

Village of Lansing

MINUTES of a joint meeting of the Board of Trustees and Planning Board of the Village of Lansing held on Monday, November 16, 2015, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Gerry Monaghan, Patricia O'Rourke; Planning Board members Maria Stycos and Deborah Dawson; Attorney David Dubow; Clerk/Treasurer, Jodi Dake.

Mayor Hartill called the Board of Trustees meeting to order at 7:35pm and opened the public comment period. Mario Tomei and Lisa Schleelein were also present for the discussion of the Comprehensive Plan. There were no comments.

Motion - To Close the Public Comment Period

Trustee O'Rourke made a motion to close the public comment period. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee John O'Neill-Aye
Trustee Ronny Hardaway- Aye	Trustee Patricia O'Rourke-Aye
Trustee Gerry Monaghan-Aye	

The next item on the agenda was to approve the November 2nd minutes.

Motion-To Approve the Minutes from November 2nd

Trustee Monaghan moved to approve the minutes. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye
Trustee John O'Neill-Aye	

The next item was to consider an amendment to the existing Triphammer Marketplace Planned Sign Area (PSA). Dubow explained the purpose and the coordination with the recently approved senior housing project adjacent to the Triphammer Marketplace. At the November 9th Planning Board meeting the Planning Board made the following recommendation:

The PSA be amended for the Triphammer Marketplace to allow for unlighted temporary signs that shall not exceed 150 square feet, which would specifically provide for a 96 square foot sign along Route 13 and a 54 square foot sign along North Triphammer Road. These signs are allowed to be erected for no more than 11 months and such time shall be measured from the initial time the signs are

erected. The temporary signs are only to be utilized by the Cayuga View Senior Living project, formally known as the C.U. Suites senior living and mixed use project, and are only allowed for a “one time only” approval. After each of the temporary Cayuga View Senior Living signs have been removed, no other temporary signs shall be allowed to be erected unless and until a new amendment to the existing PSA for the Triphammer Marketplace has been approved by the required party.

Mr. Thaler has agreed to the terms of the language. Moseley had also previously sent the Trustees a rendering, from the applicant, indicating what the signs will appear as when erected, but it did not include both signs. Both signs are proposed to be exactly the same, but the Triphammer Road sign is proposed to be smaller than the proposed sign fronting on Route 13.

Resolution # 6216- To Accept the Proposed Amendment to the Existing Triphammer Marketplace Planned Sign Area

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

Mayor Donald Hartill-Aye
Trustee Gerry Monaghan-Aye
Trustee John O’Neill-Aye

Trustee Ronny Hardaway-Aye
Trustee Patricia O’Rourke-Aye

Hartill stated that Tompkins County Planning, after reviewing our Draft Comprehensive Plan, has sent back several recommendations and suggestions. The following are the comments provided by staff and Board members in response to the 239 Review done by Tompkins County Planning and their recommended modifications:

Marty Moseley, Code & Zoning Officer

- Although climate change has been a hot topic of discussion and there is supposedly proof that climate change is in fact a real item, there are mixed opinions on if climate change is actually a reality. Therefore, climate change may or may not be a reality and there may or may not be factual evidence that climate change may or may not be a reality. The basis for the stormwater changes, as required by the NYSDEC, is to reduce soil and erosion from active construction sites which stems back to the EPA’s Clean Water Act of 1972. This was then adopted, to some extent, by the NYSDEC and then continually modified as to be fully compliant with the EPA Clean Water Act of 1972. After the NYSDEC adopted these measures they then decided to provide an unfunded mandate to the local municipalities that surrounded an impaired water body, Cayuga Lake, due to their lack of man power and cost to effectively implement the State Pollutant Discharge Elimination System permit. Effectively, the Village has minimal control over the changing design guidelines, soil and erosion control techniques, etc. but rather we are obligated to enforce what is provided to us from the

NYSDEC and the EPA. How would one analyze the supposed impacts, as Tompkins County identifies, on the “natural resources, transportation systems, and vulnerable populations” from the “climate change”. In my opinion this would be a large undertaking to determine these impacts of “climate change” on these amenities.

