

Agenda

**Village of Lansing
Board of Trustees Meeting
In Person and Online via
Zoom Videoconferencing/Teleconferencing*
2405 N. Triphammer Rd.
Ithaca, NY 14850
August 15, 2022 @ 7:30pm**

7:30 Call to Order, Roll Call

Public Comment Period*

Approve Minutes August 1, 2022

7:35 Public Hearing Proposed Updates to Greenway Plan

Consider Setting a Public Hearing for Proposed Local Law F- Amendment to Village of Lansing Code/Zoning Law to Replace a Section on Tree Conservation

Consider Setting a Public Hearing for Proposed Local Law G- Amendment to Village of Lansing Code- Special Permit

Safe Streets For All (SS4A)

Mayor's Comments

General Discussion

Adjournment

*If you are interested in attending the videoconference/teleconference meeting contact the Village Clerk to get the meeting link - clerk@vlansing.org. Local Law 6 (2022) allows for videoconferencing. Procedures for Utilizing Village of Lansing Videoconferencing are on the Village of Lansing Website at vlansing.org. Executive Order 11.8 extended until 8/13/22.

PROPOSED LOCAL LAW F (2022)

AMENDMENT OF THE VILLAGE OF LANSING CODE/ZONING LAW TO REPLACE A SECTION ON TREE CONSERVATION.

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

SECTION I. PURPOSE AND INTENT.

It is the purpose and intent of this local law to amend the Village of Lansing Code/Zoning Law to prevent the purposeless and indiscriminate removal of trees from lands within the Village, particularly during development and construction projects, to ensure the planting and restoration of trees during development and subdivision, and to establish and maintain a minimum tree density. The Village deems such trees to be an important resource to the area, acting as windbreaks, reducing noise and glare, accentuating views, and improving the overall attractiveness of the Village and the mental and physical health of its residents. Further, trees contribute an important environmental benefit, providing habitat to native wildlife, reducing stormwater runoff and erosion, and offsetting the effects of climate change through sequestration of carbon dioxide. This local law is intended to be consistent with the Village Comprehensive Plan and provides standards for the conservation of trees within the Village. The primary method of compliance will be “on-site”. A “Tree Bank” will be established to allow for an alternative option to replacing trees when they are unable to be planted on the property to meet the minimum tree density requirements. The Tree Bank is a monetary fund, administered by the Village, from which monies will be spent to fund planting and maintenance of trees at secondary sites. At the discretion of the Village, trees will be planted and maintained in an area in which they are deemed most necessary. Further, monies from this Tree Bank may be used to fund additional Village climate initiatives to offset the Village carbon footprint that such trees would have otherwise performed.

SECTION II. AMENDMENTS.

1. Chapter 145-3 (entitled “Terms defined”) of the Village of Lansing Code is hereby amended to include:

Caliper—the trunk diameter measurement taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size and twelve (12) inches above the ground for trees above four (4) inch caliper size.

Diameter Breast Height—the trunk diameter of trees measured at a height of four- and one-half feet above the ground. If a tree splits into multiple trunks below four- and one-half feet, Diameter Breast Height is measured at its narrowest point below the split.

2. Chapter 145-27 (entitled “Tree preservation”) of the Village of Lansing Code is hereby replaced as follows:

145-27 Tree Conservation and Planting.

- A. Purpose. The Tree Conservation and Planting Law was adopted to prevent the purposeless and indiscriminate removal of trees from lands within the Village, particularly during development and construction projects, to ensure the planting**

and restoration of trees during development and subdivision, and to establish and maintain a minimum tree density. The Village deems such trees to be an important resource to the area, acting as windbreaks, reducing noise and glare, accentuating views, and improving the overall attractiveness of the Village and the mental and physical health of its residents. Further, trees contribute an important environmental benefit, providing habitat to native wildlife, reducing stormwater runoff and erosion, and offsetting the effects of climate change through sequestration of carbon dioxide.

B. Removal of trees from any tax parcel. Removal of more than twenty five percent (25%) of trees from any tax parcel within three (3) calendar years is prohibited.

(1) No more than twenty five percent (25%), by number, of trees are permitted to be removed from any tax parcel within a three (3) calendar year period, without permission from the Planning Board. If permission is granted by the Planning Board, they may require any additional trees that are removed beyond the 25% limit to be replaced by depositing funds into the Village of Lansing Tree Bank according to the provisions set forth in Section 147-27D.

a. The compliance payment into the Tree Bank shall be determined by the current market cost to purchase, plant, and establish the number of trees which were removed beyond the 25% limit. This monetary value will be determined by the Department of Public Works. The Planning Board shall have the authority to decrease this amount but shall not have the authority to increase this amount.

