

Village of Lansing  
Planning Board Meeting  
August 8, 2016

The meeting of the Village of Lansing Planning Board was called to order at 7:00PM by Chairman Mario Tomei.

Present at the meeting were Planning Board Members: Mike Baker, John Gillott, and Deborah Dawson; Code Enforcement Officer, Marty Moseley; Village Trustee Liaison, John O'Neill; Citizen Observer, Carol Klepack.

Absent: Lisa Schleelein, Carolyn Greenwald, and David Dubow

**Public Comment Period**

Tomei opened the public comment period. With no one wishing to speak, Dawson moved to close the public comment period. Seconded by Gillott; Ayes by Tomei, Baker, Dawson, and Gillott.

**Discussion on amending the Village Zoning Law to Include the Following:** *an Excavation and Construction in Municipal Roadways and Highway Rights of Way local law and, proposed language to add to the Zoning Law for large scale solar arrays and small scale solar arrays, and Various other minor changes and clarifications.*

Various other minor changes and clarifications:

Tomei noted that there are some inconsistencies in the current Zoning Law.

Moseley noted that he found inconsistencies when working through the changes that have been recommended to the Board of Trustees. Moseley indicated that some of the changes were not updated from the Zoning change that was at the beginning of 2016 and others were placed in the wrong sections. Moseley noted that some of the proposed clarifications were also for constancy purposes as well. Moseley added that he would like to gain approval from the Planning Board first and then provide the updated Zoning proposals to the Trustees if the Planning Board approved. Moseley presented the following proposed changes:

Additional items that need to be corrected in the zoning:

- *Section 145-33 A. needs to add the CMT Commercial Medium Traffic District. It should read as follows:*
  - LDR *Low-Density Residential*
  - MDR *Medium-Density Residential*
  - HDR *High-Density Residential*
  - CLT *Commercial Low Traffic*
  - CMT *Commercial Medium Traffic***
  - CHT *Commercial High Traffic*
  - BTD *Business and Technology*
  - RSH *Research*
  - HHS *Human Health Services*
- *Section 145-57 D.(1)(b) should read as follows:*
  - *For each accessory building to residential building [maximum area of **four** hundred (400) square feet, maximum height of 15 feet]: fifty dollars (\$50.) basic fee plus two dollars (\$2.) per one thousand dollars (\$1,000.) of estimated cost.*
- *The matrix in section 145-58 should read as follows and incorporate the Commercial Medium Traffic District in each of the 6 categories. The Commercial Medium Traffic District regulations already indicate that a Temporary*

- 50 *Commercial Activity is allowed in the district, but the matrix was never updated to reflect those changes. See the*  
 51 *amended section below.*  
 52 ○ *Also I would suggest that the HHSD, BTM, and RSH districts be added to the Stationary Food Vendor*  
 53 *use in the matrix. If one were to locate up in the identified districts it may also eliminate some of the traffic*  
 54 *due to the lunch time rush to other parts of the Village. It would also create an additional amenity for those*  
 55 *districts to utilize and would not affect*

Temporary Commercial Activities	Zoning Districts	Time Duration
<b>Special Events</b> <sup>(1)(2)(4)(5)</sup> defined as an activity or event, the primary purpose of which is not the sale of goods or services.	CLT, <b>CMT</b> , <u>CHT</u> , <u>BTD</u> , HHSD, RSH, PDA <sup>(6)</sup>	Maximum of 5 consecutive days and no more than 21 days per year.
<b>Carnivals and Circus</b> <sup>(1)(4)(5)</sup>	CLT, <b>CMT</b> , <u>CHT</u> , <u>PDA</u> <sup>(6)</sup>	Maximum of 10 consecutive days and no more than 21 days per year.
<b>Seasonal Use</b> <sup>(1)(3)(4)(5)</sup> defined as Farmers Market and like uses	CLT, <b>CMT</b> , <u>CHT</u> , <u>PDA</u> <sup>(6)</sup>	Between May 1 <sup>st</sup> and November 30 <sup>th</sup> . Maximum of 2 consecutive days and no more than 1 event per week.
<b>Holiday Sales</b> <sup>(1)(4)(5)</sup> such as Christmas tree sales, Halloween pumpkin sales, and other like uses	CLT, <b>CMT</b> , <u>CHT</u> , <u>PDA</u> <sup>(6)</sup>	Maximum of 42 days per year per this general use category.
<b>Temporary outdoor sale</b> <sup>(1)(3)(4)(5)</sup> defined as any temporary outdoor use that is not classified as a special event, seasonal use, holiday sales, or food vender	CLT, <b>CMT</b> , <u>CHT</u> , <u>PDA</u> <sup>(6)</sup>	Maximum of 120 days per year per tax parcel. This excludes accessory outdoor sales of 120 square feet or smaller, which is applicable to the current stores in the Village of Lansing
<b>Stationary Food Vendor</b> <sup>(1)(2)(4)(5)</sup> defined as food vendors with temporary structures that are stationary at one location	CLT, <b>CMT</b> , <u>CHT</u> , <b>BTD</b> , HHSD, <b>RSH</b> , <u>PDA</u> <sup>(6)</sup>	Maximum of 5 consecutive days and no more than forty-two days per year.

- 1 Tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the code enforcement official.
- 2 If used less than eight hours per week no permit is required.
- 3 Requires Special Permit Approval
- 4 Approved by Zoning and Code Officer
- 5 No more than one use in any single category per tax parcel at any one point in time
- 6 This is only applicable to the Lansing Meadows Planned Development Area, Area A

BTD-Business and Technology District  
 CLT- Commercial Low Traffic District  
**CMT-Commercial Medium Traffic District**  
 CHT-Commercial High Traffic District  
 HHSD- Human Health Services District  
 RSH- Research District  
 PDA-Planned Development Area

- 57 • *Appendix c titled "Dimensions Chart" shall be updated and read as follows:*

58

Village of Lansing Code Appendix C Dimensions Chart

	Sewer	Building Type	Lot			Minimum Yard Dimensions (In Feet)									Maximum Building Height (In Feet)		Required Parking Spaces	Buffer Strip Width	
			Minimum Size S.F. x 1000	Max Coverage Percentage	Min. Street Frontage	Principle Uses			Accessory Buildings		Parking			Principal	Accessory				
						Front	Side	Rear	Side	Rear	Front	Side	Rear						
Low Density Residential	S	1	30	10	150	40	25	40	15	25	20	15	20	35	15	*	-		
	S	2	40	10	200	40	25	40	15	25	20	15	20	35	15	*	-		
	S	0	30	10	150	75	25	40	15	25	25	15	25	35	15	*	-		
	NS	1	60	10	150	40	25	40	15	25	20	15	25	35	15	*	-		
	NS	2	90	10	200	40	25	40	15	25	20	15	25	35	15	*	-		
Medium Density Residential	NS	0	60	10	150	75	25	40	15	25	25	15	25	35	15	*	-		
	S	1	20	15	100	40	20	40	10	20	20	10	20	35	15	*	-		
	S	2	25	15	125	40	20	40	10	20	20	10	20	35	15	*	-		
	S	0	20	15	100	75	25	40	15	25	25	15	25	35	15	*	-		
	NS	1	60	10	150	40	25	40	15	25	20	15	2	35	15	*	-		
High Density Residential	NS	2	90	10	200	40	25	40	15	25	20	15	25	35	15	*	-		
	NS	0	60	10	150	75	25	40	15	25	25	15	25	35	15	*	-		
	S	1	12	20	100	40	20	20	10	10	20	10	10	35	15	*	-		
	S	2	15	20	125	40	20	20	10	10	20	10	10	35	15	*	-		
	S	M	6/DW	20	150	75	50	50	50	50	25	25	25	35	15	1.5/DW	-		
	S	0	12	20	100	75	25	40	15	25	25	15	25	35	15	*	-		
	NS	1	60	10	150	40	25	40	15	25	20	15	25	35	15	*	-		
	NS	2	90	10	200	40	25	40	15	25	20	15	25	35	15	*	-		
	NS	M				Not Allowed													-
	NS	0	60	10	150	75	25	40	15	25	25	15	25	35	15	*	-		
Commercial	S/NS	CLT	10	-	100	25*	25	40	25	25	25	15	15	35	15	*	75		
		CMT	10	-	100	25*	25	40	25	25	25	15	15	35	15	*	-		
	S	CHT	10	-	100	25	25	25	15	25	25	15	15	35	15	*	150		
BTD	S/NS	BTD	40	25	200	75	25	25	25	25	25	15	15	45	15	*	150		
RSH	S	RSH	40	25	200	75	25	25	25	25	15	15	45	15	*	75			
HHS	S/NS	HHS	10	-	100	75	25	40	25	25	25	15	15	35	15	*	75		

Legend		
CLT- Commercial Low Traffic District CMT-Commercial Medium Traffic District CHT-Commercial High Traffic District HHS- Human Health Services District RSH- Research District BTD-Business and Technology District	Building Type: 1-One Dwelling Unit 2-Two Dwelling Unit M-Multiple Dwelling Unit O-Other, no Dwelling Unit	S-Sewered NS- Non-Sewered DW- Dwelling Unit *- See Article V

59

60

61 Dawson moved to recommend, to the Board of Trustees, to amend the Village Zoning in section 145-33A,  
 62 145-57D.(1)(b), Appendix C, and the matrix in 145-58 as presented. Seconded by Gillott; Ayes by Tomei,  
 63 Baker, Dawson, and Gillott.

