

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 17, 2020, via Zoom Videoconferencing/Teleconferencing.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Patricia O'Rourke and Randy Smith; Clerk/Treasurer, Jodi Dake; Attorney Bill Troy; BZA Member, Simon Moll; Code & Zoning Officer Mike Scott; Carolyn Greenwald, Planning Board; Marty Moseley, Eric Goetzman, Jim Bolt.

Mayor Hartill called the Board of Trustees meeting to order at 7:34pm and opened the public comment period. Carolyn Greenwald stated that she lives in Shannon Park and the Village Of Lansing erected a very nice sign in the last two weeks at Shannon Park. At the beginning of the Village there is basically an empty lot that is technically a Village Park. Greenwald stated that the lot itself is in terrible shape and wished that the Village had fixed the lot first before they put their name on it. She now feels it is embarrassing to have the village's name on that lot and hopes there is some kind of plan to improve the look of the lot. Maybe just making it a little more welcoming to guests. Now that the village's name is on it, we should think about some kind of improvement. Hartill will take a look at it and see what we can do. Greenwald also stated that she was there as the Planning Board representative.

Motion - To Close the Public Comment Period

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

Mayor Donald Hartill-Aye
Trustee Randy Smith-Aye
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye

Approval of Minutes

The next item on the agenda was the approval of minutes from August 3, 2020.

Motion - To Approve the Minutes of August 3, 2020

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

Mayor Donald Hartill-Aye
Trustee Randy Smith-Aye
Trustee John O'Neill-Aye

Trustee Ronny Hardaway-Aye
Trustee Patricia O'Rourke-Aye

Adopt Retention Schedule LGS-1

Hartill stated that adopting the new retention schedule is basically a little more bookkeeping we have to do for New York State. The following is an explanation from the clerk/treasurer:

Local Government Schedule (LGS-1) is a single, comprehensive retention schedule covering records of all types of local governments. It consolidates and revises the *CO-2, ED-1, MI-1, and MU-1 Schedules*. The Village currently uses Schedule MU-1. This new schedule went into effect as of August 1, 2020. Local governments must adopt LGS-1 prior to utilizing it, even if they adopted and have been using the *CO-2, MU-1, MI-1, or ED-1 Schedules*. Governing boards of local governments have a five-month period – between August 1st, 2020 and January 1st, 2021 (when the four existing schedules expire) – to adopt the LGS-1 by resolution. This will be used by all New York State local governments including cities, towns, villages, fire districts, counties, school districts, Boards of Cooperative Educational Services (BOCES), teacher resource and computer training centers, county vocational education and extension boards, and miscellaneous local governments.

The following resolution was put forward:

Resolution #6657-To Adopt the Retention and Disposition Schedule for New York Local Government Records (LGS-1)

BE IT RESOLVED, that the Village of Lansing Board of Trustees Adopts the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; and only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Smith motioned to adopt LGS-1. O'Rourke seconded the motion.

Ronny asked where the schedule could be found and what documents we normally dispose of. Dake stated that she had a PDF in the office and has requested that a copy of the 411-page document be mailed to the Village. Hardaway requested that a link to the LGS-1 be sent to him. Dake stated that this schedule tells us the minimum time we have to keep every record the Village creates. It tells you how long to keep payroll records, minutes, emails etc. Each type of document has a retention schedule. Hardaway remembers hearing about retention schedules at NYCOM, he just has not seen it.

