

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, January 4, 2010, in the Village Office.

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

Deputy Mayor Fresinski called the meeting to order at 7:34 P.M. and opened the public comment period. Robert Schleelein was present as the Community Party observer. Ned Hickey and Mario Tomei were representing the Planning Board.

Motion-To Close the Public Comment Period

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

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

The next items on the agenda were public hearings on Proposed Local Law E, Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law, and Proposed Local Law F, Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law. As discussed back in November, both of the tax exemption laws reflect the increased maximum income levels for eligibility as most recently approved for 2010 by the State Legislature.

Motion-To Open the Public Hearing for Proposed Local Law E, Amendment to Village of Lansing Code-Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law

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

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

David Dubow explained that Proposed Local Law E provides for amendments to Article II of Chapter 129 of the Village Code relating to the Village's existing Elderly Persons Real Property Tax Exemption Law. The Village did not adopt the 2009 increase but have now gone to the new 2010 maximum exemption allowed by the State. At the November 16<sup>th</sup> meeting Jodi presented the Board with the information on what the net effect would be on the Village's tax roll. The numbers were insignificant.

Ned Hickey asked how the word gets out about these tax exemptions. It was explained that the Tompkins County Assessment Department is responsible for taking the applications from people that apply for these exemptions. It is assumed that local social service agencies inform their clientele of these possible exemptions.

Motion-To Close the Public Hearing

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

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

Motion-To Open the Public Hearing on Proposed Local Law F, Amendment to Village of Lansing Code-Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law

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

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

Proposed Local Law F provides for an amendment to Chapter 129 of the Village Code adding a new Article IV setting forth a proposed Disabled Persons With Limited Incomes Real Property Tax Exemption Law. A new article will need to be added under Chapter 129 because we have not had an exemption for those with a disability and limited income in the past. Dan Veanor asked if this related to veterans. Dubow explained that there is a different section in the Code that deals with veteran exemptions. This is only for those with a disability and limited income.

Motion-To Close the Public Hearing

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

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

Larry entertained a motion to accept proposed local law E.

Resolution #5582 -To Adopt Proposed Local Law E as Local Law #1  
(2010)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law E (2009), to be designated Local Law 1 (2010) upon its adoption, to amend Chapter 129 (entitled “Taxation”), Article II (entitled “Senior Citizens Tax Exemption,” and known as the “Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law”), Sections 129-16 (entitled “Purpose”), 129-17 (entitled “Schedule of partial exemption”) and 129-18 (entitled “Application for exemption”) of the Village of Lansing Code so as to amend the Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law [originally enacted as Local Law 3 (1990), and thereafter amended by Local Law 13 (1990), Local Law 14 (1990), Local Law 4 (2000), Local Law 6 (2006), and Local Law 1 (2008)], and to specifically (i) update the stated purpose of such Chapter 129 and thereby amend said Section 129-16; (ii) amend subsection “A” of said Section 129-17 to incorporate current provisions of Section 467 of the Real Property Tax Law of the State of New York; (iii) correct the formatting and thereby amend subsection “B” of said Section 129-18; and (iv) implement the most recent amendments to the provisions of Section 467 of the Real Property Tax Law of the State of New York to the extent such provisions affect the “sliding scale” of maximum income levels and corresponding percentages of assessed valuation that shall be exempt from real property tax.; and
- B. On December 7, 2009, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law E (2009), and thereupon scheduled a public hearing thereon for December 21, 2009; and
- C. On December 17, 2009, the Village of Lansing Board of Trustees further discussed Proposed Local Law E (2009), and thereupon re-scheduled the public hearing for January 4, 2010; and
- D. On January 4, 2010, 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 (2009), (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
- E. On January 4, 2010, 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

- F. On January 4, 2010, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law E (2009), (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 FOLLOW:**

- 1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law E (2009), to be designated Local Law 1 (2010).

Trustee Baker moved to adopt this Law. Trustee Leopold seconded the motion. A vote was taken:

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

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The following is a copy of Local Law 1:

**LOCAL LAW 1 (2010)**

**AMENDMENT TO VILLAGE OF LANSING CODE - VILLAGE OF LANSING ELDERLY PERSONS REAL PROPERTY PARTIAL TAX EXEMPTION LAW**

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

**SECTION I. PURPOSE AND INTENT.**

The purpose and intent of this Local Law is to amend Chapter 129 (entitled "Taxation"), Article II (entitled "Senior Citizens Tax Exemption," and known as the "Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law"), Sections 129-16 (entitled "Purpose"), 129-17 (entitled "Schedule of partial exemption") and 129-18 (entitled "Application for exemption") of the Village of Lansing Code so as to amend the Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law [originally enacted as Local Law 3 (1990), and thereafter amended by Local Law 13 (1990), Local Law 14 (1990), Local Law 4 (2000), Local Law 6 (2006), and Local Law 1 (2008)], and to specifically (i) update the stated purpose of such Chapter 129 and thereby amend said Section 129-16; (ii) amend subsection "A" of said Section 129-17 to incorporate current provisions of Section 467 of the Real Property Tax Law of the State of New York; (iii) correct the formatting and thereby amend subsection "B" of said Section 129-18; and (iv) implement the most recent amendments to the provisions of

Section 467 of the Real Property Tax Law of the State of New York to the extent such provisions affect the “sliding scale” of maximum income levels and corresponding percentages of assessed valuation that shall be exempt from real property tax.

SECTION II. AMENDMENTS.