64

65 Moseley noted that many, of the proposed changes in the document below, have been approved by the  
 66 Planning Board at a subsequent meeting, but there were also clarifications for constancy purposes. Moseley  
 67 presented the following document.

68

- 69 • *The term Affordable housing shall be added to section 145-3 and read as follows:*  
 70 ○ *Affordable housing. The affordable unit at the time of sale or rental can cost no more than what is affordable*  
 71 *to an individual whose income is 50% of AMI (Area Median Income). Monthly housing costs cannot exceed*  
 72 *30% of 50% of AMI.*  
 73 • *The term Area median income shall be added to section 145-3 and read as follows:*

- 74                   ○ *Area median income (AMI). The midpoint in distribution of gross annual income in a specific area,*  
75                   *Tompkins County in this case. AMI is determined by the US Department of Housing and Urban*  
76                   *Development and used to determine eligible households for affordable units.*
- 77           ● *The term Additional residential building on single lot shall be added to 145-39 C and shall read as follows:*
- 78                   ○ *Permitted uses with additional conditions. (see section 145-58)*
- 79                           ■ *(a) Additional residential building on single lot*
- 80
- 81           ● *The term and use of “Assisted living facility” and “Additional residential building on single lot” shall be removed from*  
82                   *145-39 D.(2) and shall read as follows:*
- 83                   ○ *General and additional conditions for certain special permits (see section 145-60).*
- 84                           ■ *Mobile home (See Section 145-60 B)*
- 85                           ■ *Home occupation (See Section 145-60 C)*
- 86                           ■ *Commercial crop/ animal (See Section 145-60 D)*
- 87                           ■ *Senior housing (See Section 145-60 O)*
- 88                           ■ *Special care facility (See Section 145-60 P)*
- 89
- 90           ● *The term “Additional residential building on single lot” shall be added to section 145-40 C and shall read as follows:*
- 91                   ○ *Permitted uses with additional conditions. (see section 145-58)*
- 92                           ■ *Additional Residential Building on a single lot*
- 93
- 94           ● *The term and use of “Assisted living facility” and “Additional residential building on single lot” shall be removed from*  
95                   *145-40 D.(2) and read as follows:*
- 96                   ○ *General and additional conditions for certain special permits (see section 145-60).*
- 97                           ■ *Home occupation (See Section 145-60 C)*
- 98                           ■ *Commercial crop/ animal (See Section 145-60 D)*
- 99                           ■ *Senior housing (See Section 145-60 O)*
- 100                          ■ *Special care facility (See Section 145-60 P)*
- 101
- 102           ● *The term “Additional residential building on single lot” shall be added to section 145-41 C and shall read as follows:*
- 103                   ○ *Permitted uses with additional conditions. (see section 145-58)*
- 104                           ■ *Additional Residential Building on a single lot*
- 105
- 106           ● *The term and use of “Assisted living facility” and “Additional residential building on single lot” shall be removed from*  
107                   *145-41 D.(2) and shall read as follows:*
- 108                   ○ *General and additional conditions for certain special permits (see section 145-60).*
- 109                           ■ *Mixed Use (See Section 145-60 E)*
- 110                           ■ *Home occupation (See Section 145-60 C)*
- 111                           ■ *Office/ studio/ service (See Section 145-60 F)*
- 112                           ■ *Senior housing (See Section 145-60 O)*
- 113                           ■ *Special care facility (See Section 145-60P)*
- 114
- 115           ● *The term “Additional residential building on single lot” shall be added to section 145-42 C and shall read as follows:*
- 116                   ○ *Permitted uses with additional conditions. (see section 145-58) Uses permitted with additional conditions*  
117                   *shall be as follows:*

- 118                   ▪ *Temporary commercial activities. (see subsection C under §145-58) [Added 10-17-2011 by L.L.*  
119                    *No. 7-2011]*  
120                   ▪ *Employee cafeteria food and beverage service [Added 2-1-2016 by L.L. No.        1-2016]*  
121                   ▪ *Additional Residential Building on a single lot*  
122
- 123       • *The term and use of “Assisted living facility” and “Additional residential building on single lot” shall be removed from*  
124       *145-42 D.(2) and replaced with Senior housing and read as follows:*  
125           ○ *General and additional conditions for certain special permits (see section 145-60).*  
126               ▪ *Home occupation (See Section 145-60 C)*  
127               ▪ *Mixed Use (See Section 145-60 E)*  
128               ▪ *Bank administrative operations (See Section 145-60 I)*  
129               ▪ *Senior housing (See Section 145-60 O)*  
130               ▪ *Special care facility (See Section 145-60 P)*  
131               ▪ *Redevelopment on a larger site of a pre-existing non-conforming use currently in operation in the*  
132                *CLT Zoning District (See Section 145-60 L)*  
133  
134
- 135       • *Section 145-42.2 C shall be amended and read as follows:*  
136           ○ *General and additional conditions for certain special permits (see section 145-60)*  
137               ▪ *Home occupation (See Section 145-60 C)*  
138               ▪ *Mixed use (See Section 145-60E)*  
139               ▪ *Redevelopment on a larger site of a pre-existing non-conforming use currently in operation in the CLT*  
140                *Zoning District (See Section 145-60 L)*  
141
- 142       • *The term and use of “Assisted living facility” shall be removed from 145-43 D.(2) and replaced with Senior housing*  
143        *and read as follows:*  
144           ○ *General and additional conditions for certain special permits (see section 145-60).*  
145               ▪ *Warehousing/ storage/ distribution (See Section 45-60 G)*  
146               ▪ *Adult entertainment business. (see Section 145-60 K).*  
147               ▪ *Mixed Use. (See Section 145-60 F)*  
148               ▪ *Home occupation (See Section 145-60 C)*  
149               ▪ *Senior housing (See Section 145-60 O)*  
150               ▪ *Special care facility (See Section 145-60 P)*  
151
- 152       • *Section 145-44 D (2) shall be amended and read as follows:*  
153           ○ *General and additional conditions. (see section 145-60)*  
154               ▪ *Office/ studio/ service (See Section 145-60 F)*  
155               ▪ *Motel/ hotel (See Section 145-60 H)*  
156               ▪ *Warehousing/ storage/ distribution (See Section 145-60 G)*  
157               ▪ *Low Traffic Food and Beverage (See Section 145-60 M)*  
158
- 159       • *The term and use of “Assisted living facility” shall be removed from 145-46 D.(2) and replaced with Senior housing*  
160        *and read as follows:*

- 161           ○ *General and additional conditions for certain special permits (see section 145-60):*  
162                 ▪ *Pharmacies, provided that such pharmacies offer for sale nothing other than prescription drugs,*  
163                 *and/or offer for sale or rental physician-prescribed medical devices and aids such as wheelchairs,*  
164                 *crutches and/or hospital beds, and provided that such pharmacy has on premises during all hours of*  
165                 *operation a licensed pharmacist.*  
166                 ▪ *Senior housing (See Section 145-60 O)*  
167                 ▪ *Special care facility (See Section 145-60 P)*  
168  
169           ● *The term and use of “Assisted living facility” shall be removed from the chart of uses in section 145-81 and replaced*  
170           *with Senior housing. Senior housing shall be permitted in the LDR, MDR, HDR, CLT, CHT, and HHR*  
171           *Districts, and be permitted by Special Permit with additional conditions as specified in section 145-60 and the chart*  
172           *shall now read as follows:*

