

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 3, 2007, in the Village Office.

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

Deputy Mayor Fresinski called the meeting to order at 7:32 P.M. and opened the public comment period. There were no comments.

### Motion-To Close the Public Comment Period

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

Since Dr. Ross from Colonial Vet was present, Dubow suggested that we first consider the Temporary Certificate of Compliance which Ben Curtis, Village of Lansing Code & Zoning Officer, has recommended. A letter from Ben was distributed to the Trustees providing the following information: The Construction of Phase 1 of the new Colonial Veterinary Hospital at 2369 North Triphammer Road is nearing completion. They would like to occupy the completed part of the new building this week so that they can move out of and demolish the old building. This will clear the way for construction of the remaining section of the new building. The part of the new building they will be occupying is substantially complete including all of the life safety systems and will be sealed off from the section being constructed as Phase 2. A substantial amount of landscaping is in place, but the remainder will have to wait until Phase 2 is complete and the weather is favorable; erosion protection will remain in place until ground cover is established. It has been complicated phasing the construction so that the hospital could continue to operate while such an extensive reconstruction is taking place on the same site; Ben is satisfied with the level of cooperation required to make this possible and is confident that all parties concerned will continue to do what is necessary to complete Phase 2 while Phase 1 is in operation.

Based on the above, Ben's letter recommends that the Trustees authorize a Temporary Certificate of Compliance for Phase 1 of the new Colonial Veterinary Hospital at 2369 North Triphammer Road, which would expire June 4, 2008, at which time it will probably require an extension. As noted above, work on this complicated project has proceeded smoothly and the owner, the architect and the contractor have responded as necessary to meet the requirements of the Village. In the interests of consistency, however, Ben recommended that a nominal security of \$5,000 be required to be placed on deposit with the Village pending completion of the work and issuance of a Final Certificate of Compliance. As always, issuance of the Temporary Certificate will be contingent upon satisfaction of all other code and life safety issues.

Lynn asked what kind of ground cover would be done. Dr. Ross stated that some grass had already been planted. Final landscaping will be completed in the spring as weather permits.

Resolution #5395- To Issue a Temporary Certificate of Compliance for Construction of Phase 1 of the New Colonial Veterinary Hospital at 2369 North Triphammer Road with a \$5,000 Security Deposit and an Expiration Date of June 4, 2008.

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

John O'Neill stated that the new building looks very nice.

The next item on the agenda was to Consider Proposed Local Law H (2007), Amendment to Village of Lansing Code-Sewer Rents. This is necessary due to SCLIWC rate increase and its effect on the sewer surcharge for those property owners not connected to the Village water system. Village Code section 111-22 needs to be amended to increase the sewer surcharge for the non-Village water system users so that it is consistent with the higher water rate to be charged to Village water system users -- i.e., 30% of \$2.32

(the new rate) such that the surcharge will now become \$0.70 per 1000 gallons of water with a minimum charge of \$7.00 as opposed to the current \$0.67 per 1000 gallons of water with a minimum charge of \$6.63 (based upon 30% of the current \$2.21 SCLIWC/Village water rate). Paul Tunison at SCLIWC has confirmed that all of the participating Commission members have approved the rate increase. Borg Warner is the only customer in the Village that currently is affected by this surcharge amendment for property owners not connected to the Village water system. Frank asked why a minimum has to be set. Jodi stated that there is a minimum for all customers and this keeps it consistent.

Resolution #5396- Set a Public Hearing for December 17, 2007 at 7:35pm  
for Proposed Local Law H (2007), Amendment to  
Village of Lansing Code-Sewer Rents

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

David Dubow stated that he has invited Ned Hickey and Mario Tomei from the Planning Board so that they may help clarify any questions with the next three proposed laws. At the Planning Board Meeting on November 27<sup>th</sup> the Planning Board reviewed Proposed Local laws I, J & K and recommended their approval. They also discussed the Draft of the Stormwater Management, Erosion and Sediment Control Law without comment due to the technical aspects of the content. However, they do support the adoption of this law or an amended version as soon as possible.