(2) Exemptions. The removal of trees for following reasons shall be exempt from this section:

a. Removal from horticultural properties, such as tree farms, nurseries, or orchards.

b. Necessary removal by a utility company, within dedicated utility easements.

c. Removal from public rights-of-way, conducted by, or on behalf of, any activity related to federal, state, county, municipal or other government agency, in pursuance of construction or improvement of public rights-of-way.

d. Removal from retention ponds or drainage easements.

e. Removal of any tree which has become, or threatens to become, a danger to human life or property, as determined by an International Society of Arboriculture (“ISA”)-certified arborist or the Village of Lansing Department of Public Works.

f. Removal necessary for the health of neighboring trees, such as in the case of thinning out, as determined by an ISA-certified arborist.

g. Pruning to encourage tree growth and health shall not be considered tree removal and is exempt from this section.

C. Minimum Tree Density Requirements. Any major subdivision or activity that requires the issuance of a special permit shall conform to the requirements of this section.

(1) Minimum Tree Density Requirements

(a) All applicable sites shall maintain a minimum tree density of thirty (30) tree units per acre. This requirement must be met whether or not a site had trees prior to subdivision or the issuance of a special permit.

(b) Only trees with a Diameter Breast Height (DBH) of four (4) inches or greater will be counted towards existing density.

(c) Density may be achieved by counting existing trees to be conserved and by adding new trees in accordance with the standards set forth in this section. The density

calculation shall be based on the total site area, minus the area of any Department of Environmental Conservation (DEC) designated wetlands, utility easements, drainage easements, public rights-of-way, and buffer strips required by Village Code, Section 145-24.

- (d) Notwithstanding the requirements of this section, developers must still comply with Village Code Section 145-24- Buffer Strips. Plantings added to meet the buffer strips requirements shall not count toward minimum tree density.
- (e) Trees listed on the DEC Prohibited and Regulated Invasive Plants list shall not be used to achieve the required density.
- (f) In the case of subdivisions, the provisions in this section will apply to each lot which will be created after subdivision.
- (g) The tree unit value for individual trees will be determined by Table 1 (Located in Appendix H).

(2) **Tree Planting Plan.** A tree planting plan conforming to the minimum density requirements must be submitted as part of the subdivision/development/special permit process. Prior to submission, this plan must be approved by an International Society of Arboriculture (ISA)-certified arborist, to ensure that planted trees have the best chance of surviving and thriving in the given conditions. This plan must be submitted to and approved by the Village of Lansing Planning Board in order for the subdivision to be approved or the special permit to be issued. The tree planting plan must include:

- (a) A to-scale site plan prepared by the development architect, showing the location of all existing infrastructure including but not limited to, buildings, roads, above- and under- ground utilities, waterways, retention ponds, wetlands.
- (b) Location of all existing trees that will be maintained on the site, in addition to all new trees that will be planted on site.
- (c) All trees drawn on the plan will show canopy coverage at mature size.
- (d) All existing trees will be labeled and verified by an ISA-certified arborist and inventoried by DBH and species. All new trees to be planted will also be labeled and inventoried by caliper size and species using both scientific and common names.

(3) **General Conditions for Tree Planting Plan**

- (a) All new trees shall have a caliper size of no less than two (2) inches.
- (b) The tree unit value of new trees will be measured by caliper as determined by an ISA-certified arborist, hired by the developer.
- (c) The tree unit value of existing trees will be measured by DBH as determined by an ISA-certified arborist, hired by the developer.
- (d) Four (4) shrubs of a minimum 2-gallon size may be counted as one (1.0) tree unit. Tree units attributed to shrubs will be rounded down to the lowest half number. For example, seven (7) shrubs will be counted as one and a one-half (1.5) tree units, as opposed to one and three-quarters (1.75) tree units
- (e) If more than three (3) trees are required to be planted, no more than one-third (1/3) may be of any one genus, unless permission is granted by the Planning Board.
- (f) Trees shall be planted on the lot to achieve maximum canopy coverage at mature size and shall avoid excessive overlapping canopy coverage.
- (g) At least twenty five percent (25%) of new trees shall be understory trees (less than 40 feet mature height) and at least twenty five percent (25%) shall be overstory trees (greater than 40 feet mature height) unless permission is granted by the Planning Board.

(h) At least twenty five percent (25%) of new trees shall be evergreen species and at least twenty five percent (25%) shall be deciduous species unless permission is granted by the Planning Board.

(i) Where possible, new trees shall be ecologically compatible with the site.