173

174 NOTES:

175 \* *Indicates use is permitted with Special Permit: general conditions.*

176 \*\* *Indicates use is permitted with Special Permit: general and additional conditions for certain special permit (145-60).*

177 <sup>1</sup> *Indicates use is permitted with additional conditions. (145-58)*

- 178           ● *The term and use of “Assisted living facility” shall be removed from section 145-82 A.(3).*  
179           ● *The term Senior housing shall be added to 145-82 and placed in an alphabetized order with the existing uses in section*  
180           *145-82. The term Senior housing shall be placed in 145-82 and read as follows:*  
181                 ○ *Senior housing: households where at least one person over the age of 55 does not require assistance with daily*  
182                 *activities or 24/7 skilled nursing but may benefit from convenient services, senior-friendly surroundings, and*  
183                 *increased social opportunities that independent senior living communities offer.*  
184           ● *The term “Special care facility” in section 145-82 A. shall be amended and read as follows:*  
185                 ○ *Special care facility: Convalescent, progressive care, assisted living, or nursing home, adolescent or outpatient*  
186                 *housing. A supportive housing facility designed for those who need or require extra help in their day-to-day*  
187                 *lives. Typically, these facilities combine housing, personal care services, and medical care in an atmosphere of*  
188                 *safety and privacy. Based on a monthly fee, basic services typically include meals, laundry, housekeeping,*  
189                 *recreation and transportation.*  
190           ● *Section 145-60 O., titled “Assisted living facility”, shall be deleted and replaced with Senior housing facility and read*  
191           *as follows:*  
192                 ○ *Senior housing. Permitted upon determination by the Planning Board that the design, scale, exterior*  
193                 *appearance, projected traffic volume and pattern, lighting, and noise level are compatible with the character of*  
194                 *the neighborhood or immediate area surrounding the proposed development. Senior housing is permitted only*  
195                 *in sewerred areas. Additional facilities, such as community centers, fitness centers, etc., shall be permitted as*  
196                 *long as they are compatible with the character of the neighborhood and approved by the Planning Board.*  
197                 *Recreation land and open spaces shall be provided in accordance with the provisions below. Public or Private*  
198                 *Roads shall be designed and constructed in accordance with the provisions below. Application review fees and*  
199                 *inspection fees shall be assessed and paid in accordance with the provisions below. Residential density and*  
200                 *parking standards for Senior housing shall be designed in accordance with the provisions below. A variable*  
201                 *buffer strip shall be incorporated with the project, in accordance with section 145-24, in the event that the*  
202                 *Planning Board determines that it is necessary.*

203

- 204 (1) Low Density Residential District:  
205 a. 25,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%  
206 of the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the  
207 event that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1  
208 unit is required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in  
209 the event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be  
210 achieved if all density bonuses have been applied).  
211 o Parking spaces: See Article V.
- 212 (2) Medium Density Residential District:  
213 b. 15,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%  
214 of the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the  
215 event that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1  
216 unit is required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in  
217 the event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be  
218 achieved if all density bonuses have been applied).  
219 o Parking spaces: See Article V.
- 220 (3) High Density Residential District:  
221 c. 6,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15% of  
222 the entire project is considered to be affordable housing, with a minimum of 1 unit [for example in the event  
223 that there is a 5-unit proposal, .75 of 1 unit would be required to be affordable, but a minimum of 1 unit is  
224 required to be provided to achieve the density bonus]. A 10% increase in density shall be allowed in the  
225 event the housing is clustered with 3 or more units per building (a total of 30% increase in density can be  
226 achieved if all density bonuses have been applied).  
227 o Parking spaces: See Article V.

228

229 Recreational land, open space, private or public roads, and application review/ inspection fees shall be provided in accordance with  
230 the following:

231 Recreational Areas:

- 232 (1) In the event that a park, playground, trail, path, route or other recreational area is shown on the Village Greenway Plan,  
233 and all or any portion of such recreational area is located within a property proposed to be developed for recreational purposes,  
234 the project must show either (a) such recreational areas or (b) an area or areas that do not currently appear on the Village  
235 Greenway Plan but, if substituted for the areas within the property shown on the Village's Greenway Plan, would be  
236 comparable in total area and would be likely to accomplish the goals and purposes of the Village's Greenway Plan. The  
237 Planning Board may require that the developers Greenway Area be reserved for recreational purposes (at least to the extent  
238 of the Minimum Recreational Area, as defined in Section 3 below), provided that the Planning Board has made a finding in  
239 the course of its review of the proposed project that a proper case exists for requiring such area for recreational purposes, which  
240 investigation shall include, but may not be limited to, an on-site visit by a member of either the Planning Board or Greenway  
241 Committee.
- 242 (2) Recreational Areas Not Shown on the Village Greenway Plan.  
243 In the event that (I) a proposed development does not include any park, playground, trail, path, route, or other recreational  
244 area shown on the Village Greenway Plan, or (II) the development Greenway Area is less than the Minimum Recreational

245 *Area (as defined in Section 3 below), or (III) the Planning Board determines in the course of its review of the proposed*  
246 *project, that the Greenway Area is either (a) not suitable for recreational land within the Village and/or (b) not suitably*  
247 *located for recreational purposes within the Village, then the Planning Board may require the proposed development plan to*  
248 *show proposed alternative recreational areas. These alternative or additional recreational areas shall be referred to as the*  
249 *“Alternative Recreational Area.” The Planning Board may require that such an Alternative Recreational Area be shown*  
250 *as a recreational area on the development plan provided that the Planning Board has made a finding in the course of its*  
251 *review of the proposed development that (a) such an Alternative Recreational Area is suitable for recreational land within*  
252 *the Village and that (b) present and anticipated future needs for park and recreational facilities within the Village, based on*  
253 *projected population growth to which the project shall contribute, indicate that such an Alternative Recreational Area is*  
254 *suitably located for recreational purposes within the Village.*

255 (3) *Calculation of Amount of Property to be Identified as Recreational Areas.*

256 (a) *Proposed development plans are required to show a recreational area having a total acreage of not less than one (1)*  
257 *acre for every thirty (30) dwelling units, or six (6%) percent of the total acreage of the entire property to be*  
258 *developed, whichever result is greater.*

259 (4) *Fees in Lieu of Recreational Area(s).*

260 (a) *Only in the event that the Planning Board, in its sole judgment, determines after due inquiry in accordance with*  
261 *the terms of this Section, that the proposed development plan does not include (a) any area(s) suitable for*  
262 *recreational purposes or (b) enough area to equal the Minimum Recreational Area suitable for recreational*  
263 *purposes, whether on account of the topography, location or size of potential recreational area, or the proximity of*  
264 *such area to existing or planned sections of the Village Greenway, or otherwise, then the Planning Board is*  
265 *authorized to require that the applicant/developer pay a fee in accordance with the below provisions of Section*  
266 *(4)(1). In such event, the applicant/developer must, at its expense, (a) file in Miscellaneous Records in the*  
267 *Tompkins County Clerk’s Offices a written notice of the requirement for the payment of such fee and the amount*  
268 *to be paid, which notice is indexed to the deed to the proposed development; (b) deliver to the Village the filing*  
269 *receipt therefor; (c) add to the final development plan a note confirming the requirement for payment of said fee*  
270 *and the amount to be paid, and (d) once the fee has been paid, record in the Tompkins County Clerk’s Office a*  
271 *notice signed by the Village Mayor or Treasurer confirming receipt of such payment.*

272 (b) *The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100 Dollars (\$750.00)*  
273 *multiplied by the total number of dwelling units permitted to be developed within the project as proposed by the*  
274 *developer, minus the number of existing dwelling. The applicant/developer shall deliver payment in full of this fee*  
275 *prior to the issuance of the building permit for the construction of the proposed development. The Code*  
276 *Enforcement Officer shall not issue a building permit for construction of any dwelling units within the development*  
277 *until such fee has been paid as stated above.*

278 (c) *The Village shall deposit all fees received in accordance with the terms of this Section into a trust fund to be used*  
279 *by the Village exclusively for park, playground or other recreational purposes anywhere within the Village,*  
280 *including the acquisition of property for recreational purposes, the improvement and maintenance of property for*  
281 *recreational purposes, the improvement of existing recreational areas in the Village and the development of the*  
282 *Village Greenway.*

283 (5) *Reservation of Recreational Area by Dedication or Other Means.*

284 (a) *In the event that the applicant/developer shall convey to the Village fee title to the recreational area depicted on the*  
285 *proposed development plan, title shall be conveyed in unencumbered, marketable condition. Prior to conveyance,*  
286 *the applicant/developer shall deliver such title and other documentation, including an updated title abstract,*



287 certified survey map, draft deed and tax searches, as may be required by the Village attorney. Such requirements  
288 shall not exceed those imposed in connection with the dedication of a road to the Village.

