

Bomax Rezoning Letters & Emails

Posted 11/3/16

This document consists of letters and emails received since the last posting on the Village webpage titled “Bomax Rezoning Documents Including 10/17/16 Meeting”. On October 17, 2016 the Board of Trustees held a Public Hearing on Proposed Local Law 3 (2016)- Amendment of the Village of Lansing Code/Zoning Law to Rezone an Existing and Undeveloped Portion of the Business and Technology District on Bomax Drive on the Westerly Side of Warren Road, and to Incorporate the Re-Zoned Area into the Adjoining High Density Residential District. No vote was taken that evening so that the Board could consider all information presented. The Board of Trustees will discuss Proposed Local Law 3 at their next meeting on November 7, 2016.

codeofficer2@vlansing.org

From: Marty Moseley <codeofficer2@vlansing.org>
Sent: Wednesday, October 19, 2016 9:11 PM
To: Jodi Dake
Subject: Fwd: Aprartments

Thank you,
Marty Moseley

Village of Lansing
Code, Zoning, and
Stormwater Officer

Sent from my iPhone

Begin forwarded message:

From: Roy Hogben <royhogben1@gmail.com>
Date: October 19, 2016 at 8:58:16 PM EDT
To: Marty Moseley <codeofficer2@vlansing.org>
Subject: Re: Aprartments

Thanks Marty. If my source is correct, and they may not be, you may be facing another rezoning request down the road.

Roy

On Oct 19, 2016 8:46 PM, "Marty Moseley" <codeofficer2@vlansing.org> wrote:

Roy,

I believe that the reference was to high density residential property being a small portion that could be developed and crystals spa and salon is located in the commercial low traffic district. Also, I am not aware of her plans at this point in time.

Thank you,
Marty Moseley

Village of Lansing
Code, Zoning, and
Stormwater Officer

Sent from my iPhone

Subject: RE: Village Tax Base Information Request
From: "Ronny Hardaway" <rjhardaway@yahoo.com>
Date: 10/20/2016 2:52 PM
To: <clerk@vlansing.org>

Thanks, Jodi. I just called Jay, and he will email me the information.

Ronny

From: Village of Lansing Clerk/Treasurer [mailto:clerk@vlansing.org]
Sent: Thursday, October 20, 2016 2:23 PM
To: Ronny Hardaway <rjhardaway@yahoo.com>
Subject: Re: Village Tax Base Information Request

Jay Franklin-TC Assessment 274-5517

On 10/20/2016 12:01 PM, Ronny Hardaway wrote:

Hi Jodi,

I am continuing my information gathering for the Bomax Drive rezoning decision, and I need some help with tax-base information related to the Village.

I would like to know the tax-base percentage for Village home owners versus Village businesses (not including apartment complexes.)

Do you have access to this tax-base ratio? If not, would you mind requesting it from the appropriate agency/department?

At your earliest convenience, would you please send the information to me, or point me to where I can find the information?

Thanks in advance,

Ronny

Subject: A timely article

From: Deborah Dawson <ithacadeborah@yahoo.com>

Date: 10/21/2016 11:24 AM

To: Don Hartill <dlh13@cornell.edu>, Ronny Hardaway <rjhardaway@yahoo.com>, Gerry Monaghan <gmonaghan22@mac.com>, John O'Neill <johnoneil5@aol.com>, "Patricia O'Rourke" <patithaca@aol.com>, Mario Tomei <tomei1225@gmail.com>, Michael Baker <bakerm82@gmail.com>, John Gillott <thegillotts@twcny.rr.com>, Lisa Schleelein <lschleelein@gmail.com>, Carolyn Greenwald <cbgreenwald@gmail.com>

CC: Jodi Dake <clerk@vlansing.org>, Marty Moseley <codeofficer2@vlansing.org>, David Dubow <ddubow@bgdmolaw.com>

[America is running out of apartments](#)



America is running out of apartments

Rental-apartment occupancy in the US reached 96.5% in the third quarter, according to RealPage.

Subject: Fwd: Bomax
From: Marty Moseley <codeofficer2@vlansing.org>
Date: 10/21/2016 5:22 AM
CC: Jodi Dake <Clerk@Vlansing.org>

Andy,

I believe that they are all located on the village website. If you don't see them there contact the Village Clerk, Jodi Dake, who I have CC'd on this email.

Thank you,
Marty Moseley

Village of Lansing
Code, Zoning, and
Stormwater Officer

Sent from my iPhone

Begin forwarded message:

From: Andrew Bodewes <abodewes@parkgrovelc.com>
Date: October 20, 2016 at 5:59:45 PM EDT
To: Marty Moseley <codeofficer2@vlansing.org>
Cc: "Thomas P. LiVigne" <TPL6@cornell.edu>
Subject: Bomax

Hi Marty,

Could we please have a copy of the documents that were submitted to the Village Board by Janet Jonson and the documents and petition submitted by her attorney?

Thanks.

Andy

ZONING

under consideration. Such notice shall state the nature of the relief sought, the time and place of the public hearing and such additional information as shall be required by the Zoning Officer. Such notice shall be mailed no less than five (5) days prior to the scheduled public hearing. Proof of such mailing shall be filed with the Board of Zoning Appeals prior to the holding of the public hearing. [Amended 3-5-1986 by L.L. No. 2-1986]

- C. Referral. The Board of Zoning Appeals, before taking final action on cases requiring a variance affecting real property lying within a distance of five hundred (500) feet from the boundary of any city, village or town or from the boundary of any existing or proposed County or State park or other recreation area or from the right-of-way of any existing or proposed County or State road or highway or from the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines or from the existing or proposed boundary of any County or State owned land on which a public building or institution is situated or affecting real property within five hundred (500) feet of the boundary of a farm operation within an agricultural district must refer the matter to the Tompkins County Planning Department for report and recommendation. If the County Planning Department fails to make report within thirty (30) days after receipt of referred matter, the Board of Zoning Appeals may act without the report. If the County Planning Department disapproves the proposal, or recommends modification thereof, the Board of Zoning Appeals may act contrary to a disapproval or recommendation only by a vote of a majority plus one (1) of the members thereof. The Board of Zoning Appeals must file a report of its action with the County Planning Department within thirty (30) days after the action is taken. If the Board of Zoning appeals acts contrary to a recommendation of modification or disapproval of a proposed action, the report shall set forth the reasons for the contrary action.⁴⁸
- D. Board of Zoning Appeals decisions. The Board of Zoning Appeals must decide on appeals or other matters referred to it within sixty-two (62) days after final public hearing.
- E. Fees. For appeal and/or application for variance, there is a fee of twenty-five dollars (\$25.). The fee is not refundable. [Amended 2-21-1989 by L.L. No. 1-1989]



§ 145-76. Amendments.

- A. Board of Trustees action. The regulations and provisions of this chapter may be amended, supplemented or repealed by the Board of Trustees after legal notice and public hearing as specified in this section.
- B. Planning Board review. Each proposed amendment, if initiated by any agency other than the Planning Board, must be referred to the Planning Board for review and recommendation thereon before the public hearing.
- C. Public hearing. The Board of Trustees sets the time and place for a public hearing on the proposed amendment and causes notice to be given as follows:

⁴⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Also, original Section 502.04d, regarding supplementary notice, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Greg & Cindy Young

47 Nor Way
Ithaca, NY 14850

► **Village of Lansing Attn: Don Hartill**
2405 Triphammer Rd
Ithaca, NY 14850

Don,

We are writing regarding the proposed zoning change to the area along Bomax drive and the proposed 140 unit apartment complex on the site. We are opposed to both the zoning change and the apartment units project.

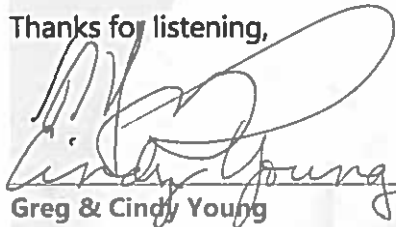
We moved to the greater Ithaca area a little over five years ago, and made two significant investments at that time. First, we bought a business, we own the P&C Fresh Markets in East Hill Plaza in Ithaca and in Riverside Plaza in Cortland. Second, we bought a home in Lansing. The Heights of Lansing development was in the mid development stage of Phase One and was exactly what we had been looking for. Our firm belief is that this proposed change is not only unnecessary, but puts our home investment at great risk.