Dubow stated that Proposed Local law I is intended to add "mixed use," as that term is defined in the Zoning Law, as a use in the Commercial High Traffic District (CHT) permitted with a special permit/general and additional conditions. He explained that this "mixed use" is already allowed in the Commercial Low Traffic District (CLT). "Mixed Use" is defined as a parcel developed for both residential and commercial uses. This came up in the context of a project that has come to the Planning Board. The Shops at Ithaca Mall, formally Pyramid Mall, is proposing to add a retail strip with apartments on the second floor. Ned presented a map from Shops at Ithaca Mall showing the proposed mall additions with retail on the bottom and apartments above. Dubow explained that this use requires a special permit subject to both the general conditions for all special permits as well as the additional conditions specifically applicable to this use. He also indicated that while preliminarily reviewing the proposed Mall project, the Planning Board came to the conclusion that the most efficient way to amend the Village zoning requirements would be to add this "mixed use" to the CHT District. John O'Neill stated that this would also be applicable to Triphammer Mall and Cayuga Mall. Ned stated that through out the country the trend is for people to want to park outside the store and walk in. This would bring another dimension to the mall. Dubow added that the Mall representatives explained that this newly proposed area of the Mall will be similar to a downtown setting. John O'Neil was concerned with the residential pricing and rent and how this may affect the tone of the neighborhood. He feels that the residential use should be consistent with Mall setting and the surrounding neighborhood. Dubow stated that the ultimate nature and design for any such "mixed use" project will be subject to Planning Board review and approval. Lynn stated that the national trend of the 21<sup>st</sup> Century is for older people to sell their large homes and move to a location where they can walk to everything they need. Dubow added that none of the current Planning Board members had knowledge or recollections as to why this "mixed use" was not one originally included in the CLT District.

Resolution #5397- Set a Public Hearing for December 17, 2007 at 7:40pm  
for Proposed Local Law I (2007), Amendment to  
Village of Lansing Code-Zoning Law/Commercial  
High Traffic District/ Mixed Use Permitted with  
Special Permit General and Additional Conditions

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

David Dubow presented both Proposed Local Law J & K together. Both are intended to amend the Village Code definition of the term "Lot," one in the Land Subdivision Regulations and the other in the Zoning Law. The revised definition is intended for clarification purposes. Dubow explained that there have been 2 or 3 situations of long term land leases for developments of buildings in a campus setting, some of which involve tax parcels having been created based upon the boundaries of the leased land upon which particular buildings are situated, such tax parcels being a portion of a larger parcel that is intended to be the "lot" under our zoning and subdivision regulations. An example of this is the Cayuga Medical facilities and related medical office complex. Dubow also explained that the Tompkins County Planning Department, during their 239 Review of a recent project, got confused by the depiction of tax parcel lines on the site plan and then inquired as to why lot line setbacks were not applicable to the improvements on the individual tax parcels. This modification of the "Lot" definition is also intended to make it clear that you can not have a lot split, including by simply creating a tax parcel, without first having subdivision approval. Ned stated that Target is another example of this tax parcel issue.

Resolution #5398- Set a Public Hearing for December 17, 2007 at 7:45pm  
for Proposed Local Law J (2007), Amendment to  
Village of Lansing Code-Zoning Law/Definition of  
"Lot"

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

Resolution #5399- Set a Public Hearing for December 17, 2007 at 7:50pm  
for Proposed Local Law K (2007), Amendment to  
Village of Lansing Code-Land Subdivision  
Regulations/ Definition of "Lot"

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

David Dubow presented Proposed Local Law L (2007) which would add a new chapter 124 to our Codification. This is required in accordance with EPA and DEC regulations that require MS4's to comply with Stormwater Management, Erosion and Sediment Controls. Lynn stated that the Village must file an annual report, comply with standards and pass a local law by January 1, 2008. The Board was reminded of Mayor Hartill's characterization of this being another unfunded mandate passed down to the smaller municipalities. Lynn stated that the Village already complies with some stormwater requirements. The State had a guide for creating this law. The model we used was the Town of Dryden's Stormwater Law. Ben had attended Dryden's public hearing and was impressed with their law. We amended Dryden's

Law to be consistent with our codification. Proposed Local Law L not only creates a new chapter, but also amends other sections of our Code to create consistency. Frank questions how this was different than what we already have. Lynn stated that there was a gap analysis done that showed that the Village's existing stormwater regulations as dispersed between the Zoning Law and Land Subdivision regulations were deficient in 63 areas as to the new requirements. This new chapter addresses these areas. Lynn added that there is still one additional local law that will need to be adopted which is for Illicit Discharge Detection and Elimination. Proposed Local Law L fulfills the construction and post construction issues.

John O'Neill was concerned with Section 124-6 E 1, regarding a Simple SWPPP. He feels that 5,000 square feet is not very large and would affect many residents. He was also concerned with how we would enforce noncompliance fees. Dubow stated that at the local level the enforcement is done by our code & zoning officer. It's not much different that what we're doing now with respect to other land use compliance matters. Dubow indicated that if issues come up that indicate that changes should be considered, which is not unusual with a new law, we can always amend the Code. As an example, Dubow made reference to the list of exceptions that do not require stormwater regulatory action, which list can be added to if deemed appropriate. Frank is sensitive to the impact to residents. Lynn stated that things that have the most impact are construction and post construction. We must remember the purpose of these types of stormwater and erosion control measures and the positive effect that stormwater, erosion and sediment controls have on the lake.