- I would agree that the Villages Drainage Way Conservation Combing District is a positive tool for the Village to control the impacts of development on the natural amenities and neighboring parcels, but the Conservation Combining Districts are much more than just the Drainage Way Conservation Combing District. The Drainage Way Conservation Combing District requires a special permit approval from construction within 200 feet of the thread of a stream, and the project would be analyzed by the Planning Board on a case by case basis. The reason for this is that all of the drainage ways identified on the Villages official zoning map was done so by Tompkins County, and through the years many instances have been identified where the stream is a pond overflow, a ditch, or is running through a house. Although this tool is useful it has a very good balance at this current time for the Village. During the special permit process there impact on the stream is also analyzed by the Stormwater Management Officer, the Building and Zoning Department, and the Village consulting Engineer for the Planning Board and Building Department. It would appear that by placing an arbitrary buffering distance, it would reduce the effectiveness of the local law and place an undue hardship on all potential construction projects. The Villages case by case analysis is the best approach currently and the most effective for all potential projects. I can attest that the approval process, as provided by the Village, takes into account the environmental impact of the construction on the neighboring parcels and the drainage ways. There could be a comment about the importance the Conservation Combing Districts play in development, but I would not get too specific if this language was added. A short paragraph could be incorporated into the Comprehensive Plan explaining that the Village has considered and evaluated environmental impacts of developments and subdivisions before they were mandated. The Village will continue to be concerned with and reduce the environmental impacts, to the best of the Villages ability, the Village residents and unique environmental feature that are here in the Village.
- As Tompkins County points out, Cayuga Lake is very important to all municipalities for both economic and ecological reasons. Although the Village does have access to the lake, the residents technically do not and this would greatly reduce the amount of economic importance to the Village. The greatest impact that could occur to the lake is improper development. With the Village having a Conservation Combing District, which includes a Steep Slope Conservation Combing District, a Unique Natural Area Conservation Combining District, and a Drainage Way Conservation Combing District, this is a control mechanism for construction and would limit the impact of development on the closest properties to the lake since they all appear to be located in the Steep Slope Conservation Combing District and the Unique Natural Area Combining District. All of these Conservation Combing Districts are developed by the County and,

when altered by the County, have a great impact on both the Village and the development of certain parcels within the Village. I would urge the County to inform the Village and request comments from the Village on any alterations to these overlay districts in the future. The importance here is that the Village does take into account the lake and the importance of it, since the Village already has tools in its arsenal to protect these unique features. It would be my opinion that the Village has taking into account the ecological impacts on the lake for many years and the Village has taken steps to protect those unique features. As a reminder the Village does have, within the Village boundaries, the only water intake station that supplies water to five different municipalities, which has not had any detrimental ecological impacts to my knowledge.

- As far as a “future Land Use Map” I would find it difficult to predict the future development of certain parcels of land and what that may or may not entail. Predicting the future development would be difficult in part due to the ever changing building codes, stormwater design guidelines, and sometimes the Village Zoning/subdivision laws.

In closing these items that are specifically called out by Tompkins County, are all tools within the Zoning or Code of the Village, so if there were to be some language listed in the Comprehensive Plan it would be an overview and not too specific so if alterations were to be made it would not be contrary to the Village Comprehensive Plan.

Mario Tomei, Planning Board Chair

Without exception I am in agreement with Marty's responses to Tompkins County, concerning their recommended modifications to our Comprehensive Plan. Our stormwater practices and efficient transportation systems are fully complied with, based on the needs of whatever development project is being proposed. The mere mention of the term "climate change" does not define nor describe what changes may take place. These practices are flexible enough to cover a wide range of weather conditions. In short, we do what we need to do.

Each stream identified in our Village map is different than the others. Any development that is within 200' of one of these "streams" triggers a Special Permit. While we use the 50' buffer as a guideline, we handle each situation individually because of these differences. Making the 50' buffer a hard-and-fast minimum requirement would not be efficient or practical.

Nearly all of our conservation districts are done with the importance of Cayuga Lake in mind -- Village Drainageway Conservation Combining District, Steep Slopes C.C.D., Storm water and Discharge Management.

Our present "land use" maps already show what undeveloped parcels are available. These districts already have the uses permitted spelled out in our Village Zoning Codes. I am not sure what would be the need to predict our unknown future.

Having said this, I do not see where we need to make yet another change to our Comprehensive Plan.

Deborah Dawson, Planning Board Member

The vast majority of the international scientific community agrees that the climate is changing, and our weather patterns over the past few years demonstrate that their consensus is correct. The County Planning Department's comments and suggestions do not require the Trustees and Village residents to "believe" or "opine" that the climate change we are seeing is anthropogenic; they DO require that we acknowledge the changing weather patterns and more extreme precipitation levels for which we must plan.