Here are our primary concerns:

- The Heights of Lansing is scheduled to happen in three phases. In Phase Two and Three, there are certain amenities that are to be delivered and used by all of the property owners. It is our belief that the proposed apartment complex and it's adjacency to Phase Two would put any additional development of future Phases in serious doubt. This would be a detriment to the investment that all of the existing home owners have made.
 - The traffic projections that were done as part of the approvals for the Heights of Lansing assumed the potential of a commercial project on the proposed site and its' associated "twice a day" traffic patterns, but certainly did not take into account the impact of an additional 140 rental units. The additional cars and traffic when added to Phase Two and Three of the Heights of Lansing would be catastrophic.
 - The need to make the zoning change and build additional rental apartments seems unnecessary to begin with. In addition to the already multiple apartment complexes in the area, there is already a new apartment project under construction just a few miles away. The Village Solars apartment complex is in the process of adding 174 additional rental units with enough space to
-

- expand to 312 if demand and approvals are met. The stated target rental levels for the proposed Bomax project are pretty much equal. It not only seems unnecessary for the Bomax project to exist, but it could turn out to be a dud. The Village Solars is still expanding and they are far from full occupancy, why add more to an already crowded landscape?
- On the topic of landscape, this project would radically change the existing water runoff conditions as well as negatively impact the existing wildlife.
- The safety issues for the property owners in the Heights of Lansing as well as the Lansing Trails developments have grave concern as it relates to the proposed changes. Today, the area is safe for walking, cycling, running or children playing. If this project goes forward, it has the potential to turn a safe and valued area into a danger zone.

Thanks for listening,



Greg & Cindy Young

October 23, 2016

TO: Donald Hartill, Mayor
 Ronny Hardaway, Trustee
 Gerry Monaghan, Trustee
 John O'Neill, Trustee
 Patricia O'Rourke, Trustee

FR: Deborah Dawson

RE: Proposed Rezoning of Bomax Drive Parcel

I'm sure we all hope that this will be my last communication to you all on the issue of the Bomax rezoning. I had intended not to speak on this issue after the public hearing, but I feel duty-bound to address some of the remarks made and materials submitted at that hearing.

LEGAL OBJECTIONS MADE BY KHANDIKILE SOKONY, ESQ.

To coin a phrase, zoning a spot is not "impermissible spot zoning."

Ms. Sokony, an attorney representing IJ Construction and its principals, asserts that rezoning the Bomax parcel would constitute "impermissible spot zoning" because (1) the rezoning was not included in Local Law 1, and (2) the rezoning was requested by Park Grove Realty.

Ms. Sokony argues that, if the Bomax rezoning was necessary and appropriate, it would have been included in Local Law 1, which rezoned the commercial districts of the Village to add a Commercial Medium Traffic District. Sokony states that, "[i]f there was a need to re-zone the Business and Technology District (BTD) zone to High Density Residential (HDR) one would imagine that would have occurred or would have been brought up during that process." This aspect of Ms. Sokony's argument ignores the limited scope of Local Law 1, and its legislative history. As stated in the Minutes of the February 1, 2016, meeting of the Board of Trustees, at which the law was passed:

Dubow explained that this Proposed Local Law is *mostly the result of several years worth of work driven by the review of the Commercial Low Traffic (CLT) and Commercial High Traffic (CHT) Districts* resulting in a new Commercial Medium Traffic (CMT) District.

* * * *

Hartill added that another motivation was that much of that commercial property has been vacant for a long time. Mario stated that *this change has been a 2 year process*. The motivation was 10 years ago. Leopold stated that she felt *it was a long process* that was well done. [Emphasis added.]

These minutes accurately reflect the facts that the rezoning provisions incorporated in Local Law 1 were limited to the Village's commercial districts and had been in the works for a long period of time. In fact, the genesis of the commercial district rezoning predated the adoption of the new Comprehensive Plan. Nevertheless, gradual transition zoning is a marked preference in our Village: it is modeled in Local Law 1, and explicitly stated in our Comprehensive Plan (*see* Comprehensive Plan, p 25, Planning for Character, Quality, and Sustainability, third and fourth bullet points).

I am aware of no legal requirement that every change to a municipality's zoning laws passed during a single legislative session must be included in a single law. Moreover, I am not aware of any precedent that holds that a rezoning decision is impermissible solely because it has been requested by a private party. The court in *Kravetz v. Plenge*, 84 A.D.2d 422, 430 (4th Dep't 1982), held that the adoption of a zoning amendment at the instance of someone who would financially benefit from the rezoning does not necessarily mean that the result is impermissible spot zoning. The guides to zoning law that are put out by the State of New York and the New York Planning Federation are replete with references to cases and examples involving zoning changes made at the instance of private landowners who would benefit from the change. None of them suggest that the source of the rezoning request, without more, makes the rezoning impermissible.

Our Supreme Court defined spot zoning as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners [citations omitted]," and condemned it as "the very antithesis of planned zoning." *Rodgers v. Village of Tarrytown*, 302 N.Y. 115, 123 -124 (1951). That definition does not apply here: rezoning the Bomax parcel to HDR would be totally consistent with the residential zoning of contiguous properties to the west and south, and is entirely consistent with numerous provisions of our Village's Comprehensive Plan.

The written record establishes that the Planning Board considered the Comprehensive Plan and the appropriate objective criteria – including the housing needs of our Village and County – in making its recommendation with respect to rezoning the Bomax parcel.

Ms Sokony contends that her "review of the file, [stet] reveals that rather than focus on objective criteria in assessing this proposed re-zoning and recommending it to the Board of Trustees, certain Planning board members were dismissing the concerns raised by the neighbors as 'blatant NIMBYism.'" That argument conflates the Planning Board's evaluation and recommendation process with the reactions of "certain members" to the objections of Lansing Trails residents made weeks later. Moreover, it ignores two intervening and very public statements of at least one Planning Board member's reasons for recommending the rezoning.

As you all probably recall, Park Grove's rezoning proposal was presented to the Board of Trustees and the Planning Board at a joint meeting on July 18, 2016, at which time the Trustees referred the proposal to the Planning Board for evaluation and recommendation. The Planning Board's favorable recommendation came out of its July 26 meeting. The Board of Trustees began consideration of the

rezoning at a meeting on August 15, but did not set the proposal for public hearing. I personally disagreed with the wisdom of delaying public hearing, and I read a statement at the August 30 Planning Board meeting, asking the members to urge the Trustees to move forward with public consideration of the rezoning proposal. (I submitted the written statement to Marty Moseley for inclusion in the meeting minutes, which have not been approved yet.) In that statement, I listed some of the factors that went in to the Planning Board's evaluation and recommendation:

This Planning Board considered the rezoning proposal at its July 26th meeting. This Board considered the relative impact of light industrial development vs. high density residential development on the parcel in question – which is the proper inquiry raised by the proposal. We considered that the proposal would result in “downzoning” the area. We considered that the rezoned acreage would provide a HDR buffer zone between the BTD area along Warren Road and the MDR area of Lansing Trails – which is consistent with our Village's Comprehensive Plan and our current zoning laws. We considered that the proposed development, which would include open areas, trails, a swimming pool and clubhouse, a pond, and a community garden, would be far more aesthetically pleasing than an industrial building surrounded by parking lots. We considered the traffic study submitted by Passero Associates, which indicates that the additional traffic created by a 140-unit apartment development would be considerably less than the traffic created by a business of the size that could be built on the parcel subject to the rezoning proposal. We considered that the parcel in question had been vacant for years, generating minimal tax revenue to the Village, Town, and County; that a business developer would be apt to ask for a tax abatement to build there; and that Park Grove was requesting nothing, other than the rezoning. We whole-heartedly recommended that the Board of Trustees adopt the proposed rezoning.

On September 1, Planning Board Member Lisa Schleelein received a letter to the Planning Board members, addressed to Schleelein at the Village office. The letter objected to the rezoning, included some factual inaccuracies as the basis of that objection, and vaguely threatened to form a “Hamlet of Lansing” if the rezoning passed. It was submitted anonymously, by a “Concerned Citizen of Village of Lansing.” On September 6, 2016, I submitted a response for publication in the Lansing Star, which appeared in the September 9 issue and can be accessed in its entirety at <http://www.lansingstar.com/opinions-archive/13025-an-open-letter-to-one-concerned-citizen-from-another>. In that letter, I explained my reasons for recommending the rezoning proposal as follows:

- The rezoning would “downzone” the property in question: a residential complex would have considerably less impact on the surrounding natural and built environments than would an industrial development.

- A residential development on the parcel in question would provide a buffer zone between the businesses along Warren Road and the homes in the Lansing Trails and Heights of Lansing developments.
- The proposed development, if and when it were approved and built, would be aesthetically superior to an industrial facility.
- The proposed development would be entirely consistent with the goals of our Comprehensive Plan. It would provide smaller units for singles, couples, and small families, at a walkable distance to jobs in the Business and Technology Park and retailers and restaurants along the North Triphammer Corridor. Although the rents would not be inexpensive, it would provide downsizing seniors with an option to live in a multi-generational apartment community with more affordable rents than those available elsewhere in and near our Village.
- The proposed development would produce much needed property tax revenue for our Village. While a business developer would be apt to ask for a tax abatement to build here, the developers who are proposing this apartment complex are asking only for a rezoning to allow them to proceed.
- Finally, there's a critical housing shortage in Tompkins County, particularly in and around the City of Ithaca. Our county is also experiencing a decline in sales tax revenues in areas outside the City of Ithaca. I can't help but think that adding 140 households within walking distance of our Village business district would be a step in the right direction with respect to both of these problems.