- A. Section 129-16 (entitled “Purpose”) of Chapter 129 (entitled “Taxation”) of Article II (entitled “Senior Citizens Tax Exemption,” and known as the “Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law”) of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**§ 129-16. Purpose.**

**It is the purpose of this Article to implement in the Village of Lansing the terms and provisions of § 467 of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain persons sixty-five (65) years of age or over.**

- B. The introductory paragraph of Subsection A of Section 129-17 (entitled “Schedule of partial exemption”) of Chapter 129 (entitled “Taxation”) of Article II (entitled “Senior Citizens Tax Exemption,” and known as the “Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law”) of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- A. Pursuant to the provisions of § 467 of the Real Property Tax Law of the State of New York, real property located in the Village of Lansing owned by one or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) years of age or over, or real property owned by one or more persons, some of whom qualify under § 467 of the Real Property Tax Law of the State of New York and others of whom qualify under § 459-c of the Real Property Tax Law of the State of New York shall be partially exempt from taxation by said Village for the applicable taxes specified in said § 467 based upon the income of the owner or combined incomes of the owners. A person**

**otherwise qualifying for such exemption shall not be denied the exemption if such person becomes sixty-five (65) years of age after the appropriate tax status date and before December 31 of the same year. For the purposes of this Article II, “sibling” shall mean a brother or sister, whether related through half blood, whole blood or adoption. Such partial exemption shall be to the extent set forth in the schedule following:**

- C. The schedule provided in subsection A of Section 129-17 (entitled “Schedule of partial exemption”) of Chapter 129 (entitled “Taxation”), Article II (entitled “Senior Citizens Tax Exemption,” and known as the “Village of Lansing Elderly Persons Real Property Partial Tax Exemption Law”) of the Village of Lansing Code is hereby deleted in its entirety and replaced with the following amended schedule intended to reflect the maximum income levels of eligibility in accordance with the most recent amendments to Section 467 of the New York State Real Property Tax Law, which amendments modify the annual income limits to be calculated in accordance with said subsections:

<b>ANNUAL INCOME OF OWNER OR COMBINED ANNUAL INCOME OF OWNERS</b>	<b>PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION</b>
<b>Up to \$29,000.00</b>	<b>50%</b>
<b>More than \$29,000.00, but less than \$30,000.00</b>	<b>45%</b>
<b>\$30,000.00 or more, but less than \$31,000.00</b>	<b>40%</b>
<b>\$31,000.00 or more, but less than \$32,000.00</b>	<b>35%</b>
<b>\$32,000.00 or more, but less than \$32,900.00</b>	<b>30%</b>
<b>\$32,900.00 or more, but less than \$33,800.00</b>	<b>25%</b>
<b>\$33,800.00 or more, but less than \$34,700.00</b>	<b>20%</b>
<b>\$34,700.00 or more, but less than \$35,600.00</b>	<b>15%</b>
<b>\$35,600.00 or more, but less than \$36,500.00</b>	<b>10%</b>
<b>\$36,500.00 or more, but less than \$37,400.00</b>	<b>5%</b>

- D. Subsection B of Section 129-18 (entitled “Application for exemption”) of Chapter 129 (entitled “Taxation”) of Article II (entitled “Senior Citizens Tax Exemption,” and known as the “Village of Lansing Elderly Persons Real

Property Partial Tax Exemption Law”) of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**B. Notwithstanding anything to the contrary provided herein, any person who has been granted an exemption pursuant to this Article and in accordance with § 467 of the Real Property Tax Law of the State of New York on five (5) consecutive completed assessment rolls shall not be subject to the requirements set forth in Subdivision 6(a) of said § 467, provided that:**

- (1) Said person shall be mailed an application form by the assessing authority and a notice informing such person of his or her rights; and**
- (2) When tax payment is made by such person a sworn affidavit must be included with such payment which shall state that such person continues to be eligible for such exemption, which affidavit shall be on a form prescribed by the State Board of Equalization and Assessment.**

**In such event, such exemption shall be automatically granted on each subsequent assessment roll.**

**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 superceded 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 its filing in the office of the Secretary of State.

Resolution #5583 -To Adopt Proposed Local Law F as Local Law #2  
(2010)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law F (2009), to be designated Local Law 2 (2010) upon its adoption, to add a new**

Article IV (entitled “Disabled Persons With Limited Incomes Tax Exemption,” and known as the “Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law”), to implement in the Village of Lansing the terms and provisions of § 459-c of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain persons with disabilities and limited incomes; and

- B. On December 7, 2009, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law F (2009), and thereupon scheduled a public hearing thereon for December 21, 2009; and
- C. On December 17, 2009, the Village of Lansing Board of Trustees further discussed Proposed Local Law F (2009), and thereupon re-scheduled the public hearing for January 4, 2010; and
- D. On January 4, 2010, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law F (2009), (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
- E. On January 4, 2010, 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
- F. On January 4, 2010, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law F (2009), (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 FOLLOW:**

1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law F (2009), to be designated Local Law 2 (2010).

Trustee Baker moved to adopt this Law. Trustee O’Neill seconded the motion. A vote was taken:

Deputy Mayor Larry Fresinski -Aye  
Trustee John O’Neill-Aye

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The following is a copy of Local Law 2:

**LOCAL LAW 2 (2010)**

**AMENDMENT TO VILLAGE OF LANSING CODE - VILLAGE OF  
LANSING  
DISABLED PERSONS WITH LIMITED INCOMES REAL PROPERTY  
PARTIAL TAX EXEMPTION LAW**

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

**SECTION I. PURPOSE AND INTENT.**

The purpose of this Local Law is to amend Chapter 129 (entitled "Taxation"), so as to add a new Article IV (entitled "Disabled Persons With Limited Incomes Tax Exemption," and known as the "Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law"), to implement in the Village of Lansing the terms and provisions of § 459-c of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain persons with disabilities and limited incomes.