Recommended Update from Ronny Hardaway and Deborah Dawson

Chapter 2, p7:

After the Section on Geology, under the "Environment and Natural Resources" heading, add a Section entitled:

Climate

The Village enjoys a temperate climate of four distinct seasons, which are modulated by the proximity of Cayuga Lake. In recent years, summers have become hotter and more humid, winters have become more unpredictable, and some precipitation events have become more severe. These conditions seem to reflect climate changes observed throughout our country and around the globe. It is difficult to predict how these climate changes will evolve and what impact they will have on the environment and infrastructure of the Village and the safety of its residents.

Chapter 2, p8:

Reword the "Flood Hazard Areas" paragraph to say:

The Tompkins County Planning Department's (TCPD) most recent Flood Hazard Zones Map shows two, small 100-year floodplains within the boundaries of the Village. The TCPD's information is based on the Federal Emergency Management Agency's (FEMA) National Flood Insurance Rate Maps, which undergo periodic revision to reflect the dynamic boundaries of floodplains.

Chapter 2, bottom of p8:

Insert the following as the first bullet point under the heading "Other Notable Natural Features:"

- Cayuga Lake, which borders the Village on the west, is one of our most important natural resources. It dominates the natural environment of the Village, and enhances its economic potential and the recreational opportunities available to its residents.

Chapter 3, p21:

In the first paragraph under the heading “Planning for Character, Quality, and Sustainability,” add the following bullet points:

- Assessing potential impacts of ongoing climate change on the natural resources, transportation systems, and vulnerable populations in the Village.
- Protecting and preserving the ecology of Cayuga Lake.

In the second paragraph under that heading, add the following bullet points:

- Using all land use and zoning tools available to the Village to mitigate the impact of climate change on the environment and infrastructure of the Village and the safety of its residents.
- Continuing to apply land use regulations (e.g., Drainage Way and Conservation Combining Districts, Steep Slopes, and Unique Natural Areas) and the permitting process to preserve the ecology of Cayuga Lake and its watershed.

Chapter 4, p27:

Reword the second bullet point under the heading “NATURAL RESOURCES:”

- Minimize the impact of development on Cayuga Lake, Unique Natural Areas, Conservation Combining Districts, wetlands, steep slopes, woodland tracts, and view sheds against development proposals that would adversely affect these areas.

Mayor Hartill thinks Mario has a reasonable response. He feels that a lot of climate change has become a “political football”. We have a set of guidelines and procedures that nullify any effects of climate change. The Mayors inclination is to not change things in the currently proposed Comprehensive Plan. The set back of 50 feet has no merit as far as he can tell. My personal feeling is to make sure we have all procedures and safeguards in the Plan and leave it at that.

Lisa Schleelein stated that she feels that Deborah and Ronny have made some good suggested changes. She feels that Tompkins County was not on target with some of its changes. She does think that Cayuga Lake should be included. She thought the changes that Deborah and Ronny submitted were good changes. The changes show that we heard what they said and have made some adjustments. Schleelein asked if we have to provide an explanation to Tompkins County Planning. Dake will let them know the final changes that we make to the Comprehensive Plan.

Deborah stated that the proposal she and Ronny provided satisfies the County and goes along with the substance that Marty and Tomei suggested. It is not suggesting whether climate change is happening or not. We acknowledge that it may be happening and we have the tools to deal with it. Hardaway added that we are not changing the substance of the Comprehensive Plan. What we are saying is that we are aware; we will observe it and will deal with it on a case by case basis. Leaving out Cayuga Lake was an innocent admission. Another of the changes was an error in the Comprehensive Plan that we were

addressing the wrong map. That needs to be changed. Dawson explained that what the two of them did was to go through the comments of Moseley and Tomei and enhanced the statement. The changes are nothing beyond what we are already doing, just clarification.

Tomei thinks the way it was written was very thorough. Tomei feels that the County always seems to come up with something to justify what they are doing. He does not want to see the Village keep dragging this on. The Lake is obvious. He doesn't want to see another 2-3 months of debate over their recommendations.