On September 17, IJ Construction sent out a letter to Lansing Trails and Heights of Lansing residents, urging them to attend the October 19 meeting of the Board of Trustees and to make their objections to the rezoning heard. On the same day, three officers of the Lansing Trails Homeowners Association sent an email of similar content to the Association's members. These communications were forwarded to the Trustees and the Planning Board members on September 18. On that same day, I sent an email urging Planning Board members to attend the meeting and defend our recommendation. Ms. Sokony quotes a portion of that email, specifically, my statement that resistance to the rezoning proposal was being "stirred up" by IJ, Janet Johnson, and the three officers of the LTHA (who also happen to comprise a quorum of our Zoning Board of Appeals). After hearing the remarks and observing the behavior of the Lansing Trails residents who appeared at the September 19 meeting in response to IJ's letter and the LTHA email, I told those residents that what I was hearing from them was that we needed more homes and apartments, but that they did not want them in their backyard. Earlier that day, I sent you all a memorandum in which I expressed my concern that, by delaying the public hearing, we had "enabled a groundswell of NIMBYism among Lansing Trails residents to hijack public debate on the proposed rezoning . . ." I neither retract nor apologize for that statement.

I have belabored the foregoing chronology in order to illustrate that the Planning Board's evaluation of the rezoning proposal predated by several weeks the remarks upon which Ms. Sokony attempts to base an argument that our evaluation lacked objectivity or failed to consider the proper criteria for decision. I refer you, and Ms. Sokony, to the above-quoted statements, one made on the public record on August 30, 2016, and another published in the Lansing Star on September 9, 2016, to

resolve any questions as to the reasons for my recommendation or anyone else's on the Planning Board..

OBJECTIONS OF IJ CONSTRUCTION AND ITS PRINCIPALS

In its September 17 letter to Lansing Trails and Height's of Lansing residents, IJ Construction cites "numerous issues of traffic, safety, privacy, and environmental impact" relating to the zoning proposal:

- "To suddenly add 140 units with one big concentrated development will double the local traffic and spread it over the entire day rather than the once in once out Business & Technology traffic."
- "[I]t will devalue all of our property values bringing the inevitable 24/7 noise and nuisances associated with a transient population not invested in the neighborhood."
- Because a stream was diverted at some point from the middle of the Bomax parcel to south of the sewer easement shown on a 2008 map, "a full environmental study of the site including wetland delineation and preliminary sizing of stormwater facilities to see what land is appropriate for development is in order before moving to a rezoning consideration."

A September 18 submission by Lawrence Fabbroni, representing IJ Construction and its principals, expands on these themes:

- "Traffic, thought it may be less peaked than Business and Technology uses, will more than double the all day everyday local traffic in the Janivar neighborhood"
- Rezoning "can easily lead to a problematic transient unmanaged population with all day traffic and noise nuisances . . ."
- "The wooded nature and former stream should demand a full wetlands delineation and environmental impact statement along with at least a preliminary storm water plan to ascertain whether the project is even suitable for this site irrespective of aforementioned inappropriate rezoning."

IJ's bare assertions about the traffic impact of the rezoning must be evaluated in light of the Traffic Study submitted with Park Grove's proposal (which has been discussed extensively elsewhere) and the materials provided by the NYS DEC for evaluating traffic levels for SEQRA purposes. Their concerns about problematic unmanaged transients who will cause ceaseless noise and nuisance reflect nothing more than an outdated and inappropriate prejudice against people in our county who cannot afford to buy a home in today's market – or choose not to. Their assertion that a full wetland delineation, EIS, and storm water plan must be performed before rezoning seems to me to put the cart before the horse. At this point, we are evaluating a zoning change, not a specific site

plan. Until we have a specific site plan, it will be impossible to do the kind of evaluation that IJ and Fabbroni suggest is necessary – and there will not be a specific site plan until the parcel is rezoned.

Finally, the objections interposed by IJ and its principals must be evaluated in light of the financial interests that they perceive to be threatened by the rezoning proposal. That this is the crux of the matter is evident in the evolution of the communications submitted by IJ, *et al.* IJ's September 17 letter refers only to "all of our property values." Mr. Fabbroni's submission includes a threat that IJ, *et al.* "will seek restitution of their expenses [for site improvements and road connections] at current day values" if the rezoning is approved. In her October 17 letter, Ms. Jonson emphasizes the "severe price" she and her family have paid to develop the Lansing Trails and Heights of Lansing developments – the "enormous cost" of infrastructure, the costs of construction, and the taxes on the undeveloped lots – and how "[t]hese sums have pretty much consumed any profit." She goes on to argue that it is unfair that her business and her family should have borne these costs only to have the improvements they made redound to the benefit of an apartment developer, rather than a business.

I respect Ms. Jonson's concerns about IJ's financial interests – it's her job to worry about them. It is *not* yours. More to the point, it is difficult to see how IJ has been unfairly treated. The infrastructure requirements imposed on IJ's development have not been arbitrary or capricious. That they have evolved over the life of the project reflects the decades over which the development has been – and continues to be – under construction. Moreover, all developers are required to build infrastructure for new communities in our Village, and, eventually, they almost always dedicate that infrastructure to the Village. This is not a donation: rather, it relieves the developer of the obligations to pay taxes on the infrastructure, and to maintain it. As a result, it becomes public infrastructure, available for public use. To date, IJ and the residents of Lansing Trails and Heights of Lansing have been the primary, if not sole, beneficiaries of the streets in and near their development, but they have no reasonable expectation that they should continue to enjoy almost exclusive use of public streets in their neighborhood for the indefinite future.

OBJECTIONS OF LANSING TRAILS/HEIGHTS OF LANSING RESIDENTS

Will home values "plunge?" Among the myriad objections raised by Lansing Trails residents, there are a few which appear with regularity. A major one is the assertion that the rezoning would cause a diminution of their property values. There is no empirical evidence to support this assertion. It appears to be based on the opinion of a Lansing Trails resident who is also a real estate agent, but her letter cites no supporting data, empirical, anecdotal, or otherwise. In his remarks at the opening of the public hearing, Mayor Hartill alluded to the lack of evidence on this point. Nevertheless, the consensus of the Lansing Trails residents has remained unchanged since September 17, when the LTHA officers' email warned that "the value of homes in our neighborhood will definitely plunge if this project materializes."

When and how should environmental impact be assessed?

The September 17 email also asserted that “[a] full environmental study of the site including wetland delineation and preliminary sizing of storm water facilities to see what land is appropriate for development is in order before moving to a rezoning consideration.” These assertions have since appeared in almost every objection submitted by Lansing Trails residents. However, it is my understanding that wetland delineation, storm water planning, and related site-specific environmental inquiries can only be made if and when the Planning Board has before it an application for site plan approval – whether the site is zoned BTB or HDR. If those inquiries indicate that a full EIS is warranted, then that EIS will be conducted at the developer’s expense. At present, however, the Trustees can only evaluate the environmental impact of the zoning change itself, without reference to a specific site plan – because there isn’t one.

What about the buffer strip?

Village Code Sec. 145.24.A. requires that there be a buffer strip wherever residential zones abut other types of zones. The buffer strips are required to be located on the non-residential zoned properties that abut residential zoned properties. Sec. 145-24.C requires that the buffer zone between a residential and a Business and Technology District property be 150 feet wide. It appears that IJ Construction counted on this buffer strip in planning to build a section of its townhouses (at the southeast corner of Bomax and Nor Way) close to their eastern lot lines, effectively using the buffer on the Bomax parcel to increase the perceived size of those townhouses’ back yards. Unfortunately, if the Bomax parcel is rezoned to HDR, the buffer strip would no longer be required.

Although this issue would affect 8 or 9 as yet unbuilt townhouse units at most, it has been raised as an objection by very nearly every Lansing Trails 1 resident who has filed a written opposition to the rezoning proposal. Their concern can be traced to the September 17 LTHA email, which stated:

There is also concern with the statement that a 150-foot [strip] buffer would be eliminated. Does that mean that all buffers in our neighborhood can disappear at the whim of the Trustees? It seems that a buffer is a lifetime buffer.

No current Lansing Trails or Heights of Lansing resident will be affected by this issue. The manner in which it was inserted into the debate, and the enthusiasm with which it has been taken up by the residents, clearly illustrate that emotion – and not reason – is motivating much of these residents’ opposition to the rezoning. Park Grove has already *voluntarily* modified its concept plan to move the building originally sited on the westernmost end of its development, thereby reestablishing the 150-foot buffer zone behind the townhouses planned for the southeast corner of Bomax and Nor Way. Had more of the Lansing Trails residents attended the informational meeting presented by Park Grove on October 11, they would have learned that this particular concern can be, and probably already has been, easily addressed. In any event, I seriously question whether any of the current residents of Lansing Trails/Heights of Lansing have standing to raise the issue.