**SECTION II. AMENDMENTS.**

- E. Chapter 129 (entitled "Taxation") of the Village of Lansing Code is hereby amended so as to add a new Article IV (entitled "Disabled Persons With Limited Incomes Tax Exemption," and known as the "Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law"), reading in its entirety as follows:

**ARTICLE IV  
Disabled Persons With Limited Incomes Tax Exemption  
[Adopted 1-4-10 as L.L. No. 1-2010]**

**§ 129-26. Title.**

**This Article shall be known as the "Village of Lansing Disabled Persons With Limited Incomes Real Property Partial Tax Exemption Law."**

**§ 129-27. Purpose.**

**It is the purpose of this Article to implement in the Village of Lansing the terms and provisions of § 459-c of the Real Property Tax Law of the State of New York, as amended, and to thereby provide a graduated maximum income exemption eligibility level for the granting of partial exemption from real property taxation to certain disabled persons with limited incomes.**

**§ 129-28. Schedule of partial exemption.**

**A. Pursuant to the provisions of § 459-c of the Real Property Tax Law of the State of New York, real property located in the Village of Lansing owned by one or more persons with disabilities, or real property owned by husband, wife or both, or by siblings, one of whom has a disability, or real property owned by one or more persons, some of whom qualify under § 459-c of the Real Property Tax Law of the State of New York and others of whom qualify under § 467 of the Real Property Tax Law of the State of New York, and whose income, as defined in § 459-c of the Real Property Tax Law of the State of New York, is limited by reason of such disability, shall be partially exempt from taxation by said Village for the applicable taxes specified in said § 459-c based upon the income of the owner or combined incomes of the owners. For the purposes of this Article IV, “sibling” shall mean a brother or sister, whether related through half blood, whole blood or adoption. Such partial exemption shall be to the extent set forth in the schedule following:**

<b>ANNUAL INCOME OF OWNER OR COMBINED ANNUAL INCOME OF OWNERS</b>	<b>PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION</b>
<b>Up to \$29,000.00</b>	<b>50%</b>
<b>More than \$29,000.00, but less than \$30,000.00</b>	<b>45%</b>
<b>\$30,000.00 or more, but less than \$31,000.00</b>	<b>40%</b>
<b>\$31,000.00 or more, but less than \$32,000.00</b>	<b>35%</b>
<b>\$32,000.00 or more, but less than \$32,900.00</b>	<b>30%</b>
<b>\$32,900.00 or more, but less than \$33,800.00</b>	<b>25%</b>
<b>\$33,800.00 or more, but less than \$34,700.00</b>	<b>20%</b>
<b>\$34,700.00 or more, but less than \$35,600.00</b>	<b>15%</b>
<b>\$35,600.00 or more, but less than \$36,500.00</b>	<b>10%</b>
<b>\$36,500.00 or more, but less than \$37,400.00</b>	<b>5%</b>

**B. The partial exemption provided by this Article shall, however, be limited to such property and persons as meet the conditions, exclusions and limitations as set forth in § 459-c of the Real Property Tax Law of the State of New York. This Article shall be administered in accordance with said section of the Real Property Tax Law, as now adopted and as it may be amended from time to time, and the provisions of said section shall be applicable to the effectuation of the exemption provided for in this Article.**

**§ 129-29. Application for exemption.**

**A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board of Equalization and Assessment to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such assessor's office on or before the appropriate taxable status date.**

**B. Notwithstanding anything to the contrary provided herein, any person who has been granted an exemption pursuant to this Article and in accordance with § 459-c of the Real Property Tax Law of the State of New York on five (5) consecutive completed assessment rolls shall not be subject to the requirements set forth in Subdivision 8 of said § 459-c, provided that:**

- (1) Said person shall be mailed an application form by the assessing authority and a notice informing such person of his or her rights; and**
- (2) When tax payment is made by such person a sworn affidavit must be included with such payment which shall state that such person continues to be eligible for such exemption, which affidavit shall be on a form prescribed by the State Board of Equalization and Assessment.**

**In such event, such exemption shall be automatically granted on each subsequent assessment roll.**

**§ 129-30. False statement.**

**Any conviction of having made any willful false statement on the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years.**

**§ 129-31. Effective date.**

**This Article shall become effective immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2010.**

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 superceded 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 its filing in the office of the Secretary of State.

Next on the agenda was to approve the minutes from December 17<sup>th</sup> & 21<sup>st</sup>. Jodi has incorporated all the edits and updated the minutes to be approved.

Motion - To Approve the Minutes from December 17<sup>th</sup> & 21<sup>st</sup>, 2009

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 O'Neill seconded the motion. A vote was taken:

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

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

Dubow presented two proposed resolutions for acceptance of the offers of dedication for Blackchin Boulevard and Rockcress Lane in the Bolton Estate Subdivision. Blackchin Blvd. is the loop road that is being offered for dedication by the Town of Ithaca, as agent for SCLIWC, and the developers. Rockcress Lane is a cul-de-sac that is being offered by the developers. Each approval resolution includes conditions to be met before the Village will accept the conveyances of each road and its related improvements. Those conditions include in each case the Board holding a public hearing for the offer of dedication in question. There is some sense of urgency with this because of the snow plowing issue. David advised the Board that they may be receiving for consideration at their January 14<sup>th</sup> meeting a proposed inter-municipal agreement providing for the Village to perform snow plowing of Blackchin Blvd. before it is formally accepted. As part of the proposed resolutions for the conditional acceptance of the two roads, the Board will need to set public hearings for February 1, 2009. After the public hearings, the Board can then consider adopting resolutions to reaffirm its acceptance of the roads.

Resolution #5584 - To Accept Offer of Dedication of Blackchin Blvd.