(4) Additional Conditions for Street Trees and Parking Lot Trees

(a) Street Trees

- i. Street trees shall be required along the front lot line in accordance with the provisions set forth in this section.**
- ii. Street trees shall be planted in the right-of-way, at least five (5) feet behind the edge of the sidewalk or planned sidewalk, or twelve (12) feet from the front lot line, in the event of no sidewalk being present.**
- iii. A minimum of one (1) street tree is required per forty (40) feet of road frontage line and shall be planted as evenly spaced as possible along the front lot line.**
- iv. Street trees shall be horticulturally appropriate for use in road frontage areas, not impede traffic vision, and not impede utilities or drainage easements.**
- v. Street trees may be counted as part of the required minimum tree density. However, applicant must still meet the street tree requirements even if the minimum tree density for the site has been met.**

(b) Parking Lot Trees

- i. Parking lot trees must be planted in and or around the parking lot, so that every parking space is within forty (40) feet of the trunk of a tree.**
- ii. Parking lot trees can be counted as part of the required minimum tree density. However, applicant must still meet the parking lot tree requirements even if the minimum tree density for the site has been met.**
- iii. Notwithstanding the foregoing, any redevelopment project that results in the removal and replacement of twenty-five (25) percent or more of an existing parking lot (other than routine surface maintenance), must retrofit the entire parking lot to meet the tree planting standards set forth in this section.**

(5) All trees shall be planted in accordance with the standards set forth in the most current version of the ISA publication “ANSI A300 Transplanting Standard - Part 6” to ensure the best chance of survival for new trees.

(6) Alternative Compliance to Minimum Tree Density Requirements. It is recognized that situations may arise where a site cannot meet the required minimum tree density. In such cases, an alternative method of compliance via payment to the Village of Lansing Tree Bank (Section 147-27D) is acceptable. All requests for alternative compliance must be submitted and approved by the Planning Board. Approval will be made upon the determination that meeting the minimum tree density requirement for an applicable site presents an undue hardship. Every effort must be made to plant as many trees as can be reasonably expected to survive on the development site. No special permit shall be issued until the Planning Board has approved the request for alternative compliance and the necessary funds and documentation has been received by the Code Enforcement Officer.

(a) The compliance payment to the Tree Bank shall be determined by the current market cost to purchase, plant, and establish the required number of trees for which the site is deficient. This monetary value will be determined by the Department of Public Works. The Planning Board shall have the authority to decrease this amount but shall not have the authority to increase this amount.

D. Tree Bank.

- (1) The primary purpose of the Village of Lansing Tree Bank is to fund tree planting projects within the Village. In the event no tree planting projects can be identified, the Tree Bank may be used to fund climate change initiatives that will further help to offset the carbon footprint of the Village as provided below.**
- (2) All funds paid into the Tree Bank will be held in a bank account separate from other Village accounts. Tree Bank funds may be used for maintenance of the fund itself, including, but not limited to, administrative fees and bank fees.**
- (3) At the discretion of the Village Board of Trustees, Tree Bank funds may be used for:**
 - (a) Tree planting projects. The Village Greenway Committee will identify areas of the Village that would benefit from the planting of trees. These benefits may include windbreaks, noise buffers, shade, wildlife habitat, prevention of soil erosion and aesthetics, amongst other reasons the committee deems reasonable for the planting of trees. All tree planting projects identified and planned by the Village of Lansing Greenway Committee and their associated costs must be approved by the Village of Lansing Board of Trustees prior to implementation. Tree Bank funds may be used for:**
 - i. Purchase of trees and other materials necessary for planting, including, but not limited to, soil, stakes, and fencing.**
 - ii. Cost of tree planting, either by Village of Lansing staff and/or contracted landscaping and maintenance companies responsible for planting and associated costs.**
 - iii. Maintenance of planted trees either by Village of Lansing staff and/or contracted landscaping and maintenance companies responsible for maintenance and associated costs.**
 - iv. Consultation with horticultural or arboricultural professionals to determine the best practices for tree planting projects.**
 - (b) Climate Change Initiatives. In the event no tree planting projects can be identified by the Village Greenway Committee, Tree Bank funds may be used for climate change initiatives identified by the Village of Lansing Climate Smart Communities (CSC) Taskforce. Initiatives to be funded must have the goal of achieving a CSC/Clean Energy Communities (CEC) Pledge Element, as set forth by the DEC of New York State and New York State Energy Research and Development Authority, respectively. All climate change initiatives identified and planned by the Village of Lansing CSC Taskforce and their associated costs, must be approved by the Village of Lansing Board of Trustees prior to implementation. Tree Bank funds may be used for:**
 - i. Implementing CSC/CEC pledge elements.**
 - ii. Consultation with outside parties to best achieve CSC/CEC pledge elements.**