How much will traffic increase?

Without exception every Lansing Trails/Heights of Lansing resident has expressed concern about the increased traffic that would result from rezoning the Bomax parcel from BTM to HDR. When confronted by the Traffic Study submitted by Park Grove, they simply refuse to accept its findings, and argue that, based on their experience, it must be wrong. Specifically, they refuse to accept the finding that approximately 80% of traffic in and out of any development on Bomax drive would drive straight out Bomax to Warren (with its easy access to Rte 13 and Triphammer Road), rather than wend its laborious way through the curves, turns, and overly-abundant stop signs of the Lansing Trails/Heights of Lansing streets. This despite the acknowledged fact that one goal of the neighborhood's street design was to discourage through traffic.

The relevant comparison is, of course, the traffic volume increase if a BTM development was built on the Bomax parcel vs. the traffic volume increase if an HDR development was built there. The Park Grove Traffic Study indicates that the traffic volume increase would be less under HDR zoning. In the absence of a traffic study, the NYS DEC's rule of thumb is that a 150-unit apartment complex generates the same amount of traffic volume as a 180,000 square foot light industrial development. At worst, then, the rezoning would have no impact on the increase in traffic volume if and when something is built on the Bomax parcel.

Will it be safe to walk?

A recurring objection from Lansing Trails and Heights of Lansing residents is that increased traffic will create safety hazards for neighborhood walkers. Although the NYS DEC advises that an apartment complex of less than 150 units does not create "a substantial increase in traffic" for purposes of the Environmental Assessment Form required by the State Environmental Quality Review Act (SEQR), I sympathize with the residents' safety concerns. As a member of the Planning Board, Secretary of the Greenway Committee, a walker, and a long-time proponent of building sidewalks in our Village, I would favor addressing these concerns as part of a long-term plan to build sidewalks in our Village's residential neighborhoods, starting with Lansing Trails. However, Lansing Trails residents should be aware that such an undertaking would reduce the size of their front yards, and impose an obligation on each homeowner to shovel and/or de-ice their sidewalks as the weather requires.

Not in My Backyard

The residents of Lansing Trails have been the fortunate beneficiaries of the long time lapse between the development of Lansing Trails 1 and the development of anything else around their homes. Even the small portion of Lansing Trails 2/Heights of Lansing that has been developed has been built at a considerable distance from Lansing Trails 1. Consequently, the Lansing Trails 1 residents have enjoyed a gated community lifestyle with public infrastructure, the maintenance of which requires no payment from them beyond their Village taxes. Apparently, these residents believe that their current fortunate circumstances should remain unchanged, no matter what changes occur in the surrounding community.

It is evident from comments and written submissions from Lansing Trails/Heights of Lansing residents that their objections are based on a comparison of the currently undeveloped parcel with an apartment complex that one of them has described as a “monstrosity.” They can easily argue that they would prefer a BTD development, because they feel reasonably certain that there will never be a BTD development on the site. After all, there hasn’t been one built for 30 year, and Cornell has clearly abandoned the notion that there will be one built in the foreseeable future. The residents of Lansing Trails and the Heights of Lansing simply don’t want anything built on the Bomax parcel.

To the extent that Lansing Trails residents acknowledge a need for additional apartment housing in Tompkins County, they ask, “why does it have to be in our Village?” To the extent that they acknowledge the need for additional apartment housing in our Village, they ask, “why does it have to be next to us?” Ms. Bonniwell has stated that there are plenty of apartments going up in the Town of Lansing, and people who need apartment can just as well move out there. Mr. Fabbroni’s September submission to the Trustees even included maps showing how Park Grove’s concept plan could be sited on other MDR parcels in the Village. These statements and sentiments have been echoed by Lansing Trails/Heights of Lansing residents in oral and written statements to the Trustees. I continue to believe that they are the very definition of NIMBYism.¹

A PERSPECTIVE FROM OUTSIDE OF LANSING TRAILS

At the public hearing on October 17, one Lansing Trails resident suggested that we have conflated County housing needs with Village needs. It is easy to say that Tompkins County’s housing shortage is not the Village’s problem. However, the Village is not a closed system. It exists within the context of larger communities – the Town of Lansing, the Ithaca “metropolitan” area, and Tompkins County. And the needs of those communities must be considered in this rezoning decision. In *Berenson v Town of New Castle*, 38 N.Y.2d 102, 110-111 (1975), the New York Supreme Court wrote:

There must be a balancing of the local desire to maintain the status quo within the local community and the greater public interest that regional needs be met.

Although we are aware of the traditional view that zoning acts only on the property lying within the zoning board’s territorial limits, it must be recognized that zoning often has a substantial impact beyond the boundaries of the municipality. Thus, the

¹ Collins English Dictionary (2012 Digital Edition, defines NIMBYism as a noun/acronym meaning: “not in my back yard: a person who objects to the occurrence of something if it will affect him or her or take place in his or her locality.”

Wikipedia defines NIMBYism as a “characterization of opposition by residents to a proposal for a new development because it is close to them (or, in some cases, because the development involves controversial or potentially dangerous technology) often with the connotation that such residents believe that the developments are needed in society but should be further away.”

court, in examining an ordinance, should take into consideration not only the general welfare of the residents of the zoning township, but should also consider the effect of the ordinance on the neighboring communities.

As a resident of the Tompkins County, I realize we have a problematic housing market, driven primarily by our large and relatively well-heeled student population. Historically, that population has created a uniquely low vacancy rate in Tompkins County. Nationally, vacancy rates generally hover around 6%. Locally, vacancy rates have been around 2 to 3%; as of February 2016, the overall vacancy rate for apartment complexes in Tompkins County was only 1.8%. Local apartment owners regard this as “normal.” Their financial planning (property acquisition, maintenance, upgrades, and pricing) is based on that “normal.” The vacancies that are occurring now are the result of the recent increase in apartment development in College Town and other areas nearer Cornell have started to draw undergraduate renters away from apartment complexes here in the Village.²

Perhaps the recent and unprecedented uptick in vacancies will provide an incentive for our local apartment complexes to undertake maintenance and upgrades that have been deferred. Meanwhile, our Village provides few meaningful options for renters, who are welcome to their choice of Gaslight Village, Kensington, Lansing West, Northwood, The Meadows, Triphammer Apartments (formerly Chateau Claire), Uptown Road, Uptown Village, University Heights. They may take their pick from among these aging developments, all of which suffer from varying degrees of deferred maintenance. That these apartment complexes have vacancies does not mean that the Village does not need more and better rental housing options, especially for non-students.

The residents of Lansing Trails are not the only Village residents who “vote and should be ‘listened to.’” Nor are they the only Village residents who pay taxes. According to Jay Franklin, Tompkins County’s Director of Assessment, single family homes constitute only 34% of the Village’s property tax base. (The remainder is 31% commercial, 15% apartments, and 20% “other” [undeveloped land].) Estimating in Lansing Trail’s favor, its homeowners may represent 10% of the Village’s tax base. Estimating very generously, IJ’s undeveloped acreage may represent another 5%.

So the question I ask you is, why should the taxpayers who own the other 85% of the taxable property in the Village be subsidizing one neighborhood’s preferred lifestyle? Why should that 85% pay to maintain Lansing Trails’ infrastructure, if Lansing Trails residents can veto neighboring development because they don’t want more people using their public streets? Or if they can dictate whose waste should be allowed to run through their public sewer pipes? Or if they can block development that would bring in more households to patronize local businesses? Why should all Village taxpayers pay more while the Bomax parcel remains undeveloped, generating only a fraction

² Although the County-wide vacancy rate is 1.8%, the vacancy rates for older apartment complexes, particularly those completed in the 1970’s, is 2.9%. One might assume that this is because there is a ready supply of newer and more appealing apartment options. Most of the apartment complexes in the Village fall in this category.

of the revenue that it could, just so that Lansing Trails residents can enjoy an additional “natural area” in proximity to their homes? And why should any Village taxpayer pay in any way to insulate IJ Construction, or any of the apartment complexes that currently exist in the Village, from the competition that a new apartment complex would create?

