aye

Trustee Randy Smith-Aye
Trustee Ronny Hardaway-Aye

Mayor's Comments

Hartill stated that he was pleased to see the water line on Catherwood came out nicely. We are managing to keep all of our potholes full. The financial impact of COVID 19 has been painful but has not caused any big disruptions.

General Discussion

Smith asked Dake if she would be reporting on the NYCOM Training she attended virtually. Dake stated that she would give a report at the Thursday staff meeting. Smith stated that they have made a lot of progress with the lighting situation at Maguire Nissan.

Hardaway stated that he will email his observer notes of the last Planning Board meeting to the Trustees. He, Simon and Courtney have been working on Dart Dr. streetlights and it is proceeding nicely. Courtney is also negotiating and consulting with NYSEG on the streetlights.

Moll stated that he has given the proposed Village Tree Ordinance to the Planning Board. They will get their recommendations back to him before he brings it to the Trustees.

O'Rourke thanked Courtney for having the Town of Lansing come in to work on the culvert on the north side of Oakcrest Road. They brought in stones, but she wondered if something was going

to be done to the actual side of the road. Courtney stated that he would have the guys look at the area in the morning. They are working on Beckett Way Park tomorrow.

Motion- To Adjourn

Smith motioned to adjourn. Hardaway seconded the motion. A vote was taken:

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

Trustee Randy Smith-Aye
Trustee Ronny Hardaway-Aye

The meeting was adjourned at 8:51pm.

Jodi Dake, Clerk/Treasurer