

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, February 6, 2006, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Larry Fresinski, Lynn Leopold, Frank Moore and John O'Neill; Clerk/Treasurer Jodi Dake; Attorney David Dubow.

Mayor Hartill called the meeting to order at 7:35P.M. and opened the public comment period. John Coly stated that he was observing as a representative of the Democratic Party.

Motion-To Close the Public Comment Period

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

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

Next on the agenda were two Public Hearings.

Motion- To Open the Public Hearing on Proposed Local Law A (2006)
 Providing for an Amendment to the Village Code for the Purpose
 of Authorizing an Increase in the "Standard" Levels of the Real
 Property Tax Law Alternative Veterans Exemption

Trustee Fresinski moved to open the public hearing. Trustee O'Neill seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

David Dubow prepared a draft of Proposed Local Law A (2006) providing for an amendment to the Village Code for the purpose of authorizing an increase in the "standard" levels of the Real Property Tax Law Alternative Veterans Exemption. Because of the somewhat unusual nature of the State enabling legislation for this tax exemption, David had suggested that this proposed local law be reviewed in tandem with the language of Section 458-a of the New York State Real Property Tax Law. Copies of the statute were previously distributed to the Trustees. David briefly explained that the proposed local law provided for the basic service exemption amount to increase from \$12,000 to \$15,000; the combat service incremental amount from \$20,000 to \$25,000; and the disabled veterans incremental amount from \$40,000 to \$50,000. This would bring the Village in line with what Tompkins County and Town of Lansing has. Mayor Hartill stated that assessments have increased and this increase should help the veterans.

Motion- To Close the Public Hearing

Trustee Fresinski moved to close the public hearing. Trustee Moore seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

The Mayor stated that we would act on both proposed laws after the next public hearing.

Motion- To Open the Public Hearing on Proposed Local Law B (2006)
Amendment to Village of Lansing Zoning Law Off-Street
Parking Requirements

Trustee Fresinski moved to open the public hearing. Trustee Moore seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

David Dubow explained this proposal is a zoning change that will alter off-street parking requirements. When the Planning Board was reviewing the Special Permit application for Crystal's Spa it became evident that the current parking requirements for beauty salons, spas, barbershops and similar uses don't accurately reflect the actual peak demand such uses are likely to generate. Currently such uses are included under the broad category Office/Studio/Service along with realtors, lawyers, etc. The amendment is intended to provide a more realistic and accurate off-street parking requirement for this particular use based upon the number of workstations as opposed to square footage. The current zoning law provisions already include a similar non-square footage basis for the off-street parking requirements related to medical service type uses in this same office/studio/ service zoning use category. There is also a little cleaning up with wording for consistency through out the code as to the office/studio/service zoning use category and its permitted uses.

Ned Hickey, Planning Board Chairperson, stated that the Planning Board strongly advocates no on-street parking on N. Triphammer Road, and also has looked into the possibility of a municipal parking area but concluded that there is no area available. In turn, this seemed like a reasonable option.

Ned also brought up as a related matter the point that people are now parking on the Cayuga Mall access road, which is creating a traffic problem. Don stated that he would talk to New Plan Realty since they are the ones who own that area. It may be possible for the bank to have an easement agreement with New Plan for parking on their adjacent property. Don stated that he would also like to talk to the bank about more land in front of their building for a bus pull off area.

Motion- To Close the Public Hearing

Trustee O'Neill moved to close the public hearing. Trustee Leopold seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

Resolution #5212- To Adopted Proposed Local Law A (2006) as Local
Law 1 (2006) Village of Lansing Alternative
Veterans Real Property Tax Exemption Law

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to amend the Village of Lansing Code so as to add a new Article III (entitled "Alternative Veterans Tax Exemption") to Chapter 129 (entitled "Taxation") as hereinafter set forth.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

Chapter 129 (entitled "Taxation") of the Village of Lansing Code is hereby amended so as to add a new Article III

(entitled “Alternative Veterans Tax Exemption”) reading in its entirety as follows:

ARTICLE III
Alternative Veterans Tax Exemption
[Adopted 2 -6- 06 as Local Law No. 1 - 2006]

§ 129-21. Title.

This Article shall be known as the “Village of Lansing Alternative Veterans Tax Exemption Law.”