Thank you for your consideration.

cc: Mario Tomei
Michael Baker
John Gillott
Lisa Schleelein
Carolyn Greenwald
Jodi Dake
Marty Moseley

Subject: Tompkins County Business Park- Warren Road Area

From: <codeofficer2@vlansing.org>

Date: 10/25/2016 11:36 AM

To: "Don Hartill" <DLH13@Cornell.edu>, "Ron Hardaway" <rjhardaway@yahoo.com>, "Patricia O'Rourke" <patithaca@aol.com>, <johnoneil5@aol.com>, "GERRY MONAGHAN" <gmonaghan22@mac.com>

CC: "Jodi Dake" <clerk@vlansing.org>, "Brent Cross" <bcross@cayuga-heights.ny.us>, "Carolyn Greenwals" <cbgreenwald@gmail.com>, "David Dubow" <ddubow@bgdmolaw.com>, "Deborah Dawson" <ithacadeborah@yahoo.com>, "John Gilliott" <thegillotts@twcny.rr.com>, "Lisa Schleelein" <LSchleelein@gmail.com>, "Michael Baker" <bakerm82@gmail.com>, "Patricia O'Rourke" <patithaca@aol.com>, <TOMEI1225@gmail.com>

To All,

I was provided this article about a possible business park near the airport/ Warren Road area and thought that all of you would like to review it as well, in light of the Village Business and Technology District re-zoning topic. There is a link embedded in (<http://ithacavoices.com/2016/10/hard-truths-tompkins-new-business-park-study/>) the article that is tied to a feasibility study for these types of uses for a business park.

Thank you,
Marty Moseley

Code Enforcement,
Zoning, and Stormwater
Management Officer to:
The Village of Lansing
2405 North Triphammer Road
Ithaca N.Y. 14850
Office: (607)257-8363 ext.3
Fax: (607)257-3230
Cell: (607)227-3514

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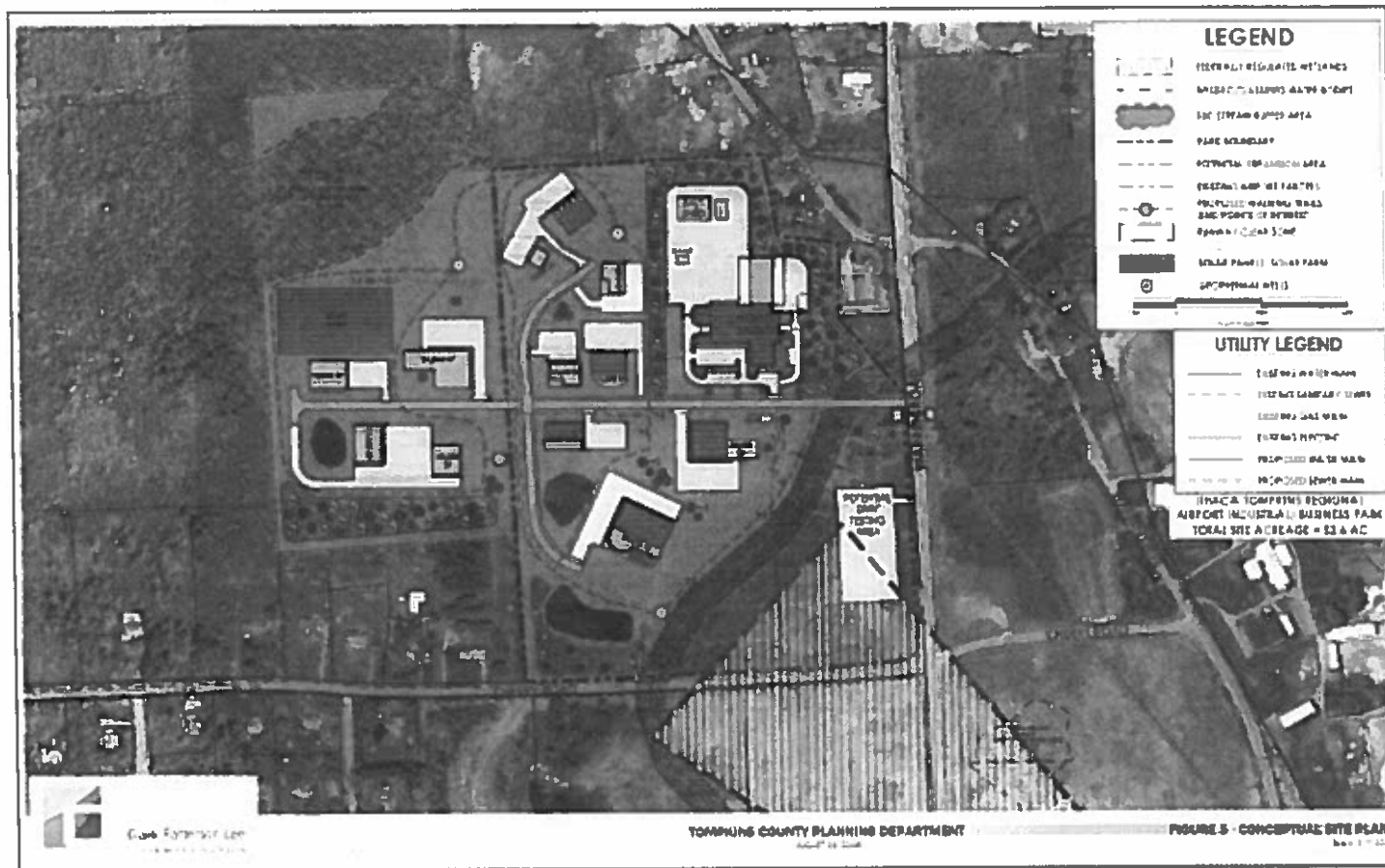
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Some hard truths in Tompkins' new business park study

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ITHACA, N.Y. -- An alternative title for this piece would be, "Why there's so little demand for new office and business space in Tompkins County".

Back in February, the county legislature, at the request of the Planning Department, awarded a \$35,000 contract to Camoin Associates and design firm Clark Patterson Lee. The purpose - to determine the feasibility of an airport business park on county-owned land located at the corner of Warren Road and Cherry Road in the town of Lansing, slightly northwest of the airport itself. The results of that study have now been published and made public ([http://www.tompkinscountyny.gov/files/planning/county_operations/Airport%20Business%20Park%20Report%20\(8\).pdf](http://www.tompkinscountyny.gov/files/planning/county_operations/Airport%20Business%20Park%20Report%20(8).pdf)).

The 89-page document can be found here ([http://www.tompkinscountyny.gov/files/planning/county_operations/Airport%20Business%20Park%20Report%20\(8\).pdf](http://www.tompkinscountyny.gov/files/planning/county_operations/Airport%20Business%20Park%20Report%20(8).pdf)). The study looks at three parcels of land - the first phase of the potential business park, which would be about on two parcels totaling 53 acres, and a third plot of land to the west with about 30 acres. Due to wetlands to the northwest and a stream buffer, just over 70 acres would be developable.

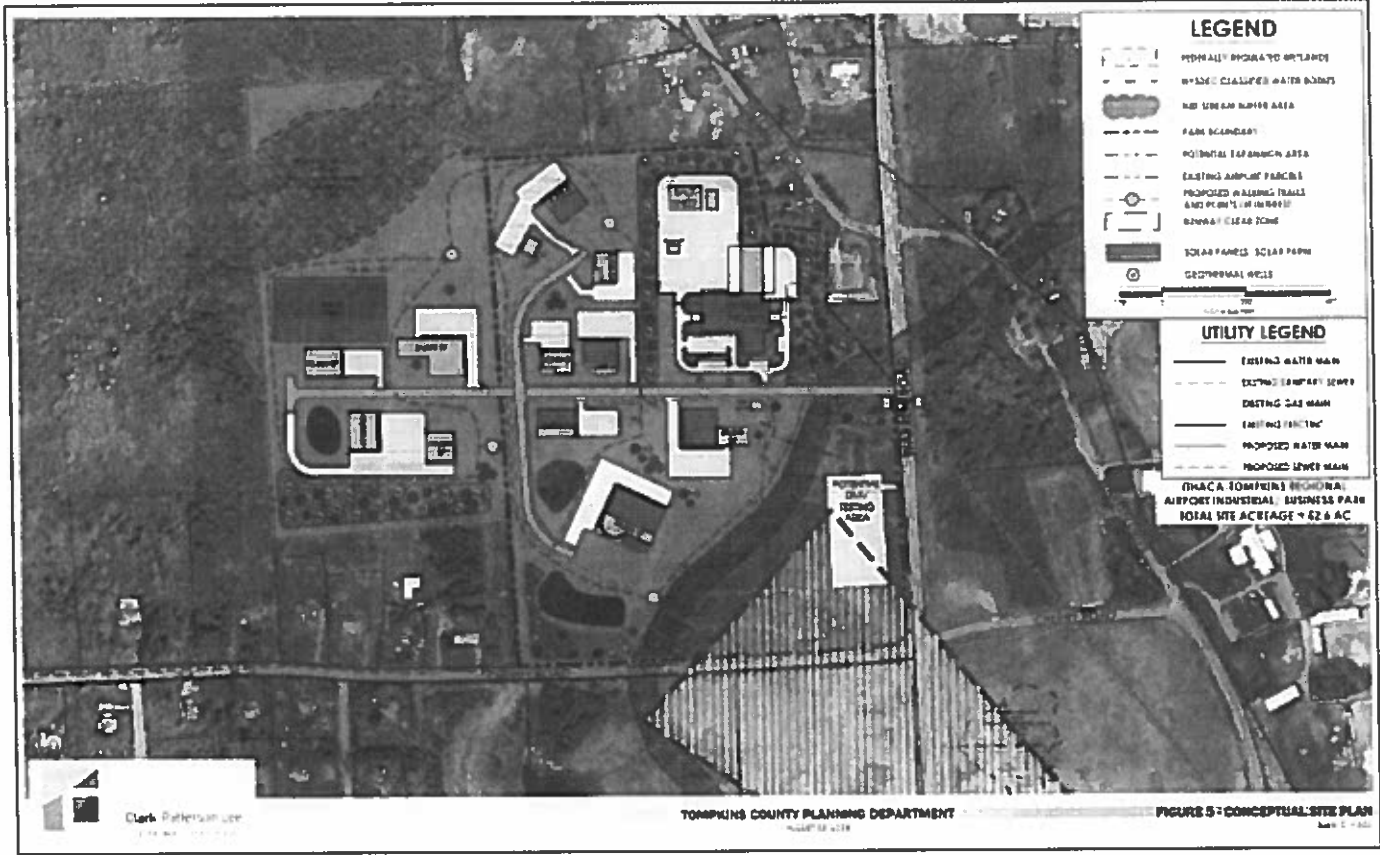
On the balance, development would be a mixed bag. Most of it is already zoned business/industrial by Lansing, so that's not a big problem.

