

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, February 2, 2015, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Lynn Leopold, John O'Neill, and Gerald Monaghan; Clerk/Treasurer, Jodi Dake; Attorney David Dubow; Planning Board member, Deborah Dawson.

Mayor Hartill called the meeting to order at 7:36pm and opened the public comment period. There was no public comment.

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:

Mayor Donald Hartill-Aye    Trustee Gerry Monaghan-Aye  
Trustee John O'Neill-Aye    Trustee Lynn Leopold-Aye

The Ingraffeas of 19 Hemlock Lane have applied for a Temporary Certificate of Compliance and have sent a letter requesting that the Board of Trustees waive the required escrow deposit. Mr. Ingraffea stated in his letter that due to winter weather, the three items that cannot be completed are paving the driveway, final coat of paint on siding and exterior trim and completion of landscaping. He feels it should be waived because he has a construction loan through CFCU that already requires them to escrow for these items. Their builder, Ironwood, estimates that these items will be completed by May 1<sup>st</sup>. Dubow stated that it is up to the board whether or not they want to waive a fee. Our local law calls for a nominal escrow deposit to be placed with the Village as incentive to get the outstanding items completed. The CFCU escrow he has involves the contractor and it doesn't give any protection to the Village. O'Neill suggested \$100. Dubow explained that in the past, Curtis would have a fee to cover it if it didn't get done. It was commented that if there is no escrow there is no leverage to get them to complete the project. The normal range for an escrow fee for something of this nature is between \$300-\$500. There is a difference between the contractor having protection and the Village having some kind of protection. Hartill suggested that we leave it at \$300.

Resolution #6119- To Establish the Escrow Requirement for 19 Hemlock Lane as \$300

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

Mayor Donald Hartill-Aye    Trustee Gerry Monaghan-Aye  
Trustee John O'Neill-Aye    Trustee Lynn Leopold-Aye

Eric Goetzmann was present to request a zoning change. He has submitted a letter to the Trustees requesting that they consider changing the zoning for a parcel on N. Triphammer Rd. from Commercial Low Traffic (CLT) to Commercial High Traffic (CHT). Eric explained that the parcel he purchased in 2012 is almost directly across from here between Hickory Hollow and Graham Roads. The parcel is in front of YMCA. Goetzmann stated that since the original Comprehensive Plan was developed, a lot has changed in the Village. N. Triphammer Road has been improved with additional lanes and traffic signals.

Dubow indicated that one complication would be a CHT parcel between two CLT parcels. This could be problematic from a zoning perspective. Two years ago a hotel wanted to go there. Their position was they wanted to go up 3 stories, however, our code doesn't allow this. Dubow explained that the original reason for CLT was to create a buffer between CHT and residential areas. The procedure is to go back to the Planning Board and have them take a closer look. The process is very much like that of a PDA in terms of the procedure – that is, the Board can initially consider a proposal, send it to the Planning Board for review, evaluation and recommendations, and then send it back to the Board of Trustees for their consideration.

Leopold asked if traffic from that parcel would exit out onto N. Triphammer Rd. Goetzmann stated that traffic from that parcel would come off Graham Road. He does not have a use yet but is considering a small retail business like a convenient store. There would be no access off Triphammer. It was concluded that it would be worthwhile for the Planning Board look at this. Dubow reminded the Board that a year ago the Planning Board was looking at dividing up the CLT area.

Motion- To Have the Planning Board Review the Proposed Zoning Change Request for Parcel 47.1-1-17.15

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

Mayor Donald Hartill-Aye	Trustee Gerry Monaghan-Aye
Trustee John O'Neill-Aye	Trustee Lynn Leopold-Aye

The Planning Board has three recommendations from the Board of Trustees to consider. At the 1/12/15 meeting the Planning Board approved a request to rename the park land in Lansing Trails II subdivision after the previous Planning Board Chairman Edward Hickey. This was approved with a condition that Mr. Hickey approve of his name being used for that purpose. When Mr. Hickey first heard this, he stated that he didn't want to have his name connected to a park. Mario Tomei was going to discuss this further with Ned. The Board feels they should defer to Ned's wishes.

Another request was for a road name in Lansing Trails II to be changed to Ivars Way. This road is at the Janivar Road intersection prior to turning into the Lansing Trails II subdivision. The Planning Board approved this name change to the private road and made

a recommendation to the Trustees that they consider and approve a name change to the public section of road that would continue to the existing trail system at the end of Janivar Drive. Hartill approves of the name change. O’Neill feels that there is already a road named after both Janet and Ivar in Janivar Drive and doesn’t agree with the change. Signage and confusion was a concern voiced by Courtney at the last noon meeting. The Board decided that when the Village takes over the private road as a public road then we can then decide on a name. No action was taken.

