

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Tuesday, January 10, 2012, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Lynn Leopold, John O'Neill, Patricia O'Rourke and Julie Baker; Attorney David Dubow; Clerk/Treasurer Jodi Dake; Code & Zoning Officer Marty Moseley; Supt. of Public Works, John Courtney; Laborers, Adam LaLonde and Nolan Hatfield.

Mayor Hartill called the meeting to order at 12:15pm.

The first item was a public hearing on Proposed Local Law A 2012-Village of Lansing Code-Zoning Law-Lansing Meadows PDA. Since the Public Hearing was to be at 12:05pm and the Ithaca Journal printed 12:35pm, once the Board opens the public hearing they will keep it open until after 12:35pm. Local Law A is to redefine district regulations for certain setbacks that have been determined for the PDA properties as set forth on a map to be part of the Local Law.

Motion- To Open the Public Hearing on Proposed Local Law A 2012

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

Mayor Donald Hartill-Aye

Trustee John O'Neill -Aye

Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye

Trustee Julie Baker-Aye

The next agenda matter involved the Lansing Meadows PDA Wetland/Bird Habitat and Surrounding Buffer Maintenance Agreement and the Storm Water Control Facility Maintenance Agreement, copies of which were previously distributed to the Trustees. David Dubow explained that he had previously provided the developers with revised versions of their initial drafts of the agreements and that one the small additional change has been made in the now final maintenance documents that are required as part of conditions of the PDA authorization and which need to be approved by the Board and executed by both parties. Dubow generally explained the purposes of the agreements and specifically indicated that the documents provide for the Village having the right to go onto the PDA properties involved if the owners fail to perform their obligations and then charge back the costs incurred by the Village, which costs, if not paid, will be added to the applicable Village property taxes. The execution of these Agreements will satisfy all or almost all of the 19 the original conditions for the PDA.

The Board moved on to discuss this year's DMAP Program. Earlier today Lynn forwarded two documents from Bernd Blossy to the Board. One was the summary of the 2011 fall hunt. The other was a repeat of his NYSDEC Deer Damage Permit proposal,

which would allow us to go forward this winter in continuing to remove deer after the formal hunting season which ended in December. Jay Boulanger was present to discuss the issue of continuing the hunt on willing landowners' properties. Bernd does not think we have to go through a lot of legal hoops to continue, at least not as far as the DEC is concerned.

There were 52 deer taken on DMAP tags this season. Lynn Leopold stated that there is still a large congregation of deer in the Village. She wondered if the Village wanted to continue hunting under a NYSDEC Damage Permit. All properties have already agreed to this. Mayor Hartill is very sensitive to the hunting issue. Our current bow hunting law is specific and the NYSDEC Damage Permit program would require us to revise the local law. It is quite likely that an environmental review would need to be done. Jay Boulanger stated that the DEC would give the Village a letter stating that an environmental review is not necessary. Don would like to reflect and wait until next year to make a decision. Our highway crew has noticed a significant reduction in the number of dead deer they have had to remove from the roads this year which is evidence that the hunt is working.

Jay's recommendation would be that the Village move forward, but he understands the Village's need to address the procedural matters that may be involved. Lynn stated that when she was out canvassing for elections, people were more for the deer hunt than were against it. Don stated that several residents of the Village have also contracted Lyme disease. Jay stated that from a biological stand point we have not yet been successful because we still cannot grow oak trees because the deer eat them. There is clearly a deer problem and an environmental issue. Lynn thanked Jay for all their hard work and how well the hunt was carried out.

Jay stated that in 2012 there will be a change in the deer season. The Village is located in an experimental deer focus area which will allow each hunter to take two deer per day so we wouldn't have to have DMAP permits. Jodi stated that our local law would have to be changed because it states that hunting can only be done under the DMAP permit. Lynn stated that we want to maintain control over who hunts in the Village. Lynn stated that there is not a lot of controversy over traditional hunting, but there is when it comes to nontraditional sharp shooting and culling. It was asked if the 500 foot rule would be changed for next year. Jay stated that this can only be done by NYS legislative action. The NYSDEC cannot do that. If the Village decides to do the deer depredation permits in 2013, then the law would need to be changed. The State has also made a crossbow legal to use so the Village may also want to adjust its local law to be in line with the State.

It having gone past 12:35, the Board confirmed that there were no public comments on Proposed Local Law A 2012, and therefore the public hearing could now be closed.