§ 129-22. Purpose and Intent.

The Village of Lansing Board of Trustees finds that it is appropriate to increase the standard Alternative Veterans Tax Exemption levels provided for in § 458-a of the New York State Real Property Tax Law. It is the purpose and intent of this amendment to the Village of Lansing Code to increase by local law (as is authorized by subparagraph 2(d)(ii) of said § 458-a) the maximum exemption amounts allowable in paragraphs (a), (b) and (c) of subdivision 2 of said § 458-a, such increases for all three exemption categories to be as hereinafter set forth.

§ 129-23. Increased Maximum Exemption Amounts.

Qualifying residential property (as defined in § 458-a of the New York State Real Property Tax Law) shall be exempt from taxation by the Village of Lansing as follows:

- A. The maximum exemption to which a qualified owner (as defined in § 458-a of the New York State Real Property Tax Law) shall be entitled under § 458-a, subparagraph 2(a), shall be \$15,000.
- B. The maximum exemption to which a qualified owner (as defined in § 458-a of the New York State Real Property Tax Law) shall be entitled under § 458-a, subparagraph 2(b), shall be \$10,000.
- C. The maximum exemption to which a qualified owner (as defined in § 458-a of the New York State Real Property Tax Law) shall be entitled under § 458-a, subparagraph 2(c), shall be \$50,000.

§ 129-24. Application for Exemption.

Application for exemptions shall be made in accordance with subsection 3 of § 458a of the New York State Real Property Tax Law, and any applicant convicted of making any false statement in the application for such exemption shall, in accordance with said subsection 3 of § 458-a, be subject to the penalties prescribed in the New York State Penal Law.

§ 129-25. Effective Date.

This Article shall be come effective immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2006. All provisions of § 458-a not inconsistent herewith shall apply.

Trustee Fresinski moved to adopt Local Law 1. Trustee Leopold seconded the motion. A vote was taken:

Aye Mayor Donald Hartill-Aye Trustee Frank Moore- Aye Trustee Lynn Leopold-
Trustee John O’Neill-Aye
Trustee Larry Fresinski-Aye

Jodi stated that notice of Proposed Local Law B was given to the Tompkins County Planning Department under Sections 239 -l and m and Edward Marx has reviewed the proposed law and determined that it has no negative

intercommunity, or county-wide impacts. Copies of the Notice of Public Hearing and Proposed Local Law B (2006) were also sent to the Clerks of the municipalities that adjoin the Village.

David Dubow explained proposed Local Law B.

The Board reviewed and completed the SEQR Short EAF on Proposed local Law B. On Part II, question C1, John O'Neill stated that he agreed to a 'No' response only because the parking areas in question are very small areas. David Dubow clarified that the SEQR review is intended to determine not simply potential impacts, but adverse effects. It was concluded that there were no negative impacts.

Resolution #5213- Adoption of the SEQR Review and Negative Declaration for Proposed Local
Law B (2006)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2006), to be designated Local Law 2 (2006) upon its adoption, providing for an amendment to the Village of Lansing Code so as to (1) amend Section 145-54 (entitled "Number of parking spaces required") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code to provide for (i) clarification of the minimum off-street parking space requirements in the case of doctor, dentist, physical therapist, veterinarian and other similar medical service uses, and (ii) new and revised minimum off-street parking space requirements in the case of barber, beauty shop, spa and other similar uses, it having been determined that the current provisions therefor require such clarification and revision; (2) amend Section 145-60 (entitled "Additional conditions for certain Special Permit uses") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code to include the term "spa" as an additional use expressly prohibited in the Business and Technology District (BTD) under the "office/studio/service" category; and (3) amend Section 145-82 (entitled "Typical uses; category of use") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code to include as additional illustrative uses under the "office/studio/service" category the terms "photography," "tailoring" and "spa;" and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On February 6, 2006, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("**NEGATIVE DECLARATION**") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to

complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

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

Aye Mayor Donald Hartill-Aye Trustee Frank Moore- Aye Trustee Lynn Leopold-
Trustee John O'Neill-Aye
Trustee Larry Fresinski-Aye

Resolution #5214-To Adopted Proposed Local Law B (2006) as Local
Law 2 (2006) Amendment to Village of Lansing Zoning
Law Off-Street Parking Requirements

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to:

- (i) amend Section 145-54 (entitled "Number of parking spaces required") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to provide for (i) clarification of the minimum off-street parking space requirements in the case of doctor, dentist, physical therapist, veterinarian and other similar medical service uses, and (ii) new and revised minimum off-street parking space requirements in the case of barber, beauty shop, spa and other similar uses, it having been determined that the current provisions therefor require such clarification and revision;
- (ii) amend Section 145-60 (entitled "Additional conditions for certain Special Permit uses") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to include the term "spa" as an additional use expressly prohibited in the Business and Technology District (BTD) under the "office/studio/service" category; and
- (iii) amend Section 145-82 (entitled "Typical uses; category of use") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to include as additional illustrative uses under the "office/studio/service" category the terms "photography," "tailoring" and "spa."

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

A. Chapter 145 (entitled "Zoning"), Section 145-54 (entitled "Number of parking spaces required"), subparagraph E (entitled "Office/studio/service") of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

E. Office/studio/service: one (1) parking space for each two hundred (200) square feet of gross floor area except for

- (a) offices of doctors, dentists, physical therapists, veterinarians and similar medical service providers, which require (i) four (4) parking spaces for each doctor, dentist, physical therapist, veterinarian and other similar medical service provider, and (ii) one parking space for each office employee. [Amended 9-10-2003 by L.L. No. 3-2003 and 2-6- 2006 by L.L. No. 2 -2006]; and
- (b) barbers, beauty shops, spas and related uses, which require two and one-half (2½) spaces for each work station (rounded to the next highest number). [Amended 2-6-2006 by L.L. No. 2-2006]

B. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subparagraph G(2) (entitled "Office/studio/service in BTD") of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(2) Office/studio/service in BTD: permitted subject to the following conditions [Amended 4-17-1990 by L.L. No. 6-1990; 9-10-2003 by L.L. No. 3-2003; 2-6-2006 by L.L. No. 2- 2006]:

(a) Doctor, dentist, physical therapist, veterinarian, barber, beauty shop, spa, tutoring, photographic and tailoring uses shall not be permitted.

C. Chapter 145 (entitled "Zoning"), Section 145-82 (entitled "Typical uses; category of use"), subparagraph A(20) (entitled "Office/studio/service") of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(20) Office/studio/service. Architect; insurance; lawyer; realtor; doctor; dentist; physical therapy; veterinarian (includes animals under treatment); secretarial; printing; multicopying; testing lab; administrative office; adult education and training; photography; tailoring; barber; beauty shop; spa; tutoring. [Amended 6-6-1989 by L.L. No. 5-1989; 9-10-2003 by L.L. No. 3-2003; 2-6-2006 by L.L. No. 2 - 2006]

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Trustee O'Neill moved to adopt Local Law 2. Trustee Moore seconded the motion. A vote was taken:

Aye Mayor Donald Hartill-Aye Trustee Frank Moore- Aye Trustee Lynn Leopold-
Trustee John O'Neill-Aye
Trustee Larry Fresinski-Aye

Next on the agenda was approval of minutes. Lynn asked Frank if he wanted to have any additional changes done and he stated that it was no longer necessary.

Motion - To Approve the Minutes from December 19, 2005

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

Aye Mayor Donald Hartill-Aye Trustee Frank Moore- Aye Trustee Lynn Leopold-
Trustee John O'Neill-Aye
Trustee Larry Fresinski-Aye

Motion - To Approve the Minutes from January 12, 2006

Trustee Fresinski moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer

and the Board, are hereby adopted as the official minutes. Trustee O'Neill seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

The next item on the agenda was to continue to discuss the Intermunicipal Sewer situation and the proposed Town of Lansing sewer extension. Lynn stated that she has done some research on forced mains and the odor problems associated with them. She distributed information she had printed off the web and some technical papers. Larry stated that what got his attention was that these are new problems. The question is whether or not they are relevant to our situation. Don stated that this is a delicate issue. There are several examples in our area. One such is in Varna. Don went to investigate and found no odors. If the forced main is properly operated it should not pose a problem. Don went on to explain how a forced main works. No matter which route we go, a forced main will be involved.

One thing that the Mayor indicated he does not fully understand is the operating costs that are being projected for this project. Don will meet with the engineer to see where he came up with these operating costs.

