

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, June 16, 2008, in the Village Office.

Present: Trustees, Larry Fresinski, Lynn Leopold, and Julie Baker; Attorney David Dubow; Clerk/Treasurer Jodi Dake.

Deputy Mayor Fresinski called the meeting to order at 7:33 P.M. He opened the public comment period. There were no comments.

Motion-To Close the Public Comment Period

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

Trustee Larry Fresinski -Aye                      Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

Dave Putnam was present for the engineer's report. Dave reported that Integrated Properties has sold all its apartment buildings in the Village of Lansing to the Solomon Organization of Summit, New Jersey. He will be meeting with Zach Solomon tomorrow afternoon to discuss the Northwood road conveyance matter with respect to which the Village has worked with Integrated Properties over the last several years. He didn't have any details on why the properties had been sold, but he should know more tomorrow and will e-mail the Trustees. The only other thing Dave had to report was that John Courtney replaced the sewer on Wood Thrush Hollow Road and has it all reconnected.

The next item on the agenda was to approve the minutes from June 2<sup>nd</sup>.

Motion - To Approve the Minutes from June 2, 2008

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

Trustee Larry Fresinski-Aye                      Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

Next on the agenda was to consider Proposed Local Law C (2008)-Amendment to Village of Lansing Code-Zoning Law-Religious Facility Use in Commercial High Traffic District and Mixed Use in Commercial High Traffic District. David Dubow explained that it has come to the attention of the Planning Board that there is a disparity in the Village's Zoning Law with respect to where "Religious Facilities" are permitted with special permit. Currently, they are permitted in the Low Density, Medium Density and High Density Residential Districts and in the Commercial Low Traffic District, but not in

the Commercial High Traffic District. An application has come to the Village for possible use for a religious facility in the old Bishops store in the Small Mall. After considerable discussion, the Planning Board could not explain why a religious facility is not a permitted use in the Commercial High Traffic District, and it has been recommended by the Planning Board that the Zoning Law be amended to include this use in that district. As a follow-up to the discussion at the Planning Board meeting this past Monday evening, David has prepared Proposed Local Law C (2008) in accordance with the recommendation.

This proposed local law provides for the amendment of the Village Code/Zoning Law so as to permit a “religious facility” use in the Village’s Commercial High Traffic District (CHT) areas. This change requires an amendment to section 145-43 of the Village Code which covers CHT permitted uses and related dimensional provisions, and also an amendment to section 145-81 wherein the Chart of Uses sublisting for “Religious facility” will need to be revised to include the CHT as an additional District in which this religious facility use is permitted with Special Permit/General Conditions.

David also pointed out that this Proposed Local Law C (2008) includes an additional amendment to section 145-81 providing for a similar revision in the Chart of Uses as to the “Mixed use” sublisting to reflect that this mixed use is permitted in the CHT with Special Permit/General and Additional Conditions. He explained that in the process of preparing this local law which is focused on the religious facility use, he discovered that Local Law 9 (2007), which was adopted last December and which provided for the addition of “Mixed Use” in the CHT, did not specifically provide for the related change in the section 145-81 Chart of Uses. Accordingly, he has incorporated that amendment into this local law. Assuming the proposed local law is approved by the Board of Trustees, it will be an easy way to enable us to correct this inadvertent omission in Local Law 9 (2007).

David gave some further background on the proposal that has prompted this contemplated amendment and the issues related to the applicability of the federally adopted Religious Land Use and Institutionalized Persons Act of 2000.

David suggested that if the Board of Trustees would like to move forward on this matter a public hearing date for either the first or second regularly scheduled meeting in July should be scheduled. He also explained that this proposed local law will need to be referred to the County Planning Department for General Municipal Law section 239-1 and -m review. The potential timetable for proceeding was discussed with the expectation that the County’s response might be received by the Board’s first July meeting on July 7. There is some sense of urgency based upon the desire of the parties involved to proceed with the proposed religious facility project as quickly as possible. It was understood that if the proposed amendment to the Zoning law provisions is adopted by the Village, the proponents of the religious facility project would still be subject to the required special permit approval requirements. Larry inquired as to whether the Village Zoning provisions specifically and expressly provide for the exclusion of this use in the CHT or whether this use is simply not included as a permitted use in the CHT. David indicated that it is not

specifically excluded. Ned again emphasized that if the law is changed, they would still have to go through the special permit process with the Planning Board. Larry pointed out that they would presumably be parking vehicles on Sunday when other businesses in that area are closed, but inquired about other times during the week. Ned stated that they would have to submit a parking plan as part of their special permit application materials. It was acknowledged that parking will be a primary concern. Ned added that all of our commercial districts are mall areas, adding that who would have thought at the time the Village Zoning Law was originally adopted that a church would want to be located in that type of area. He also commented that times are changing and our zoning provisions should be reviewed and amended as appropriate to reflect current times and conditions.

Motion- To Set a Public Hearing for Proposed Local Law C (2008) for  
July 7, 2008 at 7:35pm

Trustee Baker moved to set a public hearing. Trustee Leopold seconded the motion to adjourn. A vote was taken:

Trustee Larry Fresinski -Aye                      Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

Jodi will send the proposed local law to the County Planning Department for their General Municipal Law 239 review. The County's response can hopefully be obtained on an expedited basis and in less than the 30 days to which they are entitled. Notice of the Public Hearing will also go in the newspaper.

During general discussion Larry stated that he is still working with Time Warner Cable on getting internet service. Larry is still waiting to hear when they will come to connect us. In the meantime, we are still using Danica.

Larry has noticed that our new radar sign flashes at 40mph. The Board requested that it start flashing at 35mph and be moved further north. The sign is not hard wired; it runs on a solar pack, so it doesn't matter where it is placed.

Motion- To Adjourn

Trustee Baker moved for adjournment. Trustee Leopold seconded the motion to adjourn. A vote was taken:

Trustee Larry Fresinski -Aye                      Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The meeting adjourned at 8:00 PM.

Jodi Dake  
Clerk/Treasurer