WHEREAS, the Village of Lansing has received an Offer of Dedication for the newly completed road to be named Blackchin Boulevard within the Subdivision known as the “Bolton Estate Subdivision” in the Village of Lansing, as well as any related improvements (including, but not limited to, water mains and other utility infrastructure located within the bounds of such road right-of-way premises), from (i) the Town of Ithaca, a municipal corporation in the County of Tompkins, New York, as the agent municipality acting on behalf of itself, the Town of Lansing, the Town of Dryden, the Village of Cayuga Heights and the Village of Lansing, all jointly associated through the Southern Cayuga Lake Intermunicipal Water Commission pursuant to Article 5-G of the New York General Municipal Law (collectively the “SCLIWC”), and (ii); Edward Y Crossmore, Deena G. Crossmore, Burzoe K. Gandhi and Nancy F. Gandhi (collectively the “Developers”); and

WHEREAS, the Village of Lansing wishes to accept the Offer of Dedication, subject, however, to certain additional conditions 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 the SCLIWC and the Developers, 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 Engineer and all other required parties that (i) all 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 to the Village;
  - 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 transfer and conveyance of the subject property and related improvements 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 the SCLIWC and/or the Developers of one or more satisfactory and fully updated abstract(s) of title and all related title and transfer documents to confirm that the premises and related improvements will be conveyed free and clear of

all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the final plat of the Bolton Estate Subdivision; and

- e. Recording and filing of the required deed(s) and related transfer and conveyance documents for the subject property and related improvements to the Village of Lansing, and recording and filing of any other documentation necessary to complete the conveyance and transfer of such property free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the final plat of the Bolton Estate Subdivision.
2. A public hearing shall be conducted in regard to this Offer of Dedication at the regularly scheduled meeting of the Board of Trustees of the Village of Lansing, on February 1, 2010, 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 O'Neill moved this resolution. Trustee Leopold seconded the motion. A vote was taken:

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

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

Resolution #5585 - To Accept Offer of Dedication of Rockcress Lane

WHEREAS, the Village of Lansing has received an Offer of Dedication for the newly completed road to be named Rockcress Lane within the Subdivision known as the "Bolton Estate Subdivision" in the Village of Lansing, as well as any related improvements (including, but not limited to, water mains and other utility infrastructure located within the bounds of such road right-of-way premises), from Edward Y Crossmore, Deena G. Crossmore, Burzoe K. Gandhi and Nancy F. Gandhi (collectively the "Developers"); and

WHEREAS, the Village of Lansing wishes to accept the Offer of Dedication, subject, however, to certain additional conditions 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 the Developers, 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 Engineer and all other required parties that (i) all 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 to the Village;
  - 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 transfer and conveyance of the subject property and related improvements 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 the Developers of one or more satisfactory and fully updated abstract(s) of title and all related title and transfer documents to confirm that the premises and related improvements will be conveyed free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the final plat of the Bolton Estate Subdivision; and
  - e. Recording and filing of the required deed(s) and related transfer and conveyance documents for the subject property and related improvements to the Village of Lansing, and recording and filing of any other documentation necessary to complete the conveyance and transfer of such property free and clear of all liens and encumbrances other than customary public utility easements of record and such additional easements and/or rights-of-way provided for on the final plat of the Bolton Estate Subdivision.
2. A public hearing shall be conducted in regard to this Offer of Dedication at the regularly scheduled meeting of the Board of Trustees of the Village of Lansing, on February 1, 2010, at 7:40 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 this resolution. Trustee O'Neill seconded the motion. A vote was taken:

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

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The Board began discussion of the proposed Planned Development Area Appendix B at their last meeting. After having a chance to review it further, it is up for discussion once again. The proposed PDA provisions are intended to provide for new PDA authorization in the Village Zoning Law, the previous such provisions having been "de-activated" back in 1993.

Larry stated that Sorel Gottfried has tried to contact all of the Trustees and Planning Board members to voice her concern over this proposed legislation. The concern from Sorel is that she understands this Board's intentions, but it doesn't say anything about future boards. Larry's read of this is that it is dynamic zoning. What this legislation is doing is giving the Village a level of control and the ability to be completely creative. The Village has no obligation to do a PDA. The language is to benefit not only the developer but also the Village. Currently, the Board of Trustees does not have power to approve a PDA. There is one PDA in the Village and that is Shannon Park. The procedural framework has been changed with this amendment. If a developer was interested in doing a PDA, a preliminary proposal would be first presented to the Board of Trustees, and if that Board indicated a willingness to have the proposal further considered, it then would go to the Planning Board for review and recommendations, and back again to the Board of Trustees for final action.

Dan Veanor asked for an explanation. Dubow stated that a PDA is the same as a Planned Unit Development, and involves a procedure that enables the Village to consider a flexible land use plan for development on a piece of property over five acres in size, which plan, if authorized by the Board of Trustees in the same manner as re-zoning, would supersede the otherwise applicable zoning regulations and restrictions for that property. The provisions would include a procedure on how to go through the review process for a proposed plan, and would offer the Village the ability to be more flexible and creative while still exercising a significant level of control. The Village would have no obligation to authorize a PDA, and any such authorization would be granted in a legislative manner similar to re-zoning. The following is a copy of proposed Appendix B, Planned Development Area, which sets forth the substantive and procedural provisions that were recommended by the Planning Board.