A vote was taken:

Mayor Donald Hartill-Aye
Trustee Patricia O'Rourke-Aye

Trustee Randy Smith-Aye
Trustee Ronny Hardaway-Aye

Trustee John O'Neill-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 all the of the Trustees have had a chance to visit the site. There has been a fair amount of exchange back and forth. The Mayor asked Marty Moseley, previous Code & Zoning Officer, to be available, to provide historic perspective on this. Mike Scott has been doing a great job, digging everything up, but sometimes the history is a little complicated. The discussion is whether to subdivide the properties or keep it as totally a rental property. And to be able to do the subdivision, we have to change the PDA and that would involve decreasing the lot size and decreasing the frontage. It does have a private road, so it does not impact any of our highway systems. The reason that we are in this business is because the Bolton Point regulations state that you can only have one water meter per tax parcel. This area we are discussing is a single tax parcel, although it currently has 12 structures on it. The only way to satisfy having an individual water meter on each of those apartments is to subdivide it. This has led to a lot of discussion, sometimes heated, but I think we have to focus on where we need to go to get the project completed.

O'Rourke asked what happen to the wetlands that were on that property. Goetzman explained had the wetlands on BJ's were to be relocated over onto the residential piece. Then we have wetlands on the residential piece that we eventually moved off the property and the wetlands are defined by all different things by soil type and everything else in the wetlands that we had classified here were very low. The wetlands on the property were created by an invert that was set 18 inches too high and water backed up creating the wetlands. The Army Corps of Engineers will allow you to do a few things in order to relocate wetlands. We went out and we found a salt marsh up north, which is still in the watershed of Tompkins County. We worked with ESF Syracuse, SUNY ESF and Cornell to build a wetland, which was an inland salt marsh. The wetlands have been removed from the property.

Smith stated that he went up to look at the property and also Lansing Trails. Fraboni from Lansing Trails stated that they just sold four units, so it looks like there is a demand for townhouses. Although Lansing Meadows is much smaller, Smith feels we should build it for either rentals or ownership and let the market decide. Smith learned that the firewall between spaces is more significant for housing than it is for rentals. He thinks they should be built to meet the higher Code. Smith was concerned with how the 55+ requirement would be enforced.

Troy asked how 55 or older would be enforced. Goetzman stated that it would be done through an Homeowners Association (HOA). He also pointed out that it is in the Village Codification for the Lansing Meadows PDA. Again, Troy asked how it would be enforced. Goetzman assumed that it would be enforced by the Village. O'Rourke asked if there was rentals and owners, would there be different HOA's. Goetzman stated that it would be one HOA that has to be filed with the Attorney General. The HOA enforces the rules and the backup is the Village Local Laws. Scott's concern was that he did not want this left to the

Village to have to enforce. It needs to be a deed restriction or something in the title. Goetzman stated that that was not the intention to have the Code Officer enforce this, just a backstop. Smith asked who approaches the Attorney General. Goetzman stated that he has to submit an HOA to the Attorney General.

Troy's concern was if someone fails to pay property tax on the road and the Village ends up owning the road that we have said we do not want to own because it does not comply with our road regulations, we end up with the road. Someone could intentionally not pay the taxes. Bold stated that this is exactly like Stone Creek where the homes are owned individually, the road is private and the HOA maintains the road. Smith added that Belwood Lane was the same. Smith was not sure who submitted the HOA to the Attorney General. Smith would like the Village to have some say in how the HOA is worded.

Hardaway questioned when the HOA would be turned over from the developer to the owners. Goetzman stated that if he sold one unit, he would still be the owner of the other 11 units which would mean that one unit pays one and I pay 11. Bold thinks that number that is required under New York State is over 50%. Hardaway stated that that would be 10 of the 18 units that would have to be sold in order to transfer the HOA to the residence.

Hardaway was also concerned with who would be responsible for making sure the HOA is enforced once the developer is gone. Goetzman stated that it falls back on Village Laws. Goetzman claims that the homeowners live there so they are going to make sure their neighbors follow the rules. These are the same questions that came up 8 or 9 years ago and the only way you can do it is under the Fair Housing Act so that is why they made sure that was incorporated in the Zoning Law.