The third recommendation comes after Advanced Auto Parts requested that they be allowed to erect a larger façade sign than what is currently allowed by the Cayuga Mall Planned Sign Area. The applicant had requested to erect an 88 sq. ft. sign. However, the Planning Board recommended that the Cayuga Mall Planned Sign Area be amended to allow for a store that has 70 feet of façade to erect a sign of 71 square feet. Currently, stores that have a façade of 50 feet or more are allowed to have a 55 sq. ft. façade sign. The proposed changes are listed below in red.

SIGN DEVELOPMENT PLAN  
CAYUGA MALL  
ITHACA, NEW YORK

- I. CHARACTER AND PURPOSE OF PLANNED SIGN AREA:
  - a. The Planned Sign Area consists of Cayuga Mall, a shopping center located on North Triphammer Road, Village of Lansing, New York. The center consists of several specialty stores, retail stores, restaurants, auto center and a drug store.
  
- II. BUILDING SIGNS:
  - a. Stores with a façade length of 1 to 23 ft may have a storefront sign not to exceed 35 sq. ft.
  - b. Stores with a façade length of 24 to 49 ft may have a storefront sign not to exceed 45 sq. ft.
  - c. Stores with a façade length of 50 to 69 ft or more feet may have a storefront sign not to exceed 55 sq. ft.
  - d. Stores with a façade length of 70 ft or more may have a storefront sign not to exceed 71 sq.ft.
  - e. Stores that occupy at least 14,000 sq ft of gross floor area may have a primary storefront and up to two accessory signs not to exceed 150 sq. ft.
  
- III. PYLON SIGN:
  - a. The shopping center identification sign located at the entrance to the property will at all times be consistent with the dimensions as depicted on a set of drawings entitled Cayuga Plaza, 2309 North Triphammer Road, Ithaca, NY, Design Development; consisting of 4 sheets; prepared by Poyant; dated August 21, 2012 attached herewith.

- b. The business names depicted in the available panels on this sign are subject to change as tenancy within the shopping center changes.

IV. IMPLEMENTATION:

- a. Pylon Sign: within one (1) year of issuance of Special Sign Permit.
- b. New Business: implementation at the time of opening of said business. Conforming to above guidelines.
- c. Existing Signs: Ten (10) years from the date of erection unless previously removed for any reason, then new design will be required.
- d. Temporary Sign: upon an opening of a new business, said signage shall be in conformance with all applicable Village sign laws

V. ENFORCEMENT:

- a. Upon notification by Village of Lansing that an existing sign is in non conformance with this plan, such sign must be removed by the named owner of the sign 60 days after notice.
- b. Planning Board approval shall be required for sign(s) that exceed 55 sq. ft. prior to the issuance of a sign permit by the Village Zoning Officer.
- c. All signs shall be required to be fully attached to the façade of the building unless otherwise approved by the Planning Board.

Since this is considered a minor change, the Board can go ahead and vote on it. However, if it was considered to be a major change the Board would need to have a public hearing. It was pointed out that the Village has already allowed another business in the Cayuga Mall, Sumo, to increase the size of their sign.

Resolution #6120- To Change the Cayuga Mall Sign Development Plan to Incorporate the Changes to Section II, c. and d. as Noted Above

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

Mayor Donald Hartill-Aye	Trustee Gerry Monaghan-Aye
Trustee John O'Neill-Aye	Trustee Lynn Leopold-Aye

The next item on the agenda was to discuss our noise regulations and a recent complaint. At the last Planning Board meeting O. Lane came in to discuss his noise concerns with the K-House. The Trustees were previously given the paperwork he submitted and copies of the police reports that Moseley requested. The Planning Board suggested that Mr. Lane might want to request changes to the Village noise provisions for initial Board of Trustees consideration.

Dubow stated that the Village already has a noise law that is enforceable by the Sherriff and covers outside noise spreading across lot lines. He explained that getting involved in noise issues within a building would create a new and significant enforcement obligation. Dubow stated that it is very common to provide noise regulations for outside property crossovers. However, it is very difficult to enforce indoors noise regulations. It is very unusual for a municipality to have noise ordinances that are tied to internal building noise issues. These matters should generally be landlord/tenant or owner issues that need to be resolved. It was explained that an aggrieved party can pursue a civil action if a nuisance has been created. However, this is not under Village's jurisdiction unless it is crossing over parcel boundary lines.