Frank stated that odors are associated with pump stations. The system connections are the source of odor (H₂S). H₂S is corrosive and causes problems with concrete. Frank would like to see this subject faced up front. He feels we are politically responsible for our Village.

John O'Neill feels that careful up front engineering could address these problems. Lynn stated that we are very hypothetical at this point. Don stated that this just has to be done properly and there is no easy way to deal with odors.

The Board gave approval to go ahead with a traffic study to see if Route 34 is a viable solution. The Mayor advised the Board that Fisher Associates has given us a proposal that needs to be approved.

Resolution #5215-Authorize Fisher Associates to do a Traffic Diversion
Study in an Amount not to Exceed \$15,000.

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

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O'Neill-Aye		
	Trustee Larry Fresinski-Aye		

Don stated that the study will involve 2-3 days of traffic sampling and should be completed by the end of February. The Board again stated their concerns about how carefully the estimated costs have been done. Don will meet with Jim Blum and go through the number details. The Mayor feels he has dealt with enough large projects that he knows where the soft pieces are.

Bud Shattuck, Town of Lansing Board member, thanked the Village Board for being involved. He stated that the Town of Lansing isn't as concerned with the location of the proposed transmission main as it is with the time and cost to complete the project. Bud stated that they want to work with the Village. Don asked what the domestic unit count is and the total amount of funding promised for the project. Bud stated that the domestic unit count is at approximately 900. The State has promised approximately \$6.7 million, and he estimates the total cost of the project will be \$15 million. Monies have already been allocated to Ithaca Area Treatment Plant and the Village of Cayuga Heights Treatment Plant for phosphorus removal which leaves approximately \$4.8 million.

Squeaky Clean Car Wash has submitted a request to get a refund of the \$800 they paid in 2003 for a building/special permit. Ben had previously submitted a letter to the Trustees stating that in 2003 Gary Sloan applied for a permit to construct an addition of four self-serve bays to Squeaky Clean Car Wash. The Planning Board approved the Special Permit contingent on the Board of Zoning Appeals granting the four area variances that would be required. The BZA

denied the variances. In 2005 Gary reapplied for a similar addition, but one reconfigured so that it required only two variances which the BZA ultimately granted. Due to the new fee structure, Gary paid a \$1,500 building permit fee and is requesting a refund of the fee he paid in 2003. Ben has estimated that the expense we incurred while reviewing the first application was about \$150; therefore he recommends that the Village refund \$650 to Gary.

Resolution #5216- To Refund Squeaky Clean Car Wash \$650 of Their Original \$800 Building/Special Permit Fee

Trustee Leopold moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O’Neill-Aye		
	Trustee Larry Fresinski-Aye		

Next on the agenda was the matter of authorizing the Mayor to sign the outfall mapping letter proposal. Lynn explained that this is a free service we’re receiving. We are required to develop a map of the location of all outfalls and the names and locations of all waters in the Village. The Tompkins County Stormwater Working Group has received funding to assist municipalities in meeting the mapping requirements, and the Town of Ithaca has developed a specific mapping protocol and hired field staff to conduct the inventory and is offering to extend this service to us. This helps us comply with the MS4 requirements. The portion allocated to the Village is \$3,366.70.

Resolution #5217-Authorize the Mayor to Sign a Letter to the Town of Ithaca Authorizing Tompkins County Soil and Water Conservation District to Reimburse the Town of Ithaca and Tompkins County through the Grant Monies for Outfall Mapping Work in the Village of Lansing.

Trustee Leopold moved this resolution. Trustee O’Neill seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O’Neill-Aye		
	Trustee Larry Fresinski-Aye		

The Mayor stated that it is getting close to budget time. Jodi will send out requests for budgets. John O’Neill stated that he would work with the employees again this year.

Lynn stated that she continues to attend the Stormwater Group meetings and they are getting close to becoming a coalition with bylaws. The TC Planning Department has been helping a lot with this.

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee Moore seconded the motion. A vote was taken:

	Mayor Donald Hartill-Aye	Trustee Frank Moore- Aye	Trustee Lynn Leopold-
Aye	Trustee John O’Neill-Aye		
	Trustee Larry Fresinski-Aye		

The meeting adjourned at 9:15PM.

Jodi Dake
Clerk/Treasurer