Goetzman stated that several of the Trustees have visited the site. He and Bold answered a lot of questions and he thinks it was good for people to see the project. He stated that the two things they are asking for does not change the density. When we drew the line around, it was so complex, we just overlook the frontage, which we had changed in the commercial piece a few years back. In 2014, we came to the Trustees and the purpose was to take land from the BJ's and add it to the residential, add more room for density and that 75 foot of frontage we took away. So, what we are asking for here is for the Trustees to modify the Lansing Meadow PDA Local Laws frontage from 75 feet down to the minimum we need, which is 11 feet. The other piece is the lot size. This will not change the density.

O'Rourke stated that there are 12 units now and with the second phase it is going to be 18 units. Goetzman confirmed that 18 units were approved in the first two phases.

Smith stated that he asked a lot of questions when he visited the site today. He spoke with Scott afterwards and also visited Lansing Trails. He did not have any further questions at this time.

O'Rourke stated that she received the list of questions Hardaway sent out. The following was previously emailed to all the Trustees by Hardaway:

Concerns About Lansing Meadows

1. Has the Village received all documentation and information requested in the January 6, 2020 meeting about the proposed PDA changes?

a. A letter from TCIDA stating that they agree with the subdivisions

b. A letter from Arrowhead Ventures legal person stating what is to be changed in the PDA requirements

c. A marked-up copy of what Arrowhead Ventures is proposing and an actual layout

No decision on the request for subdivision should be voted upon until all Trustee requests are fulfilled.

2. The current development is a diversion from original intent of the development. According to the original TCIDA application:

“The project is a mixed-use real estate development in the Village of Lansing, consisting of three major components: 12 senior housing residential units, a reclaimed wetland expanded and converted into a bird habitat and an BJ's Wholesale Club.

The housing is designed to meet one of the many needs identified in the County's housing study and to clean-up the gateway to the Village of Lansing. The land had been used as a dumping site for local contractors for the past 35 years and has been a difficult site to develop.

The bird habitat is the transition that will separate the commercial aspect of this project from the new residential senior housing. This enables the developer to change commercial low traffic property into a use that will only allow residential senior housing.”

Figure 1. Early sketch of Lansing Meadows plans.

3. Density of the current residential units

a. Original 12 residential units were to be built upon entire 3.25-acre tax parcel. This number has increased to 18 residential units (50% increase.)

b. Creating Area A-1 for commercial decreased the Area B size for residential units by 1.10 acre (approximately one-third.)

c. Most of the residential units were pushed south and their lots are against the current wetlands area so that the area between the buildings and the wetlands is very small.

d. Distance between the residential units and the private road will also be small. Could this road be reconfigured to allow more front setback? The units' front setbacks could be increased if the private road was reconfigured as a curving drive within the northern area on Area B (similar to the early sketch, above.)

4. There do not seem to be any plans to build a tree line between the residential units and the BJs lot. This will subject the residents to after-dark lighting from BJs' business and parking-lot lights.

5. The remaining open area on the north side of Area B might allow more residential units to be built either by current owner or by an unknown future owner.

a. Landscaping for this area needs to include appropriate species and number of trees and shrubs to create a comfortable green space.

b. An official landscaping plan should be submitted and approved by the Village Planning Board before certificates of occupancy are given to the residential units.

6. *Should the Village Trustees add to the existing PDA requirements for this property*
 - a. *A limit on the number of buildings on Area B to match the currently planned number, and*
 - b. *A limit to the maximum aggregated square footage for all buildings on Area B?*

This would ensure a more residential look and feel for this development and would make it more attractive to renters or owners.