E. Enforcement

- (1) Village Code Chapter 145-78 shall apply to all provisions of this Chapter.**
- 3. Chapter 145 shall be amended to add Appendix H:**

Table 1. Determining Tree Unit Value of Existing and Replacement Trees

Tree Size	Tree Unit Value
New Tree (minimum 2" caliper)	1
New Shrub (minimum 2-gallon size) x4	1
Existing tree DBH <4"	0
Existing tree DBH ≥4" but < 6"	1
Existing tree DBH ≥ 6" but < 12"	1.5
Existing tree DBH ≥ 12" but < 18"	2
Existing tree DBH ≥ 18" but < 24"	3
Existing tree DBH ≥ 24"	4

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 ten (10) days after publication and posting as required by law, except 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.

PROPOSED LOCAL LAW G (2022)

AMENDMENT TO VILLAGE OF LANSING CODE – SPECIAL PERMIT

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 145 (entitled “Zoning”), Article IV (entitled “Special Permits”), Sections 145-59 (D) to provide for revocation of a special permit as well as clarify the Code Enforcement Officer’s authority with regard to building or similar permits issued in connection with the Special Permit.

SECTION II. AMENDMENT.

A. Section 145-59 (D)(11) is hereby added to state the following: **Revocation: In all instances, a Special Permit may be revoked by the Board, after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by said Special Permit. Whichever Board was given the original power to grant the Special Permit is the Board that has the authority to revoke the permit, according to the conditions set forth in this chapter.**

B. Section 145-59 (D)(9) is hereby deleted in its entirety and replaced with the following:

Conditions to Special Permits. The Board authorized to decide upon a Special Permit application shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Permit. Upon the granting of the Special Permit, any such conditions must be met by the applicant, or the applicant's successors in interest, and, in the event that the applicant, or the applicant's successors, fail to meet any such condition of the Special Permit, the Village Code Enforcement Officer shall withhold or suspend any building or Similar Permit that would otherwise be issued in connection with or as a result of the granting of the Special Permit until such time as the Code Enforcement Officer has verified compliance with all such conditions.

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 its filing in the office of the Secretary of State.

Village of Lansing Resolution to Partner on Federal Safe Streets and Roads for All Planning Grant Opportunity August 15, 2022

WHEREAS, in 2022, the Bipartisan Infrastructure Law established the new Safe Streets and Roads for All (SS4A) federal grant program, with up to one billion dollars appropriated in FY22, and with a local match of 20% of the project cost; and

WHEREAS, local municipalities are eligible to apply for funding to create a detailed transportation safety “Action Plan”, either individually or in collaboration with other municipalities; and

WHEREAS, the FY22 Notice of Funding Opportunity (NOFO, available here: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340385>), states that applications with multiple municipalities partnering to create a plan will be more competitive for funding than applications from a single municipality; and

WHEREAS, successful creation of an Action Plan in this grant cycle would make the partnering municipalities eligible to apply for implementation grants in future years of this grant program, either individually or in collaboration again; and

WHEREAS, the City of Ithaca has agreed to be the “Lead Applicant” on this planning grant application, with multiple neighboring municipalities expressing interest in applying as “Joint Applicants”, including the following in alphabetical order (*note: the list is as of 7/25/2022*):

- Town of Caroline
- Town of Danby
- Town of Dryden
- Town of Ithaca
- Town of Lansing
- Village of Cayuga Heights
- Village of Lansing

WHEREAS, the role of the City of Ithaca as Lead Applicant will be to complete the online application on behalf of all partnering municipalities for FY22 funding, with an application due date of September 15, 2022; and

WHEREAS, the City of Ithaca is presenting a resolution to its Common Council, requesting a budget to fund the study in whole at \$750,000, to be eventually reimbursed 80% by the grant, with individual municipalities reimbursing the City of Ithaca for its share of the 20% local match. The Village of Lansing’s share will be 3.98% of the 20% local match. The reimbursement amount is currently estimated at \$6,190.00 based on a \$750,000 total study cost; then be it

RESOLVED, that the Village of Lansing agrees to partner with the City of Ithaca and other neighboring municipalities to jointly apply for the SS4A planning grant opportunity to create an Action Plan that uncovers both regional and municipality-specific transportation safety problems, as well as presents detailed regional and municipality-specific solutions; and

RESOLVED, that the Village of Lansing agrees to reimburse the City of Ithaca the Village’s 3.98% share of the 20% local match, and specifically that the Village of Lansing will reimburse the City of Ithaca an amount not to exceed \$8,000 based on the final study cost.