Resolution #5400- Set a Public Hearing for December 17, 2007 at 7:55pm  
for Proposed Local Law L (2007), Amendment to  
Village of Lansing Code-Addition of Chapter 124  
(Entitled "Village of Lansing Stormwater Management, Erosion and Sediment  
Control Law") and Revisions to Certain Provisions of Chapter 125 (Entitled  
"Subdivision of Land") and Chapter 145 (Entitled "Zoning") to be Consistent with  
said New Chapter 124

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

Lynn reminded the Board that next we will need a law for IDDE. Brent Cross is currently working on one for the Village of Cayuga Heights. This will be more engineering and housekeeping maintenance.

Next on the agenda was a request from the Tompkins County Council of Government to pass a resolution in support of developing a county-wide water & sewer study. Frank doesn't think this will accomplish much. There are too many independent considerations. Frank doesn't think a study by one single consultant is the right approach. He believes that we have a lot of knowledge based upon the extensive work done by the group of six municipalities that resulted in the agreements involving Cayuga Heights Plant and the City Plant. He feels there should be a commission established and they should hire ad hoc consultants. He sees no clear purpose or plan. Dubow indicated that Mayor Hartill had requested additional information the day after they talked about this at the last Board meeting and circulated that information to the Board. It was generally acknowledged that there would be no harm in getting a grant.

Resolution #5401- Resolution in Support of the County-wide Water and Sewer Evaluation and to  
Authorize the Mayor and Frank Moore to Draft a Letter of Support to the New York State Department  
of State

**WHEREAS**, the Tompkins County Economic Development Strategy's goals include increasing and diversifying the county's housing supply and revitalizing the county's unique commercial districts and town centers; **AND**

**WHEREAS**, the Economic Development Collaborative was organized to formalize, strengthen and deepen the cooperation among the many local agencies and municipal bodies addressing economic development issues in the

County to make the process more effective through common goals and approach; AND

**WHEREAS**, the Tompkins County Council of Governments (TCCOG) is a member of the Economic Development Collaborative, which is currently working to address the goals of the County's Economic Development Strategy, AND

**WHEREAS**, the TCCOG supports the development of a county-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals; AND

**WHEREAS**, the Economic Development Collaborative has suggested the creation of an updated, county-wide evaluation of existing water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals; AND

**WHEREAS**, the Village of Lansing is a member of the TCCOG; AND

**WHEREAS**, the last county-wide evaluation of water and sewer infrastructure was completed in 1994; AND

**WHEREAS**, an updated evaluation would facilitate the development of housing within town and village centers, commercial revitalization of those centers and growth in the tax base, with the most efficient use of public dollars for infrastructure; NOW THEREFORE BE IT

**RESOLVED**, that the Village of Lansing supports the development of a county-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals by an engineering consultant; AND BE IT FURTHER

**RESOLVED**, that the Village of Lansing pledges to work with the Engineering Consultant to ensure cooperation of its planning and engineering departments with this project.

It was agreed that Frank would work with the Mayor to try to draft a letter of support to accompany the foregoing resolution.

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

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

Approval of minutes was next on the agenda.

Motion - To Approve the Minutes from November 5<sup>th</sup> & 15<sup>th</sup>, 2007.

Trustee Leopold 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 Moore seconded the motion. A vote was taken:

Trustee Larry Fresinski -Aye  
Trustee Frank Moore-Aye

Trustee John O'Neill-Aye  
Trustee Lynn Leopold -Aye

During general discussion Larry stated that he noticed improvement with our street lights. We have had some problems with bad parts but we seem to have resolved that issue.

It was reported by Lynn that a student from Cornell was doing a daffodil project and mis-ordered the number of bulbs that where necessary. They ordered 5,000 instead of 500. The bulbs were given to Cooperative Extension's

Community Beautification Program for Distribution to county municipalities. The Village will benefit from this and receive 300 bulbs which Lynn would like to have planted by our walls on N. Triphammer Rd.

John O'Neill voiced his concern with solicitors in his neighborhood. He also read an article in AARP which stated that this is a nationwide problem. He didn't see anything in our Code and wondered how we could deal with this. He suggested we put up signs like they have in the Village of Cayuga Heights. Larry will research the Code further. Jodi stated that if a solicitor calls the office she usually puts them in contact with the Code & Zoning Officer who gets their credentials and also asks them to register with the sheriff.

Jodi stated that the New York Legislature has increased the maximum income level for eligibility for "Persons sixty-five years of age or over" and "Persons with disabilities and limited income" exemptions. The previous legislation allowed for an income limit of \$26,000 to receive a fifty percent reduction in taxable value, with a sliding scale of reductions for incomes up to 34,399. The new legislation signed into law this year allows for the minimum level to increase to \$27,000 and the maximum level to increase to \$35,399. The Legislature has also passed a new Veteran's Exemption for "Cold War Veterans" that municipalities may choose to opt into. The Assessment Department needs to be notified by February 1, 2008 to apply the higher income limit to the 2008 Tentative Assessment Roll. Before considering this the Board would like Jodi to find out what the Town of Lansing is doing.

Motion- To Adjourn

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

The meeting adjourned at 9:02 PM.

Jodi Dake

Clerk/Treasurer