A gentleman in attendance stated that he attended the Planning Board meeting and he wants us to adopt a law where landlords fail to be responsible for their own space. Certain types of businesses can be a nuisance. The police officers are limited in what they can do. He suggested that we adjust the code to adapt for the code officer to understand and interpret a disturbance. Dubow stated that the Board does understand his issue. However, the Board is not inclined to modify local laws to go beyond our current noise laws. Dubow explained that gentleman has recourse, a civil claim or nuisance claim. This would be determined in a court. This Board finds it difficult to police the situation he is referring to. One should go to their landlord first. This type of issue would be overwhelming for the Village to try to police these kinds of situations. The gentleman feels that it crosses the property lines and asked who does the measurements across parcel lines. Dubow stated that the Village Code officer checks the decibel limits. If a neighboring property owner complains, then the Village will follow up. On an interior basis we don't have authority to participate in that process. This problem might best be resolved with your landlord.

The next item on the agenda was to approve a payment to TOPS in the amount of \$7,166 for a water easement for the Route 13 Water Project. Once they receive their payment they will turn over the easement and we can proceed with the project. Hartill stated that we have agreed to pay for easements related to this project.

Resolution #6121- To Authorize the Mayor to Sign the Permanent and Temporary Easement with Rehold Lansing, LLC and Approve the Payment of \$7,166 to The Stop & Shop Supermarket Company LLC for the Village of Lansing 2014 Water System Improvement Project Easement

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

Mayor Donald Hartill-Aye      Trustee Gerry Monaghan-Aye  
Trustee John O'Neill-Aye      Trustee Lynn Leopold-Aye

The next item on the agenda was to discuss the Deer Damage Permit Application, the flyover, and whether the Village will dedicate some funding to purchase corn and

feeders. Bernd has submitted the written justification for use of NYSDEC deer depredation permits that would be sent along with the DDP application.

Hartill is concerned that there is a new threshold of visibility in what we are doing. He is concerned about going forward with it. Dubow stated that we are permitted to hunt and this would be a higher level of DEC deer management. This is a discretionary decision of the Board.

Leopold stated that there are property owners that are willing to perform deer management and agree to conditions. DDP is different than the hunt we already do in the Village and is being recommended more and more by the NYSDEC. Bernd Blossey has recommended this Deer Management Program to the Board and they have embraced the possibility. Bernd would be the one to develop and manage the process. The option of a nuisance hunt would be available now if the Village chooses to continue.

O'Neill stated that the Village has received a FOIL request from cayugadeer.org. They watched the Village of Cayuga Heights very carefully. The Village is in the process of providing a FOIL response. Leopold stated that we have been very careful and not made any rash decisions.

Monaghan asked if the fly over has been done yet. Monaghan feels it would give us rational data. We currently don't have quantitative data. Hartill stated that as a scientist, he needs to understand the data. All the evidence that we have so far is hearsay.

Dubow added that the regulations are very strict. We only do deer management by property owners that agree to abide by the regulations. NYSDEC has recognized that there needs to be some more management tools.

Leopold stated that the number of deer we are taking is going down and the time that the hunters have put in is increasing. She feels if we continue with just the regular deer hunt it won't produce a significant difference. This suggests fewer deer but we don't have real data so the flyover would be very helpful.

Leopold explained that the deer depredation hunting would only be once or twice a week. One of the differences in this program versus our current deer management program is it allows baiting and hunting at night. Trumansburg has used the Deer Management Permit to remove 80 deer this season. Trumansburg is where we were years ago. It's not normal to see deer every day. They aren't backyard pets. Bernd has trail cameras that show deer movement at night. They are also doing this at CU as well. What is being seen is that the deer are moving differently.

Hartill feels that the overflight is a more important issue. He would like to propose that the Village contribute an amount not to exceed \$3,000 to participate in the proposed flyover. The Mayor also suggested that we approve the application and then wait for flyover data to see if we want to continue. We can hold off on exercising that permit until we have a better understanding of the situation. This would possibly postpone the hunt

for the year. We can also decide on other expenses at a later date. Hartill's main issue is baiting and the reaction.