Motion- To Close the Public Hearing on Proposed Local Law A 2012

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

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye
Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

Next the Trustees completed its SEQR review and the Short EAF. Dubow advised the Board that the DEC is developing new SEQR EAF forms which should be coming out sometime this year. It was determined that Proposed Local Law A 2012 would not have a negative environmental impact and the following resolution was proposed:

Resolution #5810 - Approve SEQR on Proposed Local Law A 2012

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law A (2012), to be designated Local Law 1 (2012) upon its adoption, to (i) amend certain setback and related dimensional provisions currently applicable to Area A (the designated commercial area) and Area B (the designated residential area) of the Lansing Meadows PDA so as to comport with the permitted uses authorized as part of the PDA and the approved improvements made pursuant to such authorized PDA permitted uses; (ii) to amend accordingly subsection "E" [entitled "Dimensions: lot, yard, building and parking requirements"] of Section 145-42.1 [entitled "Lansing Meadows PDA"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code; and (iii) to annex a new Appendix D [to be entitled "Lansing Meadows PDA Setback and Related Dimensional Map"] to Chapter 145 the Village of Lansing Code, such Appendix D to be incorporated therein and made a part thereof; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On January 10, 2012, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

- 2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing **NEGATIVE DECLARATION**, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

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

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee John O’Neill -Aye	Trustee Julie Baker-Aye
Trustee Patricia O’Rourke-Aye	

The Board then passed the following resolution:

Resolution #5811 - To Adopt Proposed Local Law A as Local Law 1 (2012)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law A (2012), to be designated Local Law 1 (2012) upon its adoption, to (i) amend certain setback and related dimensional provisions currently applicable to Area A (the designated commercial area) and Area B (the designated residential area) of the Lansing Meadows PDA so as to comport with the permitted uses authorized as part of the PDA and the approved improvements made pursuant to such authorized PDA permitted uses; (ii) to amend accordingly subsection “E” [entitled “Dimensions: lot, yard, building and parking requirements”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code; and (iii) to annex a new Appendix D [to be entitled “Lansing Meadows PDA Setback and Related Dimensional Map”] to Chapter 145 the Village of Lansing Code, such

Appendix D to be incorporated therein and made a part thereof; and

- B. The Village of Lansing Planning Board has (i) performed a review of the proposed action and (ii) referred such proposed action to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On December 19, 2011, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law A (2012), and thereupon scheduled a public hearing thereon for January 10, 2012; and
- D. On January 10, 2012, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law A (2012), (ii) the Village of Lansing Planning Board's recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- E. On January 10, 2012, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- F. On January 10, 2012, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law A (2012), (ii) the Village of Lansing Planning Board's recommendation of the proposed action, (iii) all other information and materials rightfully before the Board, and (iv) 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 A (2012), to be designated Local Law 1 (2012).

Trustee Baker moved this resolution. Trustee Leopold seconded the

motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O’Neill -Aye
Trustee Patricia O’Rourke-Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

The following is a copy of Local Law 1 (2012):

**AMENDMENT TO VILLAGE OF LANSING CODE – ZONING
LAW – LANSING MEADOWS PDA**

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

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to (i) amend certain setback and related dimensional provisions currently applicable to Area A (the designated commercial area) and Area B (the designated residential area) of the Lansing Meadows PDA so as to comport with the permitted uses authorized as part of the PDA and the approved improvements made pursuant to such authorized PDA permitted uses; (ii) to amend accordingly subsection “E” [entitled “Dimensions: lot, yard, building and parking requirements”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code; and (iii) to annex a new Appendix D [to be entitled “Lansing Meadows PDA Setback and Related Dimensional Map”] to Chapter 145 the Village of Lansing Code, such Appendix D to be incorporated therein and made a part thereof.

SECTION II. AMENDMENTS TO THE VILLAGE OF LANSING CODE.

A. Subsection “E” [entitled “Dimensions: lot, yard, building and parking requirements”] of Section 145-42.1 [entitled “Lansing Meadows PDA”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended in its entirety so as to read as follows:

E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:

- (1) Minimum lot size.**
 - (a) All Uses: ten thousand (10,000) square feet.**
- (2) Maximum lot coverage: none, except what is required by minimum street frontage, front, side and rear yard setbacks and by front, side and rear parking requirements (such setbacks as provided for below and as set forth on Appendix D of this Chapter 145).**
- (3) Minimum street frontage.**

- (a) **All uses: seventy-five (75) feet.**
- (4) **Front yard setback minimum.**
 - (a) **As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.**
- (5) **Side yard setback minimum.**
 - (a) **As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.**
- (6) **Rear yard setback minimum:**
 - (a) **As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.**
- (7) **Parking setback standards.**
 - (a) **As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.**
- (8) **Building/structure height maximum.**
 - (a) **All principal uses: thirty-five (35) feet.**
 - (a) **All accessory buildings: fifteen (15) feet.**
 - (c) **Exterior lights: thirty-five (35) feet.**
- (9) **Parking requirements: see Article V.**
- (10) **Buffer strip width: seventy-five (75) feet. (see § 145-24)**

B. A new Appendix D as attached hereto [to be entitled “Lansing Meadows PDA Setback and Related Dimensional Map”] for the purpose of setting forth mapping of the newly amended Lansing Meadows PDA setback and related dimensional regulations provided for in this Local Law, shall be annexed to Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, incorporated therein and made a part thereof.

SECTION III. SUPERSEDING EFFECT.

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

SECTION IV. VALIDITY.

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

SECTION V. EFFECTIVE DATE.

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

Mayor Hartill entertained a motion to approve the vouchers.