## **Appendix B Planned Development Area (PDA)**

### **Section 1. Intent.**

- A. The purpose and intent of a Planned Development Area (PDA), also known as a Planned Unit Development (PUD), as authorized by Section 7-703-a of the New York State Village Law, is to (i) provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the Village Comprehensive Plan and this Chapter 145, and (ii) introduce a degree of flexibility in conventional land use and design regulations which will encourage development in an imaginative and innovative way while through the process of review, discussion and law change, ensuring efficient investment in public improvements, a more suitable environment and protection of community interest. This Appendix B is primarily related to achieving innovations in residential development and mixed development so that the demand for housing at all economic levels can be met by greater variety in type, design and siting of dwelling units and nonresidential facilities and so that the conservation and more effective use of limited land can be achieved.
- B. It is recognized that certain types of nonresidential development are beneficial to the Village and would not contravene the long range Comprehensive Plan and the objectives of this Chapter 145 if they adhere to certain predetermined performance and design conditions. The planned development is to be used to enable these nonresidential developments to occur even though they may not be specifically permitted by §§ 145-36 through 145-50 of this Chapter 145.
- C. This Appendix B further recognizes that, while the standard land use control function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in the Village, these controls represent a type of pre-regulation, regulatory rigidity and uniformity which may be adverse to the objectives of land development contained in the planned development concept. Further, this Appendix B recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept.
- D. Therefore, the planned development concept is deemed appropriate in any basic district within the Village. The set of conventional land use activities and area specifications set forth elsewhere in this Chapter 145 are hereby replaced by a re-zoning process in which an agreed upon development plan becomes the basis for continuing land use controls within a specifically defined area.

### **Section 2. Objectives.**

In order to carry out the purpose and intent of this Appendix B, a PDA must achieve the following objectives:

- A. A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot

sizes and community facilities available to existing and potential Village residents at all economic levels.

- B. More usable open space and recreation areas.
- C. More convenience and flexibility in the location of any nonresidential facilities.
- D. The preservation of trees, drainage ways, outstanding natural topography and geological features and prevention of soil erosion.
- E. A creative use of land and related physical development which allows an orderly transition of land from non-residential uses to residential uses; such transition must have a physical buffer area which (i) is at least 25 feet in depth, (ii) extend the full length of any non-residential use, and (iii) is wholly within the area of the non-residential use.
- F. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing and community costs.
- G. A development pattern in harmony with the long range objectives of the Comprehensive Plan.
- H. A more desirable environment than would be possible through the strict application of other sections of this Chapter 145.

### **Section 3. General considerations.**

- A. Location. A PDA is permitted in any basic district on any lot or lots in the aggregate being more than five (5) acres.
- B. Permitted land uses. All residential land uses are permitted in a PDA, and any nonresidential land uses will be permitted if the developer can demonstrate that such uses will (i) promote the long-range objectives of the Village Comprehensive Plan and this Chapter 145, (ii) contribute to the quality of the proposed development for the area, and (iii) lead to the direct or indirect enhancement of the surrounding neighborhood in terms of open space, vehicular and pedestrian traffic movement, community operating costs, landscaping, preservation of natural features and an improved living environment.
- C. Density. A proposed PDA may include an increase in residential density of up to twenty-five percent (25%) over the maximum density achievable through application of the minimum lot size dimension of the underlying basic district(s).
- D. Commercial development. The development aspects of a PDA shall demonstrate that the combination of commercial activity with a residential development in the area will (i) result in a more efficient use of land and (ii) benefit both the residential and commercial developments of the PDA and the Village as a whole.
- E. Infrastructure. A proposed PDA will be evaluated, in part, against existing and planned capacity of infrastructure systems - roads, water, sewer, energy, etc. While the Village encourages developers to propose infrastructure improvement and upgrading at their own cost, the Village also reserves the right to not proceed with a PDA proposal which would improve or upgrade infrastructure systems within a specifically defined area too out of step with currently planned land use changes, and would thus impose undue pressures on adjoining or intervening properties and/or infrastructure.

#### **Section 4. Preliminary proposal.**

- A. Any developer proposing a PDA shall submit his or her written request to the Board of Trustees, with a copy to the Planning Board at the same time, in the form of a preliminary proposal, which must include:
- (1) A sketch development plan showing existing and proposed land uses, the approximate locations of proposed buildings and other improvements, existing and/or proposed buffers, existing and proposed open spaces, existing topographic characteristics, the approximate location of current and proposed streets and easements, any property proposed to be dedicated to the Village, and the existing land uses immediately adjacent to the proposed PDA.
  - (2) A written description and explanation of the character and purpose of the proposed PDA, including the type and density of any residential and non-residential development proposed; estimated building sizes and heights; estimated parking space requirements; proposed vehicular ingress and egress locations; proposed water and sewage systems and infrastructure; a general statement of proposed financing of the project; an indication of the expected timetable and phasing for development; the manner in which phasing of the development will be controlled so that simultaneous development of different project elements will be in reasonable proportion to one another; and the proposed amount and type of performance guaranty and/or financial security to be provided by the developer.
  - (3) Preliminary information regarding environmental issues likely to be addressed in the environmental review of the PDA, which environmental review will be required for all PDA proposals, together with a preliminarily prepared Part 1 of a Full Environmental Assessment Form in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA).
  - (4) A written description of proposed permitted uses within the PDA (and any related requirements therefor), proposed lot sizes, proposed lot setbacks, proposed lot coverage restrictions and other proposed dimensional and zoning district type regulations.
  - (5) A written statement and explanation as to the differences between the proposed PDA and what would otherwise be permitted to be developed in the proposed PDA under the current provisions of this Chapter 145, and why the proposed PDA would be of benefit to the Village as a whole.
- B. Upon receipt of a preliminary proposal for a proposed PDA, the Board of Trustees shall review such proposal (jointly and/or in consultation with the Planning Board if the Board of Trustees deems it appropriate and/or necessary) to determine if it wishes to proceed further with the consideration of the proposed PDA. If the Board of Trustees determines that further consideration is appropriate, the proposed PDA shall be referred by the Board of Trustees to the Planning Board for more in depth review and consideration and for the purpose of the Planning Board

providing the Board of Trustees with its input and possible recommendations. Such in depth review and consideration shall include the Planning Board's authority to require submission of supplemental information and materials by the developer to complete the preliminary proposal.