The soils have trouble draining in spots, so it would be need retention ponds. The

↑

Federal Aviation Administration (FAA) would have to review site plans due to its proximity to the airport, and the area under the runway path aloft prohibits structures below (the Department of Motor Vehicles (DMV), however, notes that the land could be used as a vehicle testing area).

Available natural gas has been tapped out, but geothermal heat pumps and solar panels are feasible alternatives. There would be development challenges, but nothing insurmountable.



(http://ithacavoiced.com/wp-content/uploads/2016/10/airport_business_park_study_1.png)

One of the two key takeaways is that the NYS DOT wants to relocate their waterfront facility here. This would be a part of those grand waterfront

redevelopment plans (<http://ithacavoiced.com/2015/10/what-should-be-done-with-prime-tompkins-waterfront-site/>) - spark notes version, they find a developer willing to pay for the new 56,000 square-foot facility they want here (construction cost \$8.1 million, \$798,600 for infrastructure improvements), move here, turn the land over to the county, county sells to developer, developer builds their waterfront apartments/condos/whatever gets approved.

What this means for the land they bought a decade ago on Enterprise Drive in Dryden village is anyone's guess - all we know is that it will no longer host their new facility.

Takeaway number two - the DOT would be just about the only ones gung-ho about moving here. Frankly, the market for new business park space just isn't there. The county would invest over \$830k to make the site "shovel-ready," by putting in the sewer and water mains, the roads and the bike lanes, but that won't create demand.

Which is exactly the issue examined in the study. It's not that the local vacancy rate for office space is really high - it's actually around 5%, and the Ithaca area is considered a healthy market. But the type of businesses that would most likely move to a business park - manufacturers, tech firms, corporate office functions - aren't fast-growing industries in Tompkins County. Plus, they have plenty of other options.

Let's explore that topic real quick - the big growing industries in Ithaca and Tompkins County, the ones adding thousands of jobs over the past decade (http://data.bls.gov/timeseries/SMU362706000000000001?data_tool=XGtable), are healthcare, education, hospitality, and some non-profits and technology firms, including startups. Now there's the thing - a place like Cornell or Cayuga Medical Center is just going to renovate or add space on their existing property.

ARTICLE CONTINUES BELOW





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Hotels want to be where the people want to be, which usually isn't an airport industrial park. Tech and research space is fickle - it's often built to suit, and most startups are "asset light (https://www.bcgperspectives.com/content/articles/business_unit_strategy_value_creation_growth_when_asset_light_is_right/?chapter=2)", meaning they have very small physical presence until well after they're established and firmly in growth mode.

In addition to those traits, existing companies rent existing space or build as needed, and very few manufacturers or back-office type functions move in from outside the area. Most of the companies that do grow here, do so with small, incremental amounts - they don't need big new buildings in sprawling office parks. Also, as Tompkins Financial has demonstrated, the trend towards urban areas (<http://ithacavoiced.com/2015/04/tompkins-trust-company-building-7-story-hq-downtown-ithaca/>) doesn't do these suburban plans any favors.

(http://ithacavoiced.com/wp-content/uploads/2016/10/airport_business_park_study_2a.png)

We've seen this come up as an issue before - Harold's Square, which is just starting site preparation this fall on the Commons, languished for years after approval because it had four floors of office space and a lot of troubling securing prospective tenants (<http://ithacavoiced.com/2016/08/revised-harolds-square-seeks-city-approval/>). Fortunes improved after the plans were revised to convert three of

New Supply of Office Space	
Location	SF
Cornell Business and Technology Park	
Available Development Pads	70,000
South Hill Business Campus	
Existing Vacant Space	24,500
Future Development	197,000
Chain Works District	
Phase 1	83,000
Phase 2	186,000
Downtown Ithaca*	
Existing Vacant Space	25,000
Harold's Square Development	14,000
Chemung Canal Bank Space	12,000
Total (excludes other existing vacant space)	611,500
New Demand for Office Space (2025)	
Projected Demand from Office-Utilizing Industries	204,000
Future Oversupply of Office Space	407,500

*Excludes space to be vacated by Tompkins County Trust Company, square footage figures not available

those four floors to apartment units, for which the local market is very strong.

Even then, with Harold's Square, the South Hill Business Campus, space left available when Tompkins Financial moves into its new HQ, the Chain Works District, and the Cornell Business Park right next to the airport, there could quite possibly be over 600,000 square feet of business space available or potentially available to a prospective tenant in the greater Ithaca area.

The estimate for new office space needed over the decade is about 204,000 square feet. With this disparity, a new business park would be behind the proverbial eight ball, a tough sell. For what it's worth, the document notes that, should a company be interested, the development costs per square foot are in an acceptable range for most financial lenders.

Tompkins County might be a place with deep housing deficit, but if this report is any indication, when it comes to business space, it's the complete opposite. To the prospective builder, here's some advice - fewer breakrooms, more bedrooms.





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Brian Crandall reports on housing and development for the

Ithaca Voice. He can be reached at bcrandall@ithacavoic.com.

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To the Mayor, Village Trustee's and Planning Board
Village of Lansing, Tompkins County, New York

October, 2016

I desire to put this position on the record. I oppose the proposed re-zoning project on Bomax in the Village of Lansing. We urge the Mayor and Trustee's to disapprove the proposed local law amending the zoning to allow the ~140 apartment project on Bomax and I urge the Planning Board to deny any site plan approval for the project and ask the Planning Board to revoke any recommendations it has already made for the project. I oppose the proposed local law amending the zoning law and further feel the environmental impact of the project is significant for many reasons, some of which are:

- The addition of a minimum of 140 vehicles, families and the related services which come with residential housing through the quiet neighborhood is an exponential increase of a any business use of the site; the sidewalks, streets and facilities are simply not equipped for this increase. This is a significant environmental impact.
- Injecting 140 new apartments into this area is contrary to the comprehensive plan when there is a fixed amount of business zoned land already. There are other sites in the Village which comport better to this proposal. This is a significant environmental impact.
- Loss of the wooded area is a significant environmental concern. The loss of buffer area as compared to what a business use would have as a buffer is substantial bring is a significant environmental impact.
- Movement of the stream which ran through the middle of the site is a significant environmental impact.
- Disturbance of this quantity of acreage that is way over the DEC limits to trigger a SWPPP is a significant environmental impact.
- Noise, dirt & stormwater concerns both during and after construction is a significant environmental impact.
- Property values of the neighboring real properties will be significantly diminished with a 140 apartment unit complex next door, this is NOT a high end apartment complex with so many units in such a small space.
- I question whether there is any governmental or not for profit agency funding involved (HUD, HUD related, Fannie, Freddie or some relation thereto), if so this is not high end complex and will not fit with the character of the community or add to the tax base.

I absolutely feel the proposal should not pass. At a minimum a full environmental DEIS and eventual FEIS needs to occur now before the rezone vote takes place.

