

Village of Lansing

MINUTES of a joint meeting of the Board of Trustees and Planning Board of the Village of Lansing held on Monday, November 17, 2008, in the Village Office.

Present: Deputy Mayor Larry Fresinski; Trustees Lynn Leopold, Julie Baker and John O'Neill; Planning Board Chair Ned Hickey; Clerk/Treasurer Jodi Dake; Attorney David Dubow.

As the Mayor was not present and the Deputy Mayor had not yet arrived, Lynn Leopold called the meeting to order at 7:40 P.M. and opened the public comment period. Ned Hickey announced that the Planning Board would have Tom Niederkorn in on December 8<sup>th</sup> to talk about Planed Development Areas/Planned Unit Developments. It has been decided that on Tuesday, January 27<sup>th</sup> we would have another joint meeting between the Trustees and Planning Board. Cornell Real Estate has agreed to come in and speak with us on workforce housing.

Motion-To Close the Public Comment Period

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

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

Trustee John O'Neill-Aye

David Dubow explained that on October 6<sup>th</sup> we handed out Proposed Local Law E, Amendment to Village of Lansing Code-Sewer Rents. This is simply what we do regularly when water rates increase. The Board previously accepted a rate increase from Bolton Point which goes into affect on January 1, 2009. The rate increased approximately 10%. This in turn increases our sewer rate since it is a percentage of the water rate. In the Village we have one customer that is not charged for water in the Village but is charged for sewer. This proposed law increases the sewer rate for such outside user to be the same as everyone else pays in the Village.

Deputy Mayor Larry Fresinski arrived and took over the meeting.

Motion-To Open the Public Hearing on Proposed Local Law E,  
Amendment to Village of Lansing Code-Sewer Rents.

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

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

Trustee John O'Neill-Aye  
Trustee Larry Fresinski-Aye

There were no comments.

Motion-To Close the Public Hearing

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

Trustee Lynn Leopold-Aye  
Trustee Julie Baker-Aye

Trustee John O'Neill-Aye  
Trustee Larry Fresinski-Aye

Dubow stated that SEQR review was not required for adoption of this Local Law.

Resolution #5495-To Adopt Proposed Local Law E (2008) as Local Law 5

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law E (2008), to be designated Local Law 5 (2008) upon its adoption, to amend subsection A of Section 111-22 [entitled "Rents for property owners not connected with Village of Lansing water system"] of Article II [entitled "Sewer Rents"] of Chapter 111 [entitled "Sewers"] of the Village of Lansing Code so as to increase the annual sewer rent charged to each owner of property who is not connected to the Village of Lansing water system to match the increase (resulting from the water rate increase) in the annual sewer rent charged to each owner of property who is connected to the Village of Lansing water system; and
- B. On October 6, 2008, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law E (2008), and thereupon scheduled a public hearing thereon for November 17, 2008; and
- C. On November 17, 2008, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law E (2008), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- D. On November 17, 2008, the Village of Lansing Board of Trustees determined that the approval of the proposed action is a Type II action, and thus may be processed without further regard to Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"); and
- E. On November 17, 2008, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law E (2008), (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law E (2008), to be designated Local Law 5 (2008).

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

Trustee Julie Baker-Aye	Trustee Lynn Leopold-Aye
Trustee Larry Fresinski-Aye	Trustee John O'Neill-Aye

The next item on the agenda was to approve Minutes of previous meetings.

Motion - To Approve the Minutes from October 6, 2008

Trustee O'Neill 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 Julie Baker-Abstain	Trustee Larry Fresinski-Aye
Trustee Lynn Leopold -Aye	Trustee John O'Neill-Aye

Motion - To Approve the Minutes from October 16, 2008

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 Baker seconded the motion. A vote was taken:

Trustee Julie Baker-Aye	Trustee Larry Fresinski-Abstain
Trustee Lynn Leopold -Aye	Trustee John O'Neill-Aye

Motion - To Approve the Minutes from November 3, 2008

Trustee O'Neill 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 Julie Baker-Aye	Trustee Larry Fresinski-Aye
Trustee Lynn Leopold -Aye	Trustee John O'Neill-Aye