#### **Section 5. Developer's conference.**

Within forty-five (45) days after the Planning Board has determined at a duly held meeting that a complete preliminary proposal has been properly submitted together with a fee of two hundred fifty dollars (\$250.00), the Planning Board shall hold a developer's conference with the developer to review the proposed PDA. The Village shall send written notice by mail to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall state the nature of the proposed PDA and developer's conference, the time and place of the conference and such additional information as shall be deemed appropriate by the Planning Board. In addition thereto, the Village Planning Board shall publish a legal notice providing that such developer's conference shall also serve as a public information session with respect to the proposed PDA, which notice shall likewise state the time and place of the conference and the same additional information as provided in the notice to the contiguous property owners. Such notice to the contiguous property owners shall be mailed no less than ten (10) days prior to the developer's conference, and publication of the Village Planning Board's legal notice shall likewise be published no less than ten (10) days prior to the developer's conference. If it is determined following the developer's conference and any additional review and deliberation undertaken by the Planning Board that the preliminary proposal seems to be in accordance with general planning objectives for the area and the intent and objectives of this Appendix B, the Planning Board and developer shall thereupon jointly consider the conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, which conditions and specifications shall be reduced to writing by the Planning Board.

#### **Section 6. Further action by the Planning Board.**

A. If after the developer's conference and the further deliberation by the Planning Board agreement cannot be reached as to conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, the Planning Board shall within thirty (30) days thereafter recommend to the Board of Trustees that no further action on the proposed PDA be taken. Such recommendation shall include a summary of the Planning Board's findings with respect to its determination.

B. If, after the developer's conference, the further deliberation by the Planning Board, and the establishment of conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, the developer wishes to proceed with the PDA proposal, the developer shall submit to the Planning Board a written statement of intent to comply with the conditions and specifications as established. In such case, upon receipt and acceptance by the Planning Board (at a duly held meeting) of the developer's written statement of intention, the Planning Board shall, within thirty (30) days thereafter,

forward to the Board of Trustees its recommendation (i) to proceed further with consideration of the proposed PDA in accordance with the developer's statement of intent and (ii) to consider such legislative/zoning action as the Board of Trustees may deem appropriate to establish the proposed PDA. Such recommendation shall include:

- (1) A statement as to the effect of the proposed PDA on (i) the objectives of the Comprehensive Plan and this Chapter 145 and (ii) the character of the neighborhood.
- (2) A statement of the conditions, specifications and requirements upon which agreement has been reached with the developer and which the developer will be obligated to abide by in developing the proposed PDA.
- (3) The developer's statement of intent to comply with the required conditions and requirements.
- (4) The amount and type of performance guaranty and/or financial security which the Planning Board believes developer should be obligated to provide.
- (5) Such other information and/or materials that the Planning Board determines will be helpful to the Board of Trustees in its deliberations as to the proposed PDA and whatever legislative/zoning action the Board of Trustees may undertake, including, but not limited to, information and/or materials relevant to the environmental review of the proposed PDA.

#### **Section 7. Further action by the Board of Trustees.**

- A. If, after it receives and reviews the recommendation(s) provided by the Planning Board in accordance with Section 6 above, the Board of Trustees determines that it does not wish to continue with the consideration of the proposed PDA, the Board of Trustees shall have no obligation to take any further action with respect to the proposed PDA. If, after it receives and reviews the recommendation(s) provided by the Planning Board in accordance with Section 6 above, the Board of Trustees determines that it does wish to continue the consideration of the proposed PDA and legislative/zoning action deemed appropriate and/or necessary to establish the proposed PDA, the Board of Trustees shall proceed as provided below.
- B. An environmental review will be required with respect to the consideration of any proposed PDA and any legislative/zoning action related thereto, such review to be taken (i) in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA); or (ii) in the event that the proposed action is deemed for any reason to be exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145, such review being for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. Part 1 of a Full Environmental Assessment Form shall be submitted by the developer unless otherwise directed by the Board of Trustees. In the discretion of the Board of Trustees, a public hearing may be held with respect to the environmental review.
- C. Within forty-five (45) days after the required environmental review is completed, the Board of Trustees shall hold a public hearing on the proposed PDA. Such notice shall state the nature of the proposed PDA, the time and place of the public hearing

and such additional information as shall be deemed appropriate by the Board of Trustees. Such notice shall be published at least ten (10) days prior to the scheduled hearing. The Village shall also send written notice of such public hearing to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall be mailed no less than ten (10) days prior to the scheduled public hearing. In addition thereto, the Board of Trustees shall prior to the scheduled public hearing refer the proposed PDA to the Tompkins County Planning Department and any other required parties in accordance with §§ 239-l, 239-m and 239-n and 239-nn of Article 12-B of the General Municipal Law.

- D. Within forty-five (45) days after such public hearing the Board of Trustees shall either (i) conditionally authorize the developer to prepare a final development plan as provided below, or (ii) determine that it does not wish to proceed further with respect to the proposed PDA and any legislative/zoning to establish the proposed PDA. Conditional authorization shall be for a period of one (1) year and shall be subject to acceptance of the final PDA development plan by the Board of Trustees. When conditional authorization is granted, (i) the location of the PDA and its conditional authorization shall be noted on the Zoning Map, (ii) any and all relevant conditions, covenants and specifications of such conditional authorization shall be set forth in this Chapter 145, and (iii) the conditionally authorized permitted uses within the PDA (and any related requirements therefor), lot sizes, lot setbacks, lot coverage restrictions and other dimensional and zoning district type regulations shall be set forth in this Chapter 145.
- E. Notwithstanding anything to the contrary in this Appendix B, and because the authorization of a PDA is deemed to be a legislative/zoning action, (i) the determinations of the Board of Trustees hereunder as to whether or not such action should be taken are entirely discretionary; (ii) like all other legislative/zoning actions, the Board of Trustees has no legal or other obligations to grant authority for a proposed PDA; and (iii) at any time prior to the final development plan of a proposed PDA being accepted, the Board of Trustees can determine that it does not wish to continue in its consideration of a proposed PDA.