Carol True Palmer
Name CAROL TRUE PALMER
Carol True Palmer
Name CAROL TRUE PALMER

2 JANIVAR DRIVE, ITHACA, NY 14850
Address
2 Janivar Drive, Ithaca, ny 14850
Address

Subject: Fwd: Unnecessary Building
From: Don Hartill <dlh13@cornell.edu>
Date: 10/26/2016 12:59 PM
To: Jodi Dake <clerk@vlansing.org>

Hi Jodi

Here is another one. Don

Begin forwarded message:

From: Philip Hutchings <pih4@cornell.edu>
Subject: Unnecessary Building
Date: October 26, 2016 at 1:24:51 PM EDT
To: <DLH13@cornell.edu>

Hello my name is Phil Hutchings, I have housing on 27 Dart Drive I have trouble renting. I have quality rentals and still no luck renting. The proposed new housing would be a disaster to the area. these are my sincere thoughts. There is already more than enough housing in this area....Phil

Subject: FW: Marty, Please pass this Bomax Letter to the Mayor

From: <codeofficer2@vlansing.org>

Date: 10/26/2016 10:13 AM

To: "Don Hartill" <DLH13@Cornell.edu>, "Patricia O'Rourke" <patithaca@aol.com>, "GERRY MONAGHAN" <gmonaghan22@mac.com>, "Ron Hardaway" <rjhardaway@yahoo.com>, <johnoneil5@aol.com>

CC: "Jodi Dake" <clerk@vlansing.org>, "Brent Cross" <bcross@cayuga-heights.ny.us>, "Carolyn Greenwals" <cbgreenwald@gmail.com>, "David Dubow" <ddubow@bgdmolaw.com>, "Deborah Dawson" <ithacadeborah@yahoo.com>, "John Gilliott" <thegillotts@twcny.rr.com>, "Lisa Schleelein" <LSchleelein@gmail.com>, "Michael Baker" <bakerm82@gmail.com>, "Patricia O'Rourke" <patithaca@aol.com>, <TOMEI1225@gmail.com>

To All,
Please see the below email from Tom Livigne.

Thanks,
Marty

From: Thomas Paul LiVigne [mailto:tlivigne@cornell.edu]
Sent: Tuesday, October 25, 2016 4:02 PM
To: Moseley Marty <codeofficer2@vlansing.org>
Subject: Marty, Please pass this Bomax Letter to the Mayor

Dear Mayor Hartill,

First I would like to thank you and the Trustees of the Village of Lansing for allowing Park Grove the opportunity to present its case for the rezone of the parcel on Bomax Drive. I believe you all have been fair and honest with all concerned. I also want to reiterate my opinion that the land we seek to rezone is, not one of, but the best piece of land for multi-family residential in the entire county. Whether it be our luxury concept, or affordable housing, this land is excellent for residential purposes. It is also the most suitable in the Village to be re-zoned for multi-family.

While I am a member of the development group, I am writing this as a concerned citizen of Lansing and Tompkins County who believes all types of housing are greatly needed in our Community. For the past 30 years, I have been at the heart of most of the major real estate developments, housing studies and housing initiatives that have taken place in Tompkins County. As the Associate Director and then the Director of Cornell University Real Estate (CURE), I was one of Cornell's representatives to the County's Committee that wrote and created the Tompkins County Homeownership Program and the Community Housing Fund. As the Chair of Better Housing for Tompkins County and Director of CURE, I was instrumental in all of the development by Conifer Real Estate in Tompkins County (Linderman Creek, Ellis Hollow Senior Citizens Apts. and the new Senior complex across from Cayuga Medical Center). The only Conifer development I did not participate in was Poets Landing in Dryden. In addition to my previous statements, as Chair of the Chamber of Commerce and a Board Member of TCAD, I have participated in every housing discussion that has taken place in Tompkins County for the

past 20 years. My point, is that I know from experience, that Tompkins County is in dire need of all types of housing and our concept will fill one of those deficient areas. As we address the income bracket in our concept, other income levels will have some of the pressure relieved and more people will be able to live closer to where they work.

Also, my other Board experiences and my experiences of running high level recruitments at Cornell have given me the knowledge that Tompkins County's housing situation can sometimes be a negative to attracting the best employment candidates to our Community. I believe you have numerous letters supporting this position in your file.

Bomax Drive is the perfect parcel for multi-family development. The land is close to transportation at Warren Rd, Rt 13 and the airport; services such as medical, UPS, USPS and FedEx are within walking distance; all retail in the Village is nearby; there are no environmental issues; the topography is conducive to our concept; municipal services are adjacent to the property on Bomax Dr and the County Housing Study, as well as the Village Comprehensive Plan portray a need for senior housing in the Village. As you know, our concept is designed for seniors, young professionals and families seeking a luxury experience.

I believe we have answered all of the issues brought up by the neighbors. The down zone will create less traffic than BTP/Light Industrial Zone; our walking trails will open more opportunity for off street walking in the neighborhood; our concept will create far less disturbance to the land than the current zoning; and our stormwater retention will alleviate some of the flooding in the neighborhood by capturing run-off that currently leaves the property. As stated in the Harvard Study and reiterated by Tompkins County Assessor, Jay Franklin, our concept will not lower home values in the neighborhood and we will immediately add to the tax base while not subjecting the Village to additional tax burden. The new facility will also provide more local customers for the Village shops, merchants and restaurants.

As you can see from the above, I have the real estate experience and have been involved positively in our Community for quite some time. For this reason, I hope you realize that I truly believe there will be a very positive outcome for the neighbors of our concept, the Village of Lansing and the greater Tompkins County Community. I would not recommend, or be involved with this project if I thought it would be detrimental in any way to anyone in our Community. I hope you will see the value in our concept as well. I also hope the Trustees have the political will to move this project forward by granting a zoning change. After much dialogue and discussion on the re-zone, I trust you and the Board will agree that progress for the benefit of the Community should not be prevented because of a desire to keep a nearby parcel vacant, or by the negative comments of some individuals. If this parcel is not suitable for a re-zone, then which one in the Village is?

Thank you for your consideration.

Very truly yours,

Tom LiVigne

Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

Telephone (607) 274-5560
www.tompkinscountyny.gov/planning

October 31, 2016

Don Hartill, Mayor
Village of Lansing
2405 North Triphammer Road
Ithaca, NY 14850

Dear Mayor Hartill:

I am writing in support of the proposed zone change from Business and Technology to High Density Residential for the property on Bomax Drive (Tax Parcel No. 45.1-1-51.12). Tompkins County Area Development has indicated that this property is not essential for economic development purposes and is unlikely to be developed for the uses allowed in the current zoning district any time in the foreseeable future.

What is more critical to our local economy is additional housing options for County residents and workers. Whether the proposed housing development on this site provides direct housing opportunities for people employed in Tompkins County or allows seniors to down-size, thus freeing up family housing, it will add to the supply and alleviate some of the pressure on our housing market.

The site is located in the Urban Center Development Focus Area identified in the Tompkins County Comprehensive Plan as an area appropriate for new housing based on its proximity to employment opportunities and services that are accessible within a walkable distance and/or via nearby public transit. The Tompkins County Housing Needs Assessment has identified a significant shortage of housing in Tompkins County that is only expected to get worse as employment growth here continues to outpace the rest of Upstate New York.

This site in an excellent location for new housing and rezoning it for multi-family residential use would make an important contribution to addressing the community's housing needs.

Sincerely,



Ed Marx, AICP
Commissioner of Planning

GLEN PALMER

2 Janivar Drive
Ithaca, NY 14850

October 28, 2016

Mayor Don Hartill
Village Planning Board
Village of Lansing
2405 North Triphammer Road
Ithaca, NY 14850

To Mayor Hartill and Members of the Village Planning Board:

I am writing on behalf of my wife, Carol and myself to express our strong displeasure with the prospect of a proposed re-zoning project currently under consideration for Bomax Drive. As 21-year residents of Lansing Trails in the Village of Lansing we have been very pleased with the care our representatives have taken to-date to insure appropriate growth and development within the area without adverse effect to their constituents. This proposal, however, flies in the very face of that careful approach.

We live in a wonderful neighborhood which, despite its proximity and easy access to an area of viable and robust services, has been buffered from the less appealing aspects of the region's substantial growth. It was, in fact, the primary reason we chose to build our home in this particular area.

In reviewing the project's Engineering Report and Traffic Study I would like to cite only two among many items of concern. The first is the ostensible mitigation of the sudden population increase by proposing setbacks which are over the minimum distances allowed. While this might seem an indication of the developer's *largesse* it is, in fact, a minor -and arbitrary- attempt at ingratiation with the local residents. This will in no way make the surge in resident population more palatable.

The second item refers to the Traffic Impact Study's Section E. b. ("*Traffic Leaving the Site*") which cites that a mere "20% of the total trips leaving the site are expected to travel west along Bomax Drive toward Craft Road and turn onto North Triphammer Road." This assumption would be laughable if it did not so misrepresent reality. Even the traffic-easing road configuration built into the Lansing Trails development will not dissuade car travelers seeking to avoid the busy onrush of vehicles traversing Route 13 in order to get to their favorite shopping destinations along Triphammer Road. A figure of 50% would more accurately represent the *minimum* estimated number of drivers who would follow the internal route.

However, the sudden addition of 140 living units on Bomax Drive will not only adversely affect current residents and quality of life. It would also negate the potential for low-impact business growth (such as that represented by organizations such as *FedEx* and *Dairy One*) for which this land was originally intended by this Village's own comprehensive plan.

We cannot sanction the proposed re-zoning effort proffered by this developer and we respectfully request that you do the right thing by following the interests of your constituents by defeating this proposal.