The next item on the agenda was the proposed Building Code Administration and Enforcement Local Law. David stated that this Local Law is State mandated and that the deadline for its adoption had past. He explained that the Village already has a Building Code Administration local law as part of its Code, but the State now mandates additional requirements. These are to be local regulations for enforcing the State Code. It was also explained that the plan has been to get as much of the proposed Local Law completed by Zoning and Code Enforcement Officer Ben Curtis and Trustee Baker before it went to

David Dubow to review. Originally a model law was provided by the State in an effort to standardize this process, and the proposed Local Law being submitted for consideration is largely based upon that model law. David indicated that he has had only a short time to review the proposed Local law and has a few issues which he would like to discuss with Ben Curtis.

The following is an Overview of the Proposed Local Law subject matter presented by Julie:

## **Local law providing for administration and enforcement of the State's Uniform Code and Energy Code**

### **Overview**

#### **Section 1: Purpose and Intent**

Purpose of the law is for administration and enforcement of the State Uniform Fire Prevention and Building Code and Energy Code.

#### **Section 2: Definitions**

Various definitions are established. We already have a building permit for zoning and do not want second building permit. So, the language "and Chapter 145 of the Village of Lansing Code", our zoning law, was added.

#### **Section 3: Code Enforcement Officer and Inspectors**

Establishes the office of Code Enforcement Officer (CEO) and outlines duties.

Section (f) was added to allow the CEO to use highly skilled people without requiring them to take all of the in-service required in section (d).

Section (g) was added in order to provide the Code Enforcement Officer the latitude he currently exercises to waive various requirements in cases where those requirements have little if any value in that particular case. The language is borrowed from a similar clauses in the Zoning and Subdivision Laws (see for example 145-59[D]10) which gives the Planning Board similar authority. Having the provision in this law may avoid situations in which someone sues the Village because the Code Official fails to comply with minor details. (Recall, for example, the Target law suit.)

#### **Section 4: Building Permits**

Outlines when building permits are required and procedures for granting building permits.

To take into account the Village's other laws (zoning, sign, subdivision and stormwater), the language "and all other applicable laws, rules and regulations" was added in this section and others.

## **Section 5: Construction Inspections**

Outlines requirements and procedures for construction inspections.

## **Section 6: Stop Work Orders**

Authorizes CEO to issue Stop Work Orders and outlines procedures.

## **Section 7: Certificates of Compliance**

Outlines procedures for CEO to issue Certificates of Compliance. This section also authorizes the CEO to issue Temporary Certificates of Occupancy.

## **Section 8: Notification Regarding Fire or Explosion**

Requires the Chief of Fire Department to notify CEO in the event of a fire or explosion involving structural damage.

## **Section 9: Unsafe Buildings and Structures**

Outlines procedures for dealing with unsafe structures.

## **Section 10: Operating Permit**

Authorizes the CEO to issue Operating Permits and outlines procedures for this.

## **Section 11: Fire Safety and Property Maintenance Inspections**

Outlines requirements for inspections.

Section (c), regarding the State Office of Fire Prevention and Control (OFPC), pertains to dorms and other college buildings. If OFPC inspects, for example, the Ornithology Lab or Langmuir Lab, this section would relieve us of the responsibility for doing so as well.

## **Section 12: Complaints**

Outlines procedures for addressing complaints about non-compliance with Uniform Code and Energy Code.

## **Section 13: Record Keeping**

Requires the CEO to keep permanent records as long as required by State law.

## **Section 14: Program Review and Reporting**

Outlines requirements for annual reporting to the Board of Trustees and the Secretary of State.

## **Section 15: Violations**

Authorizes the CEO to issue Compliance Orders. For Appearance Tickets, the CEO brings the case to the BOT, who authorizes CEO to issue an Appearance Ticket on a case by case basis.

**Section 16: Fees**

Authorizes the Board of Trustees to set all fees, which **may** be charged.

**Section 17: Intermunicipal Agreements**

The BOT may authorize the Mayor to work with other governments to carry out this local law.