### **Section 8. Final development plan.**

Upon receiving conditional authorization by the Board of Trustees the developer shall prepare a final development plan for submission to the Planning Board.

- A. The final development plan must include:
  - (1) Drawings showing the final location of any streets and plot lines, the location of all buildings and land use areas to be conveyed, dedicated or reserved for parks or open space, a clear indication of the appearance of proposed structures and the materials to be used, and a landscaping and tree planting plan.
  - (2) A written description of the permitted uses within the PDA (and any related requirements therefor), proposed lot sizes, proposed lot setbacks, proposed lot coverage restrictions and other proposed dimensional and zoning district type regulations.
  - (3) Written statements including any staging of construction being considered and a timetable for beginning and completing construction of each phase of

the PDA; the staging plan shall be designed to insure that (i) phasing of the development will be controlled so that simultaneous development of different project elements will be in reasonable proportion to one another and (ii) all future residents/occupants of the PDA will have adequate services and facilities as such phased development proceeds.

- (4) Any additional drawings, plans, statements, information and other documents which may be required by the Planning Board in making its review.
  - (5) A restatement of any and all conditions and covenants which the developer will abide by in developing the proposed PDA, and an acknowledgment and agreement to comply with all such conditions and covenants.
- B. The final development plan shall be accompanied by a fee of two hundred fifty dollars (\$250.).
  - C. A written recommendation concerning the final development plan shall be filed by the Planning Board with the Village Clerk, the Village Zoning Officer and the Board of Trustees. Upon its review of the Planning Board recommendation and the final development plan, and upon its confirmation that (i) all conditions and covenants imposed have been fully and properly agreed upon and (ii) the final development plan is consistent with the conditionally authorized final plan, the Board of Trustees may grant its final authorization of the final development plan. Thereupon, (i) the notations and additions to this Chapter 145 and the Zoning Map as to the prior conditional authorization (as provided for in Section 7D above) shall be revised to reflect final authorization of the PDA and (ii) the Zoning Officer and any other involved Federal, State and local agencies shall be authorized to proceed as necessary with the review and issuance, if approved, of any and all required permits, consents and other authorizations for the developer to proceed with the final development plan.
  - D. If a final development plan has not been submitted as required to the Planning Board within one (1) year from the date of the conditional authorization by the Board of Trustees, the Planning Board may recommend to the Board of Trustees that conditional authorization be withdrawn or, with good cause, extended for an additional year.
  - E. If conditional authorization of the PDA is withdrawn by action of the Board of Trustees or the Board of Trustees does not authorize the final development plan, the notations and additions to this Chapter 145 and the Zoning Map as to the prior conditional authorization (as provided for in Section 7D above) shall be removed and the land use regulations applicable to the area prior to the conditional authorization of the PDA shall apply.

### **Section 9. Review.**

The PDA shall be subject to annual review by the Planning Board and action by the Board of Trustees as to the level of progress made toward completion of the project in accordance with the final development plan or an authorized modification of said final development plan.

### **Section 10. Control of PDA.**

After Board of Trustee authorization for a final development plan for a PDA, minor changes, extensions or alterations in said development may be made only after they have been reviewed by the Planning Board and further authorized by the Board of Trustees. Major changes such as increased density or reduction of open space are subject to the same review and authorization procedure as applied to the original PDA proposal.

### **Section 11. Certificate of compliance.**

Upon completion of the PDA or any stage of it authorized by the Planning Board, the Zoning Officer may issue a certificate of compliance in accordance with § 145-57G of this Chapter 145 and/or such other certification as to confirm the completion of the work involved.

### **Section 12. Subdivision of a PDA.**

All sections of a subdivided PDA are to be controlled by the final development plan. The provisions of Section 10 of this Appendix B governing changes in the final development plan will apply even though subdivision has occurred. The owners or lessees of any portion of a subdivided PDA may jointly or separately make application under this Chapter 145 for an amendment to the final development plan.

### **Section 13. Site plan review in subdivision control.**

If part of a PDA proposal involves the subdivision of land into smaller parcels for sale or lease to individual owners, the PDA review required by this Appendix B suffices for Planning Board review under the Village Subdivision Regulations. In such cases the developer shall prepare a subdivision plat suitable for filing with the Tompkins County Clerk in addition to the required PDA drawings. Final development plan authorization under this Appendix B constitutes final plat approval under the Village Subdivision Regulations and the plat shall be filed with the County Clerk in the manner prescribed by said Village Subdivision Regulations.

### **Section 14. Payment of fees and expenses; escrowed funds.**

In addition to the fees payable as provided above, the developer shall also be responsible for payment of the following:

- A. additional fees calculated in the same manner as provided for pursuant to subsections (1) through and including (6) of § 145-57 of this Chapter 145, and all escrow requirements related thereto; and
- B. if a subdivision of land is involved, additional fees calculated in the same manner as provided for pursuant to § 125-18 of Chapter 125 (Subdivision of Land) of the Village Code, and all escrow requirements related thereto;

provided, however, that any duplication of such additional fees under the foregoing sections and subsections of this Chapter 145 and such Chapter 125 shall be adjusted and/or eliminated by the Zoning Officer

Mario Tomei stated that he spoke with Sorel and she questioned why we didn't "just leave this monster buried." He explained to her that the Village is trying to be proactive. We are setting up guidelines so that if someone comes in with a proposed plan we already have a framework to consider it. The new PDA provisions are not specific to any particular property. Sorel was still concerned with future boards.