Very truly yours,



Glen Palmer

Carol True-Palmer



October 26, 2016

Don Hartill, Mayor
Village of Lansing
2405 N. Triphammer Road
Ithaca, NY 14850-1013

Dear Mayor Hartill and Village Trustees:

I am the owner of Northeast Pizza and Scale House Brew Pub located in the Village of Lansing. I write this letter in support of the re-zone of 19.5 acres on Bomax Drive for a multi-family residential. The change of zoning will grow the customer base for all of the village merchants. The village shops provide a great convenience and service to the local area. If we are to continue to remain viable and be successful, we need opportunities to grow. The change in zoning on Bomax Drive will provide a positive benefit to local shops which will ultimately also benefit the existing village residents by allowing us to continue to provide convenient amenities and services.

I strongly urge the Village Board to re-zone this parcel for the benefit of the entire community.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Fazzary", written over the printed name.

Steven Fazzary

Subject: Fwd: Unnecessary Building
From: Don Hartill <dlh13@cornell.edu>
Date: 10/26/2016 12:59 PM
To: Jodi Dake <clerk@vlansing.org>

Hi Jodi

Here is another one. Don

Begin forwarded message:

From: Philip Hutchings <plh4@cornell.edu>
Subject: Unnecessary Building
Date: October 26, 2016 at 1:24:51 PM EDT
To: <DLH13@cornell.edu>

Hello my name is Phil Hutchings, I have housing on 27 Dart Drive I have trouble renting. I have quality rentals and still no luck renting. The proposed new housing would be a disaster to the area. these are my sincere thoughts. There is already more than enough housing in this area....Phil

Brian Crandall

Ithacating in Cornell Heights

History and Development News for Far Above Cayuga's Waters

News Tidbits 10/29/16: Envision Small Spaces

29 10 2016



[\(https://ithacating.com/2016/07/30/news-tidbits-73016/lansingaptsmap600/\)](https://ithacating.com/2016/07/30/news-tidbits-73016/lansingaptsmap600/)

1. The heated debate over the Park Grove project in the village of Lansing continues (<http://www.lansingstar.com/news-page/13154-village-zoning-change-prompts-passionate-opposition>). The primary opposition to rezoning continues to be the Jonson family of Ithaca Home (Forest City Realty / IJ Construction), and residents of their Heights of Lansing development at the end of Bomax Drive. Reasons cited include loss in property values, increased traffic, and slowing the completion of their own project.

Pardon the incredulity when hearing about property value concerns in a community with well-documented property appreciation (<http://ithacavoices.com/2016/05/study-shows-ithaca-home-prices-rising->

far-faster-nations/). Furthermore, only two houses have been built in the Heights of Lansing development in the past couple of years. Since the project first launched in 2006, they have sold 17 townhouses and homes, in a development that planned for about 80. They've been moving at a snail's pace for years, and it's hard nothing to do with the zoning of nearby property. Another angry speaker asked why Lansing has to shoulder the county's housing burden, but it's not just Ithaca that has housing issues (<http://ithacavoices.com/2015/10/avg-house-in-lansing-costs-258000-raising-concerns/>). In short, while I'm critical of this specific proposal (<https://ithacating.com/2016/07/30/news-tidbits-73016/>), the zoning change makes sense. The board may consider a zoning change at its November 7th meeting.

**IJ Construction of Ithaca II, LLC
222 Summerhill Drive
Ithaca, NY 14850**

November 2, 2016

Village of Lansing
Don Hartill, Mayor
2405 N. Triphammer Road
Ithaca, NY 14850
Via hand delivery

Bomax apartments project

Dear Mr. Mayor:

Thank you for meeting with us. We wanted to succinctly put forth a summary of our thoughts for you. We have two primary arguments, the first is a very strong legal and equitable case and the second is with regard to the environmental review.

Ivar and myself constructed much of the infrastructure that would benefit the site in question. We were held to a high bar and had arbitrary requirements placed on us (drainage pond 4 feet into bedrock, extensive road construction prior to starting phase 2 of Lansing Heights, and, now lighting an empty field). The proportion of the sewer benefiting our 42 units, approved for phase 2 to be built, compared to these new 140 rental units is inequitable. We were misled by the Village officials over three decades in building the various infrastructure improvements. We were led to believe, and we expended great sums in reliance on that (clearly creating a vested interest) that we were partnering with future neighboring business and technology uses that would complement or support our market. Now we find out we were building all that infrastructure for a 140 apartment unit building use which directly competes with and/or eliminates our prospective homeowner market.

We have not profited on this subdivision and have financially survived the sewer moratorium and infrastructure inequities primarily through persistent personal efforts. We have been recouping costs in the 19 units we were allowed to sell in Lansing Heights phase 1. The Village is essentially giving our investment away to a new 140 unit project which does not fit the community we built that the adjacent homeowners have paid for to live in one of the few real neighborhoods in the Village of Lansing. This is very, very unfair and poor policy if you move forward with the rezoning.

As you know we have sought legal counsel on our position. We have been advised that our legal grounds for a case to challenge a Village Trustee vote in favor of the project is good. The Fall 2015 comprehensive plan enactment (November 2015) and then the early 2016 rezone to comply with said plan means the Board should not now be re-zoning again a mere few months later. If you rezone again now, you are clearly rezoning for a specific project and that is spot zoning. This rezoning proposal did not arise until a project was before the Board starting in May of 2016. This is absolutely spot zoning.

We understand that the Village's position is that it can rezone this Bomax parcel and not have it ruled spot zoning. We have heard arguments that the rationale is that this Bomax parcel is nearby to 'other apartment areas'. That argument will not defeat the spot zoning argument we will make for two reasons. First, the simple time frame speaks for itself: the Village's comprehensive plan in November 2015 and rezoning in 2016 is just 3 months before this plan arose in May 2016.

Further, no changes occurred in those 'neighboring apartment areas' since the February 2016 rezone which would justify this new rezoning proposal now.

Secondly those 'other apartment areas' the Village mentions are on different roads and those developers never constructed the infrastructure as neighbors that we did. This Bomax parcel is different from those 'other apartment areas' and as such it is simple spot zoning if the Village approves this.

We will have no choice but to protect our investment and the investment of all the homeowners along Nor Way, Jon Stone, Janivar, Leif's Way, Ayla's Way and all property out onto Craft Road. We will have to challenge any Village action which approves a re-zone in the court system. Further we have a duty to protect the character of the neighborhood that has been our life's work for the past 30 years. All of the homeowners who have bought our houses desire the community to enjoy the protection of the long established adjacent business and technology zoning will hold us to this standard of protecting their investment.

In sum, real damage will be done if the Village rezones this parcel. A 140 unit apartment building will not complement the community we built and have approval to build. The Village is changing and hurting those invested. It is not in the character of the neighborhood to have 140 apartment units in one site and it will hurt the people in the community who already live there.

As you also are aware we have over 100 names on petitions against this rezoning. We have been advised that a supermajority of the Board may be required.

Our objections to this project are from real damage that will accrue to us if the Village rezones this. This is not just a neighbor griping. As mentioned, this has been a 30 year project, front loaded with costs to date. Our subdivision is only approximately half done. You are taking away all the investment we made without letting us recoup our costs with the rest of our development.

Of the limited interests who expressed being in favor of this project, two big ones are not in the Village. The Chamber of Commerce and TC3 are not Village residents who you are elected to protect and serve. The premature proclamation of a Trustee in favor of the project and the interference of Planning Board members in the public input process at the Village Trustee meeting is also disturbing and at best out of order.

Lastly we have been counseled on the environmental review laws. While the rezoning may not specifically trigger an environmental review under New York's "SEQRA" rules, it is definitely a mistake to wait until after rezoning. The reason is, the Village is rezoning for a specific project here, even if the Village does not concede that it is doing that. If any environmental review is delayed until the rezoning is passed, the review then will not adequately assess the suitability of the site for the zoning classification then in place for the site. The Planning Board will simply be faced with approving the site plan and environmental review in whatever altered form the physical site constraints may allow.

In other words, I find it doubtful the Planning Board would really be able to objectively review the environmental aspects of the project at a later date after the Village Board went through all this trouble to get the new zoning of the parcel enacted. Thus the Planning Board would be essentially forced to approve the environmental review regardless of its contents or findings. I feel strongly a court reviewing this later will find any environmental review flawed if none is done now.

In sum we feel very strongly about the community we built, about how much the Village made us invest and the bar we were held to. We will unfortunately be bringing an Article 78 legal proceeding against the Village should the rezoning proposal pass.

We urge you and the Trustee's to become educated on the history of the development of one of your best residential neighborhoods. Please discuss this with the other Trustees and Village counsel and we implore the Village on this point: our community at Lansing Trails and Heights of Lansing will be severely damaged if this rezoning is passed.

Very truly yours,



Janet Jonsen, Member