7. *It is not certain that townhouses will sell easier than apartments will be rented. About 45% of 55+ residents do not want to own their home. Will home ownership become more, or less, attractive as the 55+ demographics change and as the stability of the home-ownership demand changes under the current, and potentially long-lasting, COVID-19 financial impacts.*

8. *If subdividing is allowed, what will be the selling price of the townhouses? Market analyses show that the greatest demand for purchased residences is between \$150K to \$225K.*

9. *A long-standing concern of the Village has been the long-term maintenance of the buildings and the property. The burden of long-term maintenance on the residential units and their green spaces will be transferred from the property owner to the townhouse residents via a Homeowners Association agreement.*

- a. *What is the legal requirement for the number, or percentage, of properties to be occupied before the HOA agreement transfers responsibilities from the property owner to the homeowners?*

Hardaway asked Goetzman if we had received the documentation that was request from him on January 6th regarding a letter from a legal person representing Arrowhead Ventures regarding what the actual proposed changes are for the PDA. Goetzman stated that they have requested it but a formal letter was not done. The only thing Goetzman recalled was the Trustees asking them to talk to the IDA, which they did. Hardaway stated that was another request. There were two other requests. Along with that one, one was for the letter from your legal person that actually gave us the wording for the changes for the PDA requirements. And the other was a marked up copy of the plans so that we would get an idea of the layout of all the changes. Goetzman will get that information to the Village.

Hardaway feels that the development is a diversion from the original intent. He was also concerned because there are no trees, or room for trees, behind the buildings to block the lighting from BJ's. The only thing there is a little strip of what remains from the wetlands and a six-foot fence. He feels this is a significant change. The look and feel of that property was supposed to be a lot more residential than it is now. The density is much more than the original plan for 12 units. The size of the lot has gotten smaller, 1.1 acres was removed for a commercial lot. There is also a lot less greenspace. Hardaway feels it now has a very commercial, industrial apartment type appearance now.

Hardaway suggested that the Trustees add to the PDA, if they decide to change it, that there shall be no more building allowed on that lot to lock in the number of buildings that are there now and also give a total square footage for the buildings. Hardaway feels with all these little changes the project has turned into a project that was not the original intent.

Hardaway also questioned how much these units would be sold for. He stated that the County Housing Study lists the demand price range for homes is between \$153,000 to \$225,000. Bold stated that the mean price of housing in Tompkins County is \$232,000 and that this project was a market rate project from day one. Bold ask Moseley to respond.

Moseley stated that he came into this project in the middle. He stated that the Village and the developer were taking a leap of faith with each other and there was no guarantee that the residential portion would ever be built. The intent was for zoning purposes and it was to reduce the traffic impact on Oakcrest Road. There was a traffic analysis done by the developer using Fisher Associates. The intent was to reduce the commercial load onto N. Triphammer and Oakcrest Roads. He does not recall any discussion on the price of housing. It was purely the zoning aspect where the developer got to up zone a portion to bring in a retail establishment where it was not allowed previously, by also downzoning the commercial piece to residential thus protecting the Oakcrest Road corridor area.

Goetzman stated that the original PDA was approved in June 2010. They came back in 2012 and did BJ's. The intent was to put residential on that lot to stop all commercial traffic from going out on Oakcrest Road.

Moseley stated that the development plan has changed numerous times throughout the process. There has been a lot of frustration with the continuous changes over the years. As far as the residential piece, there was no differentiation between someone that owned a property or rented a single-family home.

Goetzman stated that what they are asking for is not to change the PDA. What they are asking for is to change the Local Laws in the PDA. Moseley clarified that what they want to do is change the district regulations of the PDA development. The district regulation amendments would also affect what the Planning Board does and their process, because then it would authorize subdivision of this parcel associated with the Planning Board approval process. Goetzman stated that this does not change what they can and can't build, with being able to subdivide the property it allows someone to either own it or rent it.

Scott stated that to simplify this, what Goetzman is asking is to be able to take these 12 units and subdivide. As far as setbacks, lot sizes, that is all paperwork, that gets written into the PDA for the residential area. What the Trustees need to decide is whether they are going to recommend that this be a subdivision to the Planning Board. Basically, Goetzman is asking the Trustees to change the regulations as far as setbacks, lot sizes, what not within this PDA, so that the Planning Board can actually approve or disapprove a subdivision. If proposed changes are not allowed by the Trustees by passing a Local Law to change the Lansing Meadows PDA section of the Village of Lansing Codification then the Planning Board would not be able to approve a subdivision because it would not meet the requirements of the current PDA.