Dubow stated that future boards always have the opportunity to make changes to the Village's local laws, rules and regulations, and those changes are subject to procedural requirements and public participation. The risk of change always exists. The next Board could come in and adopt another law that is very different from this one. Things change and people have different opinions. It was indicated that PDA's are a land use tool that is becoming increasingly popular because of its flexibility. Lynn stated that we are being proactive and that this ties into our Comprehensive Plan and Zoning. The proposal provides for public information and public input. The Trustees always have the final say. Lynn added that there are several procedural opportunities provided for in the proposed PDA provisions where the Board can choose to not proceed any further.

Mario asked where we got the five acre parcel size. Dubow stated that it was in the previous Village PDA provisions, and when developing these new provisions the Planning board thought it was reasonable. Dubow read the State enabling legislation provisions adopted in 2004 authorizing municipalities to provide for planned unit developments and planned development areas to give the Board an idea as to the intended purpose of these types of provisions.

Larry was concerned with the timeline in Section 9 regarding the annual review. Dubow explained that this is to ensure that there is a review of the level of progress made towards completion of a project. Ned added that we have this same type of protection on subdivisions. Basically it is a meeting with the developer to find out the status and any problems. It is a process to assure accountability and insure progress that keeps developers on their toes.

Ned stated that he attended a meeting hosted by Cornell University that compared commercial development areas. They are so far ahead of us in time. There is a change in malls currently. Commercial areas are changing. The PDA provisions will provide a tool to deal with these changes.

Lynn is not so concerned with residential going into commercial areas but is more concerned with commercial going into residential areas. Ned explained that some people like to be close to commercial development. Some people like not having cars and being able to walk to their destination. Dubow reminded the Board that about two years ago it approved a Zoning Law amendment that provides for the opportunity to have mixed

commercial/residential uses in the Commercial High Traffic District. A PDA is very similar to that.

It was asked if any of our neighboring municipalities have these kind of PDA's. Populated areas such as the City of Ithaca and the Towns of Ithaca, Dryden and Lansing all have this opportunity.

Julie asked for some clarification on some of the language in the document. It was explained that the language is to benefit not only the developer but also the Village. She questioned the use of "simultaneous" in Section 4A(2). Dubow explained that this didn't necessarily mean that for example both a big box store and residential project must go up at the same time. It could mean that stormwater management and buffering areas go in at the same time as the box store with an agreed upon timetable for the residential development and financial security to insure its completion. The "simultaneous" language is not intended to be a specific obligation, but rather a guideline to insure that the PDA components proceed in a fair and equitable manner, the specifics of which may be included as part of any PDA authorization by the Board. Ned would like "simultaneous" to stay in because he feels it sets a standard. When the Village is actually reviewing a proposed PDA it can determine what is appropriate for that specific project. Lynn stated that each PDA would have specific conditions associated with it. Mario feels the language gives you a lot of wiggle room.

Section 5 states that "the Village shall send written notice by mail to all owners of Village property contiguous to the boundaries of the property..." Julie questioned why we would send that out. Dubow stated that Ben thought it best for the Village to control the process. This notice obligation carries over from original PDA provisions.

Dan Veanor asked if PDA approval is harder or stricter. It is a whole new set of standards. If a developer wanted a PDA he would give the Planning Board a plan after initial authorization by the Board of Trustees. A meeting would be held with the developer, Planning Board, Village Engineer, Code & Zoning Officer and the Village Attorney to set conditions. It would then go back to the Board of Trustees and they could add more conditions. It was also explained that the new PDA provisions include the obligations under the Village Zoning Law and Subdivision Regulations for the payment of certain fees and expenses. Jodi explained that in the past the Village has set up an escrow account which is a monetary amount that a developer is required to provide and which is held in the Village of Lansing Trust & Agency account, and as engineering or legal fees are incurred on a project they are paid with those escrow funds.

If the Board agrees to proceed further with the consideration of the new PDA provisions, then the next step would be to prepare a local law and hold a public hearing. Adoption would involve a review by Tompkins County Planning and a SEQ Review. It would also be advisable to notify neighboring municipalities. Dubow was directed to prepare a local law for the February 1<sup>st</sup> meeting.

Lynn gave a preliminary report on this year's deer hunt which Bernd Blossy sent her.

<u>Property</u>	<u>Total Deer Harvested</u>	<u>On DMAP Permits</u>
Leopold	5	4
Lempert	7	6
Bieri	21	8
Miller	4	3

17 hunters participated in the hunts organized by Bernd. It is estimated that the deer population is 200-300. The most deer seen in one area within a 2-3 hour period was 17 on the Leopold Property. We are limited because each hunter can only take two does on the DMAP permits. We may want to consider nuisance tags next year. Bernd has agreed to come in and give a presentation in March. Jodi has also spoken with Dick Costello who hunted Robert Miller's land and he would also be willing to come in and speak with the Board and offer some of his suggestions.

John O'Neill reported that John Dennis, who is on the Town of Lansing Oversight Committee, will be out of town for the next 15 weeks. John O'Neill will be attending those meetings.

The Russian Christmas is January 7<sup>th</sup> so the Christmas tree pick up will be scheduled for Monday January 11<sup>th</sup>. Lynn said she would take some of the trees because they make good cover in the woods where the deer have eaten all the under brush.

Motion- To Adjourn

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

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

Trustee Julie Baker-Aye  
Trustee Lynn Leopold-Aye

The meeting adjourned at 8:57 pm.

Jodi Dake  
Clerk/Treasurer