289 (b) The applicant/ developer may, in lieu of conveyance of fee title and with the Planning Board's consent, convey to the  
290 Village an easement, right-of-way, or other interest approved by the Planning Board, to the required recreational  
291 area, in form and substance satisfactory to the Village attorney. In such event, the applicant/developer's  
292 conveyance of an easement, right-of-way or other interest shall, among other things, be unencumbered or delivered  
293 together with the consent of any mortgagee or other party having a prior interest in such property, shall be  
294 permanent and shall enable the development, use, maintenance and repair of the recreational area substantially in  
295 the same manner as if fee title to the recreational area had been conveyed to the Village.

296 (c) Prior to the applicant/ developer's conveyance to the Village of either fee title or an easement, right-of-way or other  
297 interest in or to the recreational area, the applicant/ developer shall, at its expense, remove from the area to be  
298 conveyed all man-made structures or items, including, but not limited to, all construction debris, as well as any  
299 fallen trees, unless directed otherwise by the Planning Board. This requirement shall not obligate the  
300 applicant/ developer to clear any living trees or other growth from the recreational area, or to grade, cut or fill the  
301 recreational area.

302 (d) Whether the applicant/ developer conveys to the Village fee title to the recreational area, or an easement, right-of-  
303 way or other interest in such area, such conveyance shall be completed, to the satisfaction of the Village's attorney,  
304 prior to the issuance of the first building permit for the construction of any dwelling unit within the subdivision.

305 *Open Space:*

306 (1) *Open Space.* For the purposes of the provisions, open space ("Open Space") shall be defined as follows: Open Space is  
307 intended to provide light and air, and is designated for either environmental, scenic or passive recreational purposes. Open  
308 Space shall include land within the Conservation Combining District (if available) and land that is undevelopable. Open  
309 Space shall not include driveways, parking areas, streets and/or other surfaces designed for vehicular travel, nor shall it  
310 include any land otherwise set aside for parks or other areas intended for active recreational purposes as permitted and/or  
311 other areas intended for active recreational purposes as permitted and/ or required under the laws of the State of New York.  
312 In no event shall any area of a developable lot or any existing or future road right-of-way be deemed Open Space. No less  
313 than 15% of the "developable area" of the subdivision plat shall be designated as Open Space. For the purposes of these  
314 provisions, "developable area" shall be the gross area of the proposed project less (i) streets and/or other surfaces designated  
315 on the proposed development plan for vehicular travel and (ii) any land designated on the development plan as being set aside  
316 for parks or other areas intended for active recreational purposes as permitted and/ or required under the laws of the State of  
317 New York. The Open Space so created must be clearly labeled and noted on the development plan so as to confirm (i) the  
318 use and rights in the Open Space of the property owners in the development, (ii) the entity to which the Open Space is to be  
319 dedicated, and (iii) the conditions of such dedication, all of which shall be approved by the Planning Board. The details as to  
320 the use and ownership of the Open Space are to be further set out in a declaration or other written instrument, approved by  
321 the Planning Board and recorded by the developer in the Office of the County Clerk. Such Open Space, or a portion thereof  
322 (not less than the minimum 15% provided for above) designated by the Planning Board, shall be preserved in perpetuity, and  
323 the Planning Board, as a condition of its approval, may require an Open Space easement or other written instrument  
324 running in favor of the Planning Board. Any such easement or other written instrument running in favor of the Village  
325 shall also be subject to the approval of the Village Board of Trustees.

326 (2) Prior the issuance of any building permit(s) for construction of any dwelling units within the development, the developer shall  
327 provide its organizational documents and shall otherwise satisfy the Planning Board as to all other matters associated with  
328 the ownership and upkeep of the Open Space and the governance of such entity. In addition, thereto, such entity and its

329 *governance shall at all times be in compliance with all laws and regulations of the State of New York, including, but not*  
330 *limited to, all rules and regulations of the New York State Attorney General's Office.*

331  
332 *Private or Public Roads:*

333 *(1) Private or public roads shall be designed and constructed in accordance with section 125-21, 125-22, and 125-23 of*  
334 *the Village of Lansing Subdivision Law.*

335 *Fees:*

336 *(1) Any applicable fees for building permits shall be subject to and in accordance with section 145-57 of the Village of*  
337 *Lansing Zoning Law. Any security deposits or review fees shall be subject to and in accordance with the following:*

338 *a. The Planning Board shall hold no public hearing nor take any action on, or in connection with, the*  
339 *consideration, review, analysis, inspection, endorsement or approval of any application made pursuant to these*  
340 *regulations unless and until all applicable application review fees and inspection fees have been paid in full to the*  
341 *Village with receipt therefor provided to the Planning Board. Notwithstanding the foregoing, if at any point*  
342 *during the review or inspection process either the amount paid or the amount deposited in escrow, as the case may*  
343 *be, is determined by the Village to be inadequate, the applicant shall pay, or deposit in escrow, as the case may*  
344 *be, the amount necessary to eliminate the inadequacy. In the event that the applicant fails to so pay or replenish*  
345 *the escrow account, further action by the Planning Board shall be suspended until the applicant has either paid*  
346 *the necessary amount or deposited the necessary amount in the escrow account.*

347 *b. A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be established and*  
348 *maintained by the applicant with the Village of Lansing for any application review fees and inspection review fees*  
349 *or expenses incurred by the Village as a result of or in connection with the review, consideration, administration,*  
350 *analysis and granting or denial of the proposed development; such review fees and expenses shall include, but shall*  
351 *not be limited to, any compensation payable by the Village for time devoted to the application/plan review and*  
352 *inspections by the Village Code Enforcement Officer, the Village Attorney, the Village Engineer or any other*  
353 *employee of or consultant retained by the Village throughout the planning and development process.*

354 *c. The escrow account shall be established, and any necessary escrow agreement prepared, in a manner satisfactory to*  
355 *the Village Clerk, to the Village Attorney and to the Village Engineer. Notwithstanding the foregoing, the*  
356 *applicant may, at any time, elect to make payment in full to the Village of all sums required to be placed in*  
357 *escrow in lieu of establishing the escrow account. In any case that fees are not required to be placed in escrow, such*  
358 *fees shall be paid by the applicant to the Village in full in accordance with all terms of these regulations.*

359 *d. If an escrow account is established hereunder, it shall be a segregated account, and no funds other than those*  
360 *required to be deposited in such account shall be commingled with the funds in such account.*

361 *e. Notwithstanding any provision herein that might be construed to the contrary, all application review fees and*  
362 *inspection fees paid to the Village in accordance with this section shall be nonrefundable unless miscalculated.*  
363 *The Village shall return, to the applicant, any part of an application review fee and inspection fee that was*  
364 *overpaid to the Village.*

365 *f. The fees payable in accordance with this section shall compensate the Village for costs incurred for the application*  
366 *review and inspections performed by the Village as required by and in accordance with applicable laws and*  
367 *regulations. Such costs shall include only those incurred in the Village's performance of such administration,*  
368 *review and inspection as is necessary or customarily undertaken by the Village, acting through its officers, boards,*

369                    *commissions, contractors, consultants or employees, taking into account the nature, scope, costliness, size and*  
370                    *impacts of the project.*

371                    • *Section 145-60 P., titled “Special care facility”, shall be amended and read as follows:*