Hardaway's concern is that this will not be the last change that we are requested to do. It is always, let's ask for an inch. After a decade of inches, we are getting close to a mile.

Hardaway would like to have the number of units locked in at 18 units, no more. He would like the rest of the property to remain greenspace, so it has more of a residential feel. He does not want to see anything built between the other side of the private road and Oakcrest Road. The reason is because the buildings have been pushed so far back on the south side of the property that there is very little distance between the back of the building and the wetland. Hardaway stated that the area was supposed to be a residential area, look attractive and have a friendly feel.

Goetzman stated that the original intent was to create a walkable village environment and not have traffic come out onto Oakcrest. Goetzman feels that this is what they are delivering.

Hardaway feels the buildings have been built too close together, they have been pushed back to the southern end of the property and you are leaving a wide-open space for more buildings to come.

Hardaway asked for permission to let his wife speak since she had been listening to the whole conversation and was previously on the Planning Board. The Board agreed not to allow her to speak. They did not want to see this thing blow up and get into some kind of argument. Smith did not want to see this get any more contentious than it already was.

Troy suggested that someone go back and come up with a chronology of what was passed through the years. Half of the problem is people cannot remember back that far. This way there could be a common understanding of what has transpired.

Hartill stated that part of the history was the County put a fair amount of pressure to increase the number of houses. He agreed that a timeline should be created. Hardaway suggested that Schleelein or another Planning Board member also be involved. Troy also suggested that we get former board members involved to get their history on the project.

Hartill stated that the real driver for this was when BJ's was being built. The concern was to upscale the BJ's portion and downscale the residential portion.

Goetzman asked if a public hearing could be set to move this along. Hartill stated that the next Trustee meeting is September 21st due to Labor Day. A public hearing cannot be set until there is a proposed local law.

Scott feels we are making this more complicated than it needs to be. We have a site plan that is approved. We have a bunch of conditions for that approval of the site plan. One example is a Landscape Plan that needs to be approved by the Planning Board. Basically, nothing has changed except we are deciding if we want a subdivision or not. He wondered if the changes in history really mean anything in this. Mayor Hartill proposed that the timeline be constructed and circulated to the Boards.

What Goetzman is asking for is a change to the Codification definitions in the Lansing Meadows PDA. With the proposed changes it would allow the Planning Board then to do

a subdivision of Lot B. Goetzman asked to have the Board set a public hearing. Dake stated that you must have a local law written to have a public hearing. Goetzman clarified that they were looking for a local law to change the frontage and the size of a lot. Dake stated that a local law can be created and presented at the September 21st meeting. At that meeting a public hearing could be set for October 5th.

Bold stated that the timeline is terrible for them. Scott asked if this was really going to slow them up. Bold was concerned with the Planning Board and their schedule. Mike pointed out that the units were partially set up now for a two-hour wall. Bold did not think that was an issue. Scott stated that you can still build the units the only difference between renting and selling the units is that firewall. Bold stated that the other issue is the water meters. Scott understood that but stated that the process of actually building the units does not slow because the Trustees want to take time to review this. Scott does not want to see the Board rush their decision

Hartill stated that in the next couple of weeks Catherwood Drive is going to be torn up to replace the water main in the middle of the road.

Troy asked if he should draft a resolution concerning streetlighting on Dart Drive. Yes. The Mayor stated that the resolution should direct Courtney to investigate what that entails with NYSEG. The understanding is that the streetlights will be installed on NYSEG's poles and there will be an agreement on how much it is going to cost per fixture.

Motion- To Adjourn

Smith motioned to adjourn. O'Rourke 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 8:57pm.

Jodi Dake, Clerk/Treasurer