**Section 18: Partial Validity**

If one section of this local law is bad, the whole is not affected.

**Section 19: Effective Date**

Local law is effective immediately upon filing.

Julie Baker explained that Ben does not like appearance tickets so we have incorporated a more involved process with the Board of Trustees. It was explained that we also have civil jurisdiction. Dubow explained that a lot of times these issues just get resolved without adversarial proceedings and/or outside intervention. Ben likes to resolve issues before they get to that point. Dubow further explained that the County District Attorney’s Office will not prosecute local laws, and therefore that obligation falls on the Village. Ben will be retiring in about a year so this law needs to be able to be used by anyone that comes to the Code & Zoning Enforcement Officer’s position.

Dubow stated that the goal is to get consistent record keeping and reporting. David suggested that everyone look this law over again. The law will need to be reformatted into our Code. The Board will discuss this further with Ben at the next noon meeting. Jodi will forward a copy of this proposed local law and the overview that Julie Baker had prepared to Ned. David will call Ben to discuss a few issues that he sees.

David Dubow presented the Board with a resolution to start the process of accepting dedication of the extension of Bomax Drive, the new Bomax Circle and the initial portion of Nor Way in the Lansing Trails II Subdivision. Ivar Jonson’s engineer, Larry Fabbroni, has provided a map of the property to be offered for dedication to the Village. Brent Cross, the Village’s engineer, submitted the following report:

**VILLAGE OF LANSING**  
**ENGINEER’S REPORT**

**DATE:** November 17, 2008  
**TO:** Board of Trustees  
**FROM:** Brent A. Cross, Village Engineer  
**RE:** Lansing Trails II

**NOTE:** The Stormwater management basin at the southwest corner of the Lansing Trails II project is designed to collect water from all of the phase 1 & 2 of the project. The infrastructure for phase 1 has been completed for sometime now, but the Stormwater basin was just completed this fall.

Now that the Stormwater basin is completed, Mr. Jonson is interested in dedication of the phase 1 infrastructure to the Village. This would include the section of Bomax Road extension, Bomax Circle and a short section of Norway Road to the north.

The water and sewer in these sections of roadway were installed during the summer of 2006, and the road base and binder were also installed in that same year. As required by the Village's subdivision regulations, the road base/binder was allowed to "weather" over one winter season before it the asphalt top course was installed during the summer of 2007. Since the Stormwater basin was required by the Planning Board to be completed as part of Phase 1, the roadway and other infrastructure was not allowed to be dedicated until now.

During the course of the 2006 and 2007 construction progress, I made many inspections of the work for compliance with the approved plans. At this time, the only variance from the plans is the installation of stop signs at all corners of the intersection of Bomax and Norway. The original plans called for a raised intersection as a "traffic calming" measure. If the raised intersection is still preferred over the all-way stop, then we can incorporate it into the scope of work for phase 2. Otherwise, the work is completed as designed and should be considered for dedication.

There are some miscellaneous issues that need to be "cleaned-up" before transfer of title:

- as-builts of water and sewer to be approved by Bolton Point and John Courtney
- check on status of electrical inspection of street lighting
- additional ROW monuments at critical locations
- confirmation that the temporary turn-around is adequate for snowplow
- determination of "retainage" during the warranty period

I do not anticipate these to hold up the dedication process. I will follow-up with a final report when these items are verified.

Since there are other lands to be dedicated for future for open space and utility easements, the Stormwater basin should be considered at that time.

Dubow explained that there are four steps the Village needs to take before it can accept an offer of dedication. First the owner must make an offer of dedication. Next the Village will make a preliminary and conditional acceptance by resolution. A public hearing must then be held, after which the Board will need to adopt a final resolution confirming its acceptance with whatever conditions are deemed necessary. Once all conditions are satisfied, the road rights of way can be formally conveyed to the Village.