372                    ○ *Special care facility. Permitted upon determination by the Planning Board that the design, scale, exterior*  
373                    *appearance, projected traffic volume and pattern, lighting, and noise level are compatible with the character of*  
374                    *the neighborhood or immediate area surrounding the proposed development. Special care facility shall be*  
375                    *located entirely in one building and is permitted only in sewered areas. Additional facilities, such as*  
376                    *community centers, fitness centers, etc., shall be permitted as long as they are compatible with the character of*  
377                    *the neighborhood and approved by the Planning Board. Recreation land and open spaces shall be provided in*  
378                    *accordance with the provisions below. Public or Private Roads shall be designed and constructed in accordance*  
379                    *with the provisions below. Application review fees and inspection fees shall be assessed and paid in accordance*  
380                    *with the provisions below. Residential density and parking standards for Special care facilities shall be*  
381                    *designed in accordance with the provisions below. A variable buffer strip shall be incorporated with the*  
382                    *project, in accordance with section 145-24, in the event that the Planning Board determines that it is*  
383                    *necessary.*

384                    (4) *Low Density Residential District:*

385                    (a) *20,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*  
386                    *of the entire project is considered to be affordable housing.*  
387                    ○ *Parking spaces (Special care facility): 0.75 parking space per dwelling unit.*

388                    (5) *Medium Density Residential District:*

389                    (b) *13,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15%*  
390                    *of the entire project is considered to be affordable housing.*  
391                    ○ *Parking spaces (Special care facility): 0.75 parking space per dwelling unit.*

392                    (6) *High Density Residential District:*

393                    (c) *6,000 square foot per dwelling unit with a 20% increase in density in the event that a minimum of 15% of*  
394                    *the entire project is considered to be affordable housing.*  
395                    ○ *Parking spaces (Special care facility): 0.75 parking space per dwelling unit.*

396

397 *Recreational land, open space, private or public roads, and application review/ inspection fees shall be provided in accordance with*  
398 *the following:*

399 *Recreational Areas:*

400                    (1) *In the event that a park, playground, trail, path, route, or other recreational area is shown on the Village Greenway Plan,*  
401                    *and all or any portion of such recreational area is located within a property proposed to be developed for recreational purposes,*  
402                    *the project must show either (a) such recreational areas or (b) an area or areas that do not currently appear on the Village*  
403                    *Greenway Plan but, if substituted for the areas within the property shown on the Village’s Greenway Plan, would be*  
404                    *comparable in total area and would be likely to accomplish the goals and purposes of the Village’s Greenway Plan. The*  
405                    *Planning Board may require that the developers Greenway Area be reserved for recreational purposes (at least to the extent*  
406                    *of the Minimum Recreational Area, as defined in Section 3 below), provided that the Planning Board has made a finding in*  
407                    *the course of its review of the proposed project that a proper case exists for requiring such area for recreational purposes. which*  
408                    *investigation shall include, but may not be limited to, an on-site visit by a member of either the Planning Board or Greenway*  
409                    *Committee.*

- 410 (2) *Recreational Areas Not Shown on the Village Greenway Plan.*  
411 *In the event that (I) a proposed development does not include any park, playground, trail, path, route or other recreational*  
412 *area shown on the Village Greenway Plan, or (II) the development Greenway Area is less than the Minimum Recreational*  
413 *Area (as defined in Section 3 below), or (III) the Planning Board determines in the course of its review of the proposed*  
414 *project, that the Greenway Area is either (a) not suitable for recreational land within the Village and/or (b) not suitably*  
415 *located for recreational purposes within the Village, then the Planning Board may require the proposed development plan to*  
416 *show proposed alternative recreational areas. These alternative or additional recreational areas shall be referred to as the*  
417 *“Alternative Recreational Area.” The Planning Board may require that such an Alternative Recreational Area be shown*  
418 *as a recreational area on the development plan provided that the Planning Board has made a finding in the course of its*  
419 *review of the proposed development that (a) such an Alternative Recreational Area is suitable for recreational land within*  
420 *the Village and that (b) present and anticipated future needs for park and recreational facilities within the Village, based*  
421 *on projected population growth to which the project shall contribute, indicate that such an Alternative Recreational Area is*  
422 *suitably located for recreational purposes within the Village.*
- 423 (3) *Calculation of Amount of Property to be Identified as Recreational Areas.*  
424 (a) *Proposed development plans are required to show a recreational area having a total acreage of not less than one (1)*  
425 *acre for every thirty (30) dwelling units, or six (6%) percent of the total acreage of the entire property to be*  
426 *developed, whichever result is greater.*
- 427 (4) *Fees in Lieu of Recreational Area(s).*  
428 (a) *Only in the event that the Planning Board, in its sole judgment, determines after due inquiry in accordance with*  
429 *the terms of this Section, that the proposed development plan does not include (a) any area(s) suitable for*  
430 *recreational purposes or (b) enough area to equal the Minimum Recreational Area suitable for recreational*  
431 *purposes, whether on account of the topography, location or size of potential recreational area, or the proximity of*  
432 *such area to existing or planned sections of the Village Greenway, or otherwise, then the Planning Board is*  
433 *authorized to require that the applicant/developer pay a fee in accordance with the below provisions of Section*  
434 *(4)(1). In such event, the applicant/developer must, at its expense, (a) file in Miscellaneous Records in the*  
435 *Tompkins County Clerk’s Offices a written notice of the requirement for the payment of such fee and the amount*  
436 *to be paid, which notice is indexed to the deed to the proposed development; (b) deliver to the Village the filing*  
437 *receipt therefor; (c) add to the final development plan a note confirming the requirement for payment of said fee*  
438 *and the amount to be paid, and (d) once the fee has been paid, record in the Tompkins County Clerk’s Office a*  
439 *notice signed by the Village Mayor or Treasurer confirming receipt of such payment.*
- 440 (b) *The fee required in lieu of recreational area shall equal to Seven Hundred Fifty and 00/100 Dollars (\$750.00)*  
441 *multiplied by the total number of dwelling units permitted to be developed within the project as proposed by the*  
442 *developer, minus the number of existing dwelling. The applicant/developer shall deliver payment in full of this fee*  
443 *prior to the issuance of the building permit for the construction of the proposed development. The Code*  
444 *Enforcement Officer shall not issue a building permit for construction of any dwelling units within the development*  
445 *until such fee has been paid as stated above.*
- 446 (c) *The Village shall deposit all fees received in accordance with the terms of this Section into a trust fund to be used*  
447 *by the Village exclusively for park, playground or other recreational purposes anywhere within the Village,*  
448 *including the acquisition of property for recreational purposes, the improvement and maintenance of property for*  
449 *recreational purposes, the improvement of existing recreational areas in the Village and the development of the*  
450 *Village Greenway.*
- 451 (5) *Reservation of Recreational Area by Dedication or Other Means.*

- 452 (a) *In the event that the applicant/ developer shall convey to the Village fee title to the recreational area depicted on the*  
453 *proposed development plan, title shall be conveyed in unencumbered, marketable condition. Prior to conveyance,*  
454 *the applicant/ developer shall deliver such title and other documentation, including an updated title abstract,*  
455 *certified survey map, draft deed and tax searches, as may be required by the Village attorney. Such requirements*  
456 *shall not exceed those imposed in connection with the dedication of a road to the Village.*
- 457 (b) *The applicant/ developer may, in lieu of conveyance of fee title and with the Planning Board's consent, convey to the*  
458 *Village an easement, right-of-way, or other interest approved by the Planning Board, to the required recreational*  
459 *area, in form and substance satisfactory to the Village attorney. In such event, the applicant/ developer's*  
460 *conveyance of an easement, right-of-way or other interest shall, among other things, be unencumbered or delivered*  
461 *together with the consent of any mortgagee or other party having a prior interest in such property, shall be*  
462 *permanent and shall enable the development, use, maintenance and repair of the recreational area substantially in*  
463 *the same manner as if fee title to the recreational area had been conveyed to the Village.*
- 464 (c) *Prior to the applicant/ developer's conveyance to the Village of either fee title or an easement, right-of-way or other*  
465 *interest in or to the recreational area, the applicant/ developer shall, at its expense, remove from the area to be*  
466 *conveyed all man-made structures or items, including, but not limited to, all construction debris, as well as any*  
467 *fallen trees, unless directed otherwise by the Planning Board. This requirement shall not obligate the*  
468 *applicant/ developer to clear any living trees or other growth from the recreational area, or to grade, cut or fill the*  
469 *recreational area.*
- 470 (d) *Whether the applicant/ developer conveys to the Village fee title to the recreational area, or an easement, right-of-*  
471 *way or other interest in such area, such conveyance shall be completed, to the satisfaction of the Village's attorney,*  
472 *prior to the issuance of the first building permit for the construction of any dwelling unit within the subdivision.*