Dubow stated that the Board can make these changes or they can choose not to. Sometimes the reviews are helpful, and sometimes not. It is not significantly changing the document. Dubow feels this document was done really well and it shows with their only being a few changes submitted by Tompkins County Planning. We are generating a document tonight that will be put forward for the Public Hearing.

Lisa thinks they are good changes and they indicate we heard what they recommended and suggested. Hardaway feels we didn't make substantial changes. It is what is reasonable and what makes sense here. Gerry agreed. O'Rourke feels that enough time has been put into this and she feels we should go with Ronny's and Deborah's proposed changes.

Resolution #6217-To Adopt the Minor Changes to the Comprehensive Plan As Recommended Above from Hardaway and Dawson

Trustee Monaghan moved to accept the changes. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye

The Board then set a Public Hearing for the Comprehensive Plan.

Resolution #6218- To Set a Public Hearing for the Newly Amended Draft Comprehensive Plan for Monday, December 7th @ 7:35pm.

Trustee O'Rourke moved to set the public hearing. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye

The Board discussed different ways of getting the word out about the public hearing. There will be a legal ad in the Ithaca Journal, and copies will be mailed and emailed to the neighboring municipalities. A news release can also be sent to the newspaper.

During the Mayor's comments Hartill stated that as soon as NYSEG energizes the traffic light it will be on flash mode for a week and then go live. Hartill doesn't know if it will be synced with Graham Rd. He assumes there is a mechanism for coordinating that. It is hard to get out of Craft Road, Oakcrest Road and out of this office. We are done with paving for the year. Replacement of the water line was successful. The drainage way on the south side of Sheraton Drive is working effectively. Bolton Point is still considering a minimum rate change to 5,000 from 10,000 gal. Hartill stated that is a challenge to get that change moving. We will soon be in snow plowing season. We have our salt ordered and our storage barn is full. Hardaway asked if when salt is left over is it good for next year. It is. We contract to receive 1100 tons of salt. Salt gets delivered to us when we get low. We add chemical to the salt which lowers the melting point. The cost to do this is an extra \$3-4/ ton. New York State uses Brine solution which is a byproduct. The Town uses salt and sand. It is an economic decision. We can't add sand with our drainage stormwater systems. We are close with negotiations on Northwood Rd. There are still last minute details in language. We hope to take ownership so we can plow Northwood Rd. this year. More interesting is what we do with Lansing Trails and the pending road dedication. The title is being hung up by street lighting. We would like to oil and stone that road but can't until we own it. There is some risk to the roadway because freeze thaw is not good for the base. Our equipment is in good shape.

Ronny stated that he and Deborah have walked the Northwood Road area and are afraid we will inherit a lot of maintenance issues. Hartill stated that the plan is to extend the Boulevard to the end of Woodthrush Hollow Lane. We've starting planning for a mirror image of Dankert Park in the northwest corner of the 22 acre parcel the Village owns. We may want to organize a citizen clean-up for the rest of the parcel.

The Mayor set the Holiday Party for Tuesday, December 15th.

Hardaway asked if the Board would be discussing the letter that the Board of Trustees received from Isabella Corina of 32 Highgate Circle regarding a streetlight being installed at the end of Highgate Place at the entrance to the Triphammer Road trail. Monaghan knows of the place she is speaking and feels it would be nice to have a streetlight there but he doesn't know what is involved. Mayor Hartill stated that he will have a conversation with Courtney on this.

Dubow stated that he has been in email contact with Alan Black, NYSDOT Office of Legal Services, to see if he could provide the current status of the conveyance of the Catherwood Road property to the Village. All of the required documents at our end have been provided, and the required Order by the NYS Commissioner of Transportation is the remaining document at their end. Black responded that it was out of his hands but the program area informed him that this may be completed and sent out in the next few weeks. Black also warned him that this is a time of year when staff is taking time off, so that isn't certain – just an estimate.

Hartill asked the Board for a short executive session for discuss personnel issues.

Motion-To Go Into Executive Session for Discussion of Personnel Issues

Trustee O'Rourke moved to go into executive session. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye

The Board went into executive session at 8:17pm.

Motion-To Come Out of Executive Session

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

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye

The Board came out of executive session at 8:30 pm.

Motion-To Adjourn

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

Mayor Donald Hartill-Aye	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	Trustee Patricia O'Rourke-Aye

The meeting adjourned at 8:31pm.

Jodi Dake
Clerk/Treasurer