Resolution #5812- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the General Fund, in the amount of \$27,295.94 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Sewer Fund, in the amount of \$2,173.12, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Special Assessment Sewer Fund, in the amount of \$22,777.50, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Water Fund, in the amount of \$217,884.64, is hereby approved for payment

Be it RESOLVED, that Abstract of Audited Vouchers No. 8 for the Capital Projects Fund, in the amount of \$8,413.85, is hereby approved for payment, and

Trustee Leopold moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Neill seconded the motion.

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye
Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

Mayor Hartill entertained a motion to allow the Mayor to sign the two maintenance agreements for the Lansing Meadows PDA.

Resolution #5813 -To Authorize the Mayor to sign the Wetland/Bird Habitat and Surrounding Buffer Maintenance Agreement and the Storm Water Control Facility Maintenance Agreement for the Lansing Meadows PDA

Trustee Baker moved this resolution and Trustee O'Neill seconded the motion.

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye
Trustee Patricia O'Rourke-Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

Eric Goetzmann stated that the Wetland/Bird Habitat and Surrounding Buffer Maintenance Agreement is a back up to the Army Corp of Engineers requirements and documents. The reason we also have a maintenance agreement is because it also includes buffer areas.

Patricia O'Rourke had to leave the meeting.

John Courtney stated that we have had a mild winter so far. The International truck is in getting repaired. They hope to have it back by Thursday. Holiday tree pick-up should be complete by tomorrow.

John O'Neill stated that he attended the last Town of Lansing Board meeting which was very short. Kathy Miller was elected as the new Town Supervisor and has taken over for Scott Pinney. Next meeting they will appoint a new Board member to fill Cathy's vacant seat for a year.

Mayor Hartill stated that he would be interviewing a new Fire Inspector today at 2pm. Due to a heavy work load, Marty has not been able to keep up with fire inspections so this will be a welcome addition. There have been a number of water main breaks.

Dave Putnam stated that LRS, the contractor for the water line project, will be back this week to finish some clean up as part of the 2011 Water Capital Project. They also have a price for additional work. It was suggested that the Village do the paving ourselves and take it out of the contract. Don suggested we sub it out. We would still have LRS tie in the driveways. John Courtney stated that he is concerned with their lack of fulfillment of promises. Their public relations aren't good but they did a nice job of laying pipe. Dave Putnam will do up a change order for this change in scope.

Dave Putnam will have a site plan of the new office building for the Joint Meeting on January 31st. He asked if we should also do a landscape plan. Don would like to see everything else first. We will eventually need one but not yet.

Jodi stated that if anyone was interested in changing their tax withholdings to see her to fill out a new W-4 Form.

The RFP for a planning consultant related to the northeast Village area study went out to fifteen different firms last Wednesday. Jodi has already been contacted by an interested firm wanting more information. Since we are having trouble with our webpage, Jodi sent the RFP by email to Yasamin Miller and asked her to go ahead and forward it to any of her neighbors that might be interested. Yasamin was also informed that the Board hopes to choose a consultant at their joint meeting with the Planning Board on January 31st.

Tompkins County's scoping report for the planning study is already on the website and once we can update information again the RFP will also go on the website.

Jodi informed the Board of a new law which goes into effect February 2, 2012 which requires certain records be made available to the public prior to an open meeting. Instead of just sending the agenda electronically, and if requested in the future, Jodi and Marty can send electronic copies of the additional information to the agenda list similar to the way information is currently sent to the Boards. Another option is to post them online.

Marty stated that the Planning Board has not made a decision yet on the language for the awning issue. This will be discussed at the January 31st meeting. BJ's hopes to open January 21st. Target is remodeling their store to have more groceries and add a Starbucks to the front of their store where the food concessions use to be. 1 Rockcross Lane is complete. There are also three other residential properties under construction.

Next the Board approved the minutes from December 15 & 19, 2011.

Motion - To Approve the Minutes from December 15, 2011

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:

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee John O'Neill-Abstain	Trustee Julie Baker-Aye

Motion - To Approve the Minutes from December 19, 2011

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:

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee John O'Neill-Aye	Trustee Julie Baker-Aye

Mayor Hartill stated that he needed to call an executive session to discuss personnel issues.

Motion- To Go Into Executive Session to Discuss Personnel Issues

Trustee Baker moved to go into executive session. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Lynn Leopold-Aye
Trustee John O'Neill -Aye	Trustee Julie Baker-Aye

The Board went into executive session at 1:12pm.

Motion- To Come Out of Executive Session

Trustee Leopold moved to come out of executive session. Trustee Baker seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

The Board came out of executive session at 1:25pm.

Resolution #5814 -To Authorize the Creation of an Additional Non Competitive Working Superintendent Position

Trustee Leopold moved this resolution and Trustee Baker seconded the motion.

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

Once Tompkins County Personnel creates the second position for the Village of Lansing, it will be posted on their webpage. The Board intends to fill that position with our current MEO Adam LaLonde after it is confirmed that he meets all of the job qualifications. This will enable Adam to take more of a supervisory role.

Motion- To Adjourn

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

Mayor Donald Hartill-Aye
Trustee John O'Neill -Aye

Trustee Lynn Leopold-Aye
Trustee Julie Baker-Aye

The meeting adjourned at 1:33pm.

Jodi Dake
Clerk/Treasurer