473 *Open Space:*

- 474 (1) *Open Space. For the purposes of the provisions, open space ("Open Space") shall be defined as follows: Open Space is*  
475 *intended to provide light and air, and is designated for either environmental, scenic or passive recreational purposes. Open*  
476 *Space shall include land within the Conservation Combining District (if available) and land that is undevelopable. Open*  
477 *Space shall not include driveways, parking areas, streets and/ or other surfaces designed for vehicular travel, nor shall it*  
478 *include any land otherwise set aside for parks or other areas intended for active recreational purposes as permitted and/ or*  
479 *other areas intended for active recreational purposes as permitted and/ or required under the laws of the State of New York.*  
480 *In no event shall any area of a developable lot or any existing or future road right-of-way be deemed Open Space. No less*  
481 *than 15% of the "developable area" of the subdivision plat shall be designated as Open Space. For the purposes of these*  
482 *provisions, "developable area" shall be the gross area of the proposed project less (i) streets and/ or other surfaces designated*  
483 *on the proposed development plan for vehicular travel and (ii) any land designated on the development plan as being set aside*  
484 *for parks or other areas intended for active recreational purposes as permitted and/ or required under the laws of the State of*  
485 *New York. The Open Space so created must be clearly labeled and noted on the development plan so as to confirm (i) the*  
486 *use and rights in the Open Space of the property owners in the development, (ii) the entity to which the Open Space is to be*  
487 *dedicated, and (iii) the conditions of such dedication, all of which shall be approved by the Planning Board. The details as to*  
488 *the use and ownership of the Open Space are to be further set out in a declaration or other written instrument, approved by*  
489 *the Planning Board and recorded by the developer in the Office of the County Clerk. Such Open Space, or a portion thereof*  
490 *(not less than the minimum 15% provided for above) designated by the Planning Board, shall be preserved in perpetuity, and*  
491 *the Planning Board, as a condition of its approval, may require an Open Space easement or other written instrument*  
492 *running in favor of the Planning Board. Any such easement or other written instrument running in favor of the Village*  
493 *shall also be subject to the approval of the Village Board of Trustees.*

494 (2) *Prior to the issuance of any building permit(s) for construction for any dwelling units within the development, the developer*  
495 *shall provide its organizational documents and shall otherwise satisfy the Planning Board as to all other matters associated*  
496 *with the ownership and upkeep of the Open Space and the governance of such entity. In addition, thereto, such entity and its*  
497 *governance shall at all times be in compliance with all laws and regulations of the State of New York, including, but not*  
498 *limited to, all rules and regulations of the New York State Attorney General's Office.*

499  
500 *Private or Public Roads:*

501 (2) *Private or public roads shall be designed and constructed in accordance with section 125-21, 125-22, and 125-23 of*  
502 *the Village of Lansing Subdivision Law.*

503 *Fees:*

504 (1) *Any applicable fees for building permits shall be subject to and in accordance with section 145-57 of the Village of*  
505 *Lansing Zoning Law. Any security deposits or review fees shall be subject to and in accordance with the following:*

506 (a) *The Planning Board shall hold no public hearing nor take any action on, or in connection with, the consideration,*  
507 *review, analysis, inspection, endorsement or approval of any application made pursuant to these regulations unless*  
508 *and until all applicable application review fees and inspection fees have been paid in full to the Village with receipt*  
509 *therefor provided to the Planning Board. Notwithstanding the foregoing, if at any point during the review or*  
510 *inspection process either the amount paid or the amount deposited in escrow, as the case may be, is determined by*  
511 *the Village to be inadequate, the applicant shall pay, or deposit in escrow, as the case may be, the amount*  
512 *necessary to eliminate the inadequacy. In the event that the applicant fails to so pay or replenish the escrow account,*  
513 *further action by the Planning Board shall be suspended until the applicant has either paid the necessary amount*  
514 *or deposited the necessary amount in the escrow account.*

515 (b) *A minimum of a two thousand five hundred dollars (\$2,500) escrow account shall be established and maintained*  
516 *by the applicant with the Village of Lansing for any application review fees and inspection review fees or expenses*  
517 *incurred by the Village as a result of or in connection with the review, consideration, administration, analysis and*  
518 *granting or denial of the proposed development; such review fees and expenses shall include, but shall not be limited*  
519 *to, any compensation payable by the Village for time devoted to the application/plan review and inspections by the*  
520 *Village Code Enforcement Officer, the Village Attorney, the Village Engineer or any other employee of or*  
521 *consultant retained by the Village throughout the planning and development process.*

522 (c) *The escrow account shall be established, and any necessary escrow agreement prepared, in a manner satisfactory to*  
523 *the Village Clerk, to the Village Attorney and to the Village Engineer. Notwithstanding the foregoing, the*  
524 *applicant may, at any time, elect to make payment in full to the Village of all sums required to be placed in escrow*  
525 *in lieu of establishing the escrow account. In any case that fees are not required to be placed in escrow, such fees*  
526 *shall be paid by the applicant to the Village in full in accordance with all terms of these regulations.*

527 (d) *If an escrow account is established hereunder, it shall be a segregated account, and no funds other than those*  
528 *required to be deposited in such account shall be commingled with the funds in such account.*

529 (e) *Notwithstanding any provision herein that might be construed to the contrary, all application review fees and*  
530 *inspection fees paid to the Village in accordance with this section shall be nonrefundable unless miscalculated. The*  
531 *Village shall return, to the applicant, any part of an application review fee and inspection fee that was overpaid to*  
532 *the Village.*

533 (f) *The fees payable in accordance with this section shall compensate the Village for costs incurred for the application*  
534 *review and inspections performed by the Village as required by and in accordance with applicable laws and*

535 *regulations. Such costs shall include only those incurred in the Village's performance of such administration, review*  
536 *and inspection as is necessary or customarily undertaken by the Village, acting through its officers, boards,*  
537 *commissions, contractors, consultants or employees, taking into account the nature, scope, costliness, size and*  
538 *impacts of the project.*

539  
540  
541 Dawson moved to recommend, to the Board of Trustees, to amend the Village Zoning to allow for the minor  
542 clarifications to the Zoning Law as presented. Seconded by Baker; Ayes by Tomei, Baker, Dawson, and  
543 Gillott.

544  
545 Excavation and Construction in Municipal Roadways and Highway Rights of Way local law

546  
547 Tomei noted that Moseley has been working on a proposed local law for contractors that are working in the  
548 rights of way of the Village.

549  
550 Moseley noted that the Village currently has a highway permit that is required, but it appears that there is no  
551 local law to provide support for the current permitting process. Moseley added that the proposed local law  
552 would provide the needed legal support for the permitting process and provide some additional insight to  
553 contractors as far as specifications when working in the Village rights of way. Moseley added that he has  
554 worked through the proposed local law with both Village Attorney, David Dubow and Village  
555 Superintendent of Public Works , John Courtney (. Moseley indicated that both parties suggested some  
556 changes to the original document; and the current document encompasses all of the changes from both  
557 Courtney and Dubow. Moseley presented the following document:

558  
559 *Chapter 64*

560  
561 *Excavation and Construction in Municipal Roadways and Highway Rights of Way*

- 562 *64-1. Title*  
563 *64-2. Purpose.*  
564 *64-3. Definitions.*  
565 *64-4. Prohibitions*  
566 *64-5. Permits Required*  
567 *64-6. Existing Culverts*  
568 *64-7. Permit Process*  
569 *64-8. Winter Work*  
570 *64-9. Review of Applications; fees, escrow deposits, security deposits, and insurance*  
571 *64-10. Permit Issuance*  
572 *64-11. Enforcement Officer*  
573 *64-12. Performance*  
574 *64-13. Revocation of Permits; defaults*  
575 *64-14. Rent or Highway use and occupancy fee; permanent use or occupation of roadway*  
576 *64-15. Inspections*  
577 *64-16. Restoration*  
578 *64-17. Waivers*  
579 *64-18. Appeals*  
580 *64-19. Liability and indemnity*  
581 *64-20. Conflict with other laws*

582 **64-21. Penalties for offences**

583

584 **64-1 Title**

585 *This chapter shall be known as the "Excavation and Construction in Municipal Roadways and Highway Rights of Way"*

586

587 **64-2. Purpose.**

588

589 *The provisions of this chapter apply only within the Village of Lansing, Tompkins County, New York. The Village hereby*  
590 *finds and declares that the provision of safe travel and the maintenance of safe public highways and roadways are of paramount*  
591 *importance to the public. Further, highways are costly to build, repair and maintain, and the Village of Lansing expends*  
592 *substantial resources annually to maintain, repair, preserve and protect such public highways for the greater good of the public*  
593 *interest. These provisions shall preserve and protect highways and related rights-of-way, and to ensure safe travel for all persons*  
594 *travelling there upon.*

595

596

597 **64-3. Definitions.**

598

599 *Appurtenant Structure: Any temporary or permanent structure or construct, other than a roadway or road surface, within the*  
600 *area of any highway, including those structures, constructs, and devices located or installed over, upon, or under any such highway,*  
601 *including, but not limited to, signs, traffic control devices, waterlines, utility lines, communications lines, culverts, ditches, drainage*  
602 *ways, manholes, fire hydrants, curbs, driveways, guardrails, bridges, bridge supports and railings, fencing, and often also including*  
603 *driveways.*

604 *Default:*

- 605 1. *Any violation of the terms, requirements, or conditions of this chapter; or*  
606 2. *The violation of any terms or conditions of any permit; or*  
607 3. *Performing any work, construction, or excavation not referenced in any application; or*  
608 4. *Performing any work, construction, or excavation upon any land, highway, or appurtenant structure not specifically*  
609 *identified in the application or the permit issued by the Village of Lansing.*

610

611 *Construction: The building, installation, repair, or replacement of any appurtenant structure.*

612

613 *Contractor: Any person or entity, including any landowner or private citizen, that proposes to perform excavation or construction*  
614 *under, in or upon any highway, or any appurtenant structure related to any highway.*

615

616 *Excavation: Any work, process, or construction that proposes to or does alter the surface of any highway, or which affects the soils*  
617 *or any appurtenant structure of or under any highway, including, but not limited to, pavement cuts and culvert installations,*  
618 *utility installations, and also including road surface work and paving.*

619

620 *Fee: Any charge or cost imposed or due under or as a result of this chapter 64. Fees may be set, updated, changed, or amended*  
621 *from time to time by resolution of the Village of Lansing Board of Trustees.*

622

623 *Highway: Each, every, and all public streets, public sidewalks, public roads, public alleys, and public highways within the*  
624 *Village of Lansing that are Village of Lansing by use, highways by dedication, and/or highways by implication, including the*  
625 *paved or finished surfaces thereof, all signage, all ditches, culverts, drains and drainage ways, all utility and similar structures and*  
626 *appurtenances, and all land, improved or otherwise, within the bounds of the highway rights-of-way.*

627

628 *Superintendent of Public Works (SPW): The Superintendent of Public Works of the Village of Lansing, as applicable, together*  
629 *with the designees of each such person who are given specific written authorization to act for such Superintendent of Public Works.*



630 *By resolution, the Board of Trustees may designate any person or entity to act in the name, place, and/or stead of the*  
631 *Superintendent of Public Works in relation to any or all matters, duties, powers, and/or responsibilities of the Superintendent of*  
632 *Public Works as are referenced in or necessarily implied by the terms and clauses of each and all of the sections of this chapter.*  
633 *Further, by and in the same or another resolution, the Board of Trustees may revoke or limit the power of appointment of the*  
634 *Superintendent of Public Works to name designees under this chapter, and may further appoint such designees itself, or grant such*  
635 *appointment power to any person or entity designated to so act in the name, place, and/or stead of the Superintendent of Public*  
636 *Works.*

637  
638 *Permit: Any permit required under or pursuant to this chapter.*  
639

640 *Security:*

- 641 1. *Cash deposit delivered to the sole custody of the Village of Lansing to secure and guarantee performance under any*  
642 *permit and compliance with this chapter, free of reservations, restrictions, conditions or claims; or*
- 643 2. *An unconditional letter of credit approved by the Village of Lansing; or*
- 644 3. *A performance, completion, and indemnity bond approved by the Village of Lansing; or*
- 645 4. *A certificate of deposit irrevocably assigned to the Village of Lansing in an approved amount; or*
- 646 5. *Any other form of undertaking as approved by the Village of Lansing; or*
- 647 6. *Any combination of the foregoing approved by the Village of Lansing*

648  
649 *Village Engineer: The Village Engineer shall be the company, individual, or entity that typically reviews, consults, or assists the*  
650 *Department of Public Works in its functions as determined by the Village Board of Trustees.*

651  
652 **64-4. Prohibitions.**  
653

654 *No firm, utility company or provider, transportation corporation, communications or cable company, or other person or entity*  
655 *shall conduct any construction or make any excavation, cut, or breaking in, or otherwise open any highway or sidewalk for any*  
656 *purpose whatsoever, including, but not limited to, the making of any driveway connection or the installation or repair or*  
657 *replacement of any culvert or other appurtenant structure, without a permit issued pursuant to the requirements of this chapter.*  
658 *No contractor may perform any construction or excavation in, upon, or under any highway, nor construct, repair, install, or build*  
659 *any appurtenant structure, without a permit. No contractor or other person or entity in connection with construction or excavation*  
660 *may spread, place, or distribute any substance upon a highway or within a highway right-of-way unless done pursuant to, and in*  
661 *compliance with, a permit.*

- 662 1. *In the case of an emergency any person or entity already having or possessing rights to any appurtenant structure within*  
663 *any highway may effect such emergency repairs as are reasonably necessary; but such person or entity must thereafter*  
664 *apply for a permit upon the next business day.*
- 665 2. *Has the written consent of the Superintendent of Public Works to not have a permit in accordance with this chapter.*
- 666 3. *This chapter shall not apply to the installation of mailboxes and newspaper boxes.*

667  
668 **64-5. Permits Required.**  
669

- 670 1. *Contractors shall obtain all appropriate and/or required permits and approvals from the United States, the State of*  
671 *New York, and the County of Tompkins, or from their applicable subdivisions, prior to applying for a permit from the*  
672 *Village of Lansing. All contractors are required to obtain a permit from the Village of Lansing prior to performing*  
673 *any construction or excavation in, upon, or under any highway, or before constructing, repairing, installing, or building*  
674 *any appurtenant structure. Each permit issued by the Village of Lansing will be valid only for a stated period of time.*  
675 *If the permit expires, a renewal permit may be issued by the Village for an additional fee, as set from time to time by*  
676 *Village of Lansing Board of Trustees resolution, and upon such additional terms, security, or restrictions as determined*  
677 *by the Superintendent of Public Works.*

678

- 679 2. *When a common construction or excavation project involves more than one, individual, entity, firm or contractor,*  
680 *including public service companies and transportation corporations, those contractors shall together designate in writing a*  
681 *lead contractor who shall be responsible for obtaining a permit, for acting in compliance therewith, and for compliance*  
682 *with the terms and requirements of this chapter. Despite the existence of a lead contractor, all such other persons and*  
683 *entitles shall be deemed contractors under and pursuant to this chapter.*  
684

685  
686 **64-6. Existing Culverts.**

687 *If an existing culvert is in need of repair or replacement, as determined by the Village of Lansing Superintendent of Public*  
688 *Works or Village Engineer, the Village will be responsible for the repair or replacement of such culvert. In the event that a*  
689 *property owner would like to have a culvert replaced, but it is not deemed necessary, as determined by the Village of Lansing*  
690 *Superintendent of Public Works or Village Engineer, the property owner shall bear the cost and responsibility to have the culvert*  
691 *replaced and shall apply for all applicable permits as set forth in this chapter. Culverts shall be installed in accordance with the*  
692 *following:*

- 693 1. *When a ditch line separates a proposed lot from the street driveway culverts must be sized by the contractor and*  
694 *approved by the Village Superintendent of Public Works or Village Engineer.*  
695 2. *The minimum diameter is 15-inch, unless special circumstances arise at which time the Superintendent of Public*  
696 *Works will approve the appropriate alternate size.*  
697 3. *The minimum slope is 1.0%.*  
698 4. *Driveway culverts will be either reinforced concrete pipe (RCP) or high-density polyethylene pipe (HDPE), double*  
699 *walled with smooth interior. Aluminized steel corrugated pipe may be used with the approval of the Superintendent of*  
700 *Public Works for driveways crossing ditch lines if there is insufficient cover for HDPE pipe.*  
701 5. *Pipes shall be bedded in a minimum of 4-inches of #1 stone. The remainder of the backfill shall be NYSDOT Type*  
702 *2 or Type 4 (crushed not screened). Material shall be compacted in six (6) inch layers with vibrating tamping*  
703 *equipment, or as approved by the Superintendent of Public Works.*  
704 6. *All culverts shall have flared end sections (FES) unless otherwise approved by the Village Superintendent of Public*  
705 *Works. HDPE pipe requires galvanized or aluminized steel FES. FES 24-inches in diameter or larger shall have*  
706 *NYSDOT type inlet protection installed. In the event that there are headwalls or similar structures installed on the*  
707 *ends of the culverts, the Village shall not be responsible for the maintenance, construction, or re-construction of such*  
708 *structures in the event that they become damaged for any reason.*  
709

710 **64-7. Permit Process.**

711  
712 *Contractors shall submit a completed application to the Superintendent of Public Works. Such permit application form utilized*  
713 *shall be approved by the Superintendent of Public Works. The Superintendent of Public Works may develop and utilize one or*  
714 *more types of forms for permit applications as based upon any reasonable standard, such as, but not limited to, the type of work*  
715 *to be performed (e.g., culvert permits or driveway or curb cut permits or excavation permits, etc.). All permit applications must be*  
716 *completed in their entirety and must contain the following information or materials:*

- 717  
718 a. *Project drawings and specifications for any excavation or construction as required by the Superintendent of Public*  
719 *Works, including, where applicable, surveys and/or plans sealed by a New-York-State-licensed engineer or surveyor in*  
720 *compliance with, among any other parties, the New York State Education Law.*  
721 b. *An application fee. At the time the application is submitted, the contractor must submit an application fee, if a fee*  
722 *schedule has been set by the Village Board of Trustees, or the application will be rejected as incomplete.*  
723 c. *An executed instrument, in a form satisfactory to the Superintendent of Public Works, that the contractor (i) assumes*  
724 *sole responsibility for the worksite and related or adjacent areas and lands, (ii) agrees to assume all responsibility for*  
725 *any loss, injury or damage that may or does occur as a result of any excavation or appurtenant structure work, (iii)*  
726 *agrees all work shall be performed in accordance with the conditions of the permit and all applicable laws, rules and*

- 727 regulations, and further agrees to defend, indemnify and (iv) hold the Village harmless from any loss, injury or damage  
728 arising out of the granting of the permit or as a result of the project, excavation or appurtenant structure work.
- 729 d. Whenever required, a completed environmental assessment form ("EAF") shall be submitted by the contractor  
730 pursuant to the provisions of the State Environmental Quality Review Act and its implementing regulations at 6  
731 NYCRR Part 617, and Chapter 123 of the Village of Lansing Code, Environmental Quality Review (together  
732 herein, "SEQRA"). No permit may be issued until the SEQRA review process has been completed, if required.
- 733 e. A stormwater analysis of the impacts of any excavation or construction or installation project upon the highway and its  
734 appurtenances. Such analysis shall follow the requirements of any applicable stormwater local law (including Chapter  
735 124 of the Village of Lansing Code, Stormwater Management and Erosion and Sediment Control Law), and shall  
736 comply with the terms of the (i) New York Standards and Specifications for Erosion and Sediment Control manual,  
737 commonly known as the "Blue Book", and, as applicable and (ii) the State Pollutant Discharge Elimination System  
738 (SPDES) General Permit for Stormwater Discharges from construction Activities GP 0-15-003 (as it now exists or  
739 as hereafter codified, updated, changed or amended). Any information and any stormwater pollution prevention plan  
740 (SWPPP) or any basic erosion and sedimentation control plan shall be designed to contain any increases in stormwater  
741 and prevent any erosion of the highway and any appurtenances, as well as prevent stormwater pollution and  
742 sedimentation.
- 743 f. The Contractors "Certification Statement" for compliance with part IV G of the Municipal Separate Storm Sewer  
744 Systems Permit GP 0-15-003.
- 745 g. Construction and excavation start dates and completion dates.
- 746 h. Satisfactory proof that the work shall be done by a person or persons competent to perform the same.
- 747 i. Any other information the Superintendent of Public Works may require, including, but not limited to, traffic control  
748 plans.
- 749

#### 750 **64-8. Winter Work**

751  
752 During the "winter work season," which is hereby defined as November 15 through April 1, annually, permits will generally be  
753 issued only at the discretion of the Superintendent of Public Works and generally only for emergency work. In the event that a  
754 winter permit is issued, the following temporary remediation and other requirements apply:

- 755
- 756 a. All highway shoulders shall require additional materials and compaction as determined by the Superintendent of Public  
757 Works.
- 758 b. Temporary pavement and road surface restorations may be made by the placement and compaction of a minimum of two  
759 layers of dust-bound crushed stone, each of a compacted thickness of four inches on the prepared sub grade, followed by a  
760 layer of bituminous concrete, winter mix, six inches in compacted thickness, on top, or as otherwise required by the  
761 Superintendent of Public Works.
- 762 c. No frozen material shall be placed in excavation areas.
- 763 d. Daily inspections shall be required and paid for by the contractor. Whenever required by the Superintendent of Public  
764 Works, the contractor shall perform any needed repairs or maintenance within 24 hours of receipt of any notice  
765 requiring the same.
- 766 e. All temporary repairs shall be maintained by the contractor until a permanent repair is made. The contractor must  
767 monitor the site and perform repairs upon at least 24 hours advance notice by the Superintendent of Public Works.
- 768 f. As early as spring weather permits, the excavation area shall be inspected at the expense of the contractor and a  
769 permanent repair shall be made by the contractor. Where required, in the reasonable discretion of the Superintendent of  
770 Public Works, the permanent repair may require reconstruction of the road base or other reconstruction requirements.
- 771 g. Notwithstanding anything which may appear to the contrary in the permit or this chapter, the contractor assumes all  
772 responsibility for the safe maintenance of the subject work site(s) from November 15 through April 1, and further  
773 assumes all liability for damages resulting from, or in any way connected with, the subject work and work area during  
774 this period.
- 775

776 **64-9. Review of Application; fees, escrow deposits, security, and insurance.**  
777

- 778 A. *The Superintendent of Public Works shall review each completed and submitted application within 30 days. Any*  
779 *application may be rejected if:*
- 780 1. *The details, specifications, or drawings are incomplete or lack specificity.*
  - 781 2. *The proposed project, work, excavation, or construction is or will be harmful or injurious to any highway as*  
782 *determined by the Superintendent of Public Works.*
  - 783 3. *The application has incomplete or inadequate stormwater controls, if required, or an inadequate SWPPP or*  
784 *simple erosion and sedimentation control plan.*
  - 785 4. *The proposed contractor is unable to meet the security requirements of the project and/or this chapter.*
- 786 B. *The Superintendent of Public Works and/or Village Engineer shall, for each application, determine and set an*  
787 *amount of security and liability insurance that must be posted and/or provided by the contractor prior to the issuance of*  
788 *any permit. The security shall be in such form and amount as determined by the Superintendent of Public Works*  
789 *and/or the Village Engineer. The insurance shall be procured, paid for, and provided by the contractor, who shall*  
790 *maintain general all-risk liability, completed operations, and workers' compensation insurance coverages, each in the*  
791 *minimum amount of \$1,000,000. Each such coverage or policy shall name the Village of Lansing as an additional*  
792 *insured and waive any subrogation rights as against the Village of Lansing. For any construction or excavation that*  
793 *will be performed in phases, that will require multiple inspections, or that will require the review of any engineer or other*  
794 *paid consultant (such as, but not exclusively, to review any SWPPP, simple erosion and sedimentation control plan,*  
795 *surveys, engineering or design plans, etc., if and as required), the Superintendent of Public Works may require the*  
796 *establishment of a fee, inspection, and review escrow account "FIREA" to be funded periodically by the contractor in*  
797 *amounts deemed reasonable by the Superintendent of Public Works and/or the Village Engineer to ensure that*  
798 *adequate funds are available to pay for the costs of such fees, inspections, and reviews. The Village of Lansing Board of*  
799 *Trustees may establish, by resolution, standardized FIREA schedules for permits and other required reviews,*  
800 *inspections, and reports created, performed, reviewed, or filed under, in accord with, or in furtherance of this