Lynn pointed out that Brent's memo mentions that the raised intersection intended as a

“traffic calming” measure at the intersection of Bomax Drive/Bomax Circle & Nor Way was not done. Lynn questioned whether it was needed. It was explained that the design of this area does not really warrant the need for traffic calming. It is still unclear as to the future development of the Lansing Trails II subdivision. The market will very likely dictate what will be built.

The following resolution was introduced:

Resolution #5496 -To Accept Offer of Dedication of the Extension of Bomax Drive, the New Bomax Circle and the Initial Portion of Nor Way, and to Set a Public Hearing for December 1, 2008, 7:35 PM at the Village of Lansing Office

WHEREAS, the Village of Lansing has received in writing an Offer of Dedication dated November 13, 2008 (the “Offer of Dedication”) on behalf of Ivar and Janet Jonson / The Heights of Lansing Development LLC, a New York limited liability company (“Jonson/Heights of Lansing”), for (i) the extension of Bomax westerly from the end of the existing Bomax Drive public right of way previously dedicated and conveyed to the Village, (ii) Bomax Circle extending further westerly of the foregoing offered extension of Bomax Drive, and (iii) the initial portion of Nor Way extending northerly from the intersection of the foregoing offered Bomax Drive extension and new Bomax Circle (together with a temporary turnaround easement for the offered portion of Nor Way), all in accordance with the Final Plat approval for the “Lansing Trails II Subdivision” in the Village of Lansing, as well as any water and sewer mains located within the bounds of such premises; and

WHEREAS, the Village of Lansing wishes to accept the Offer of Dedication, subject to the conditions and obligations to be satisfied by Jonson/Heights of Lansing as set forth below;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Lansing as follows:

1. The Village of Lansing hereby accepts the Offer of Dedication made by Jonson/Heights of Lansing, subject to full and complete satisfaction of each of the following conditions:
  - a. Satisfactory conclusion of the public hearing to be held in reference to the dedication of the subject property in accordance with Sections 6-612 and 6-614 of the Village Law of the State of New York;
  - b. Confirmation from the Village’s engineer that (i) all required work with respect to the proposed road right of way and related improvements has been completed as required and (ii) acceptance of the road right of way and related improvements is thereby recommended;
  - c. Delivery to, review by and approval of the Village Attorney of original

and executed copies of each and every document required in order to complete conveyance of the subject property in accordance with all applicable provisions of the State of New York and Village of Lansing laws, rules and regulations;

- d. Receipt by the Village Attorney from Bomax of a satisfactory and fully updated abstract of title and all related title and transfer documents to confirm that the premises will be conveyed free and clear of all liens and encumbrances other than customary public utility easements of record; and
  - e. Recording and filing of the warranty deed conveying the subject property to the Village of Lansing, and recording and filing of any other documentation necessary to complete the conveyance of such property free and clear of all liens and encumbrances other than customary public utility easements of record.
2. A public hearing shall be conducted in regard to the Offer of Dedication at the next regularly scheduled meeting of the Board of Trustees of the Village of Lansing, on December 1, 2008, at 7:35 PM, all in accordance with the provisions of Sections 6-612 and 6-614 of the Village Law of the State of New York.

The Village of Lansing's acceptance of the Offer of Dedication is expressly subject to the above-stated conditions, and such acceptance shall not become effective until each of said conditions has been satisfied in full.

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

Trustee Julie Baker-Aye  
Trustee Larry Fresinski-Aye

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

Lynn stated that she would not be present at the December 1<sup>st</sup> meeting. She also asked Larry if he had heard any more on the issue of informing members of the Yahoo group of lost dogs or cats. Larry stated that the only complaint that he received was from a past Village resident that no longer lives in the Village. Lynn thinks it is a great thing to do.

Lynn asked Ned if he had heard any complaints about light spillage from Colonial Vet. Ned stated that the Burn's are affected but they have not complained. Lynn also commented that the Colonial Vet building looks unfinished. Ned stated that there is still another tree that needs to go in front.

Motion- To Adjourn

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

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

Trustee Larry Fresinski-Aye  
Trustee Julie Baker-Aye

The meeting adjourned at 8:33 PM.

Jodi Dake  
Clerk/Treasurer