Resolution #6122- To Approve the Overflight for an Amount Not to Exceed \$3,000 and to Proceed with Deer Damage Permit Application and Wait to Conduct a Hunt Until After Overflight Data is Received and Analyzed

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

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

Trustee Lynn Leopold-Aye  
Trustee Gerry Monaghan-Aye

The next item on the agenda was to approve minutes from January 5<sup>th</sup> & 15<sup>th</sup>. Hartill was not present for either meeting.

Motion- To Approve the Minutes of January 5<sup>th</sup> & 15<sup>th</sup>

Trustee Leopold moved to approve the minutes. Trustee Monaghan seconded the motion. A vote was taken:

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

Trustee Lynn Leopold-Aye  
Trustee Gerry Monaghan-Aye

Dubow has prepared a Proposed Local Law, as we have considered in the past, to provide for allowing an override of the Tax Levy Limit if it is necessary when the budget process is completed. The adoption of the Local Law provides the authority to exercise the permitted override, but does not in any way require it. In essence, it is available if ultimately determined as the budget process goes forward – a safety net of sorts. The adoption of a Local Law is required on an annual basis. If the Board chooses to proceed, the Board would need to set a public hearing

Motion- To Set A Public Hearing on Monday, March 2, 2015 at 7:35 to Consider Proposed Local Law 1 (2015) To Allow the Override of the Tax Levy Limit Established in General Municipal Law 3-C

Trustee Leopold moved to approve the minutes. Trustee Monaghan seconded the motion. A vote was taken:

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

Trustee Lynn Leopold-Aye  
Trustee Gerry Monaghan-Aye

Jodi stated that in order to have the budget approved by April 15<sup>th</sup> the following will be the schedule for budget related activities:

- March 2<sup>nd</sup>-Public Hearing for Override and start budget process by reviewing all budget requests submitted
- March 16<sup>th</sup>-Continue Budget discussions and set Public Hearing for April 6<sup>th</sup>
- April 6<sup>th</sup> –Public Hearing, final Budget Adjustments, Approve Budget or set a special meeting to adopt budget (Jodi will not be at this meeting)

Hartill stated that Jodi will be sending out all the budget requests. The Mayor asked O’Neil if he would meet with staff again this year. Monaghan will assist him with this. O’Rourke is out of the country so Hartill asked for a volunteer to do the recreation budget. Dake stated that she already has the information which she will get to the Mayor. Lynn will work with Moseley again this year on a stormwater budget. Leopold stated that we need to be more formal with our stormwater record keeping.

Mayor Hartill stated that we are making steady progress with easements for the Water System Improvement Project that goes under Route 13. We’ve gotten all easements. By doing this project jointly with SCLIWC, both the Village and Bolton Point are saving about \$200,000. It has been very painful to accomplish this. We’ve burned up a significant part of that savings in legal fees. The project will start soon. Frozen ground is easier to work with. The total cost of the project is approximately \$400,000. This project replaces a Village line and provides a backup for Bolton Point. A location was found with modest replumbing to use as our local line and if Bolton Point has trouble they can then go through our line. It is a win-win situation for everyone.

The Mayor will be attending a meeting on Wednesday on the new traffic light at Craft Road. This new traffic signal will give breaks to the traffic. The design is complete, we’re working on finalizing the easements and the project will start in spring. It will have the infrastructure installed for a pedestrian crossing in case it is needed in the future. Currently we do not have sidewalks on the west side of N. Triphammer, but if in the future we decide to install sidewalk and have a crossing there the infrastructure will already be in the ground.

Hartill stated that our new employee is doing well. Roads are being plowed. We have taken delivery of our new plow truck.

Leopold reported on the last CLWIO meeting. They have received a Department of State grant for the IO to update the Restoration Protection Plan. They will get input relating to the lake. This was done when IO was first created. Cayuga Lake has a lot of different values to people. Hartill asked if there was any talk of dredging the inlet. Leopold stated that dredging should be done every 10 years and it’s been over 25. Leopold stated that even though she was not going to run for the Board again in April, she still would like to volunteer to be the liaison to the Water Resource Council and the IO and would be happy to continue working with the floating classroom.

Dake gave an update on the progress she, Dawson and Schleelein are making on the updating of the Comprehensive Plan. There is no Planning Board meeting next week since Tomei and Dankert are out of town.

Motion- To Adjourn

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

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

Trustee Lynn Leopold-Aye  
Trustee Gerry Monaghan-Aye

The meeting adjourned at 9:01pm.

Jodi Dake  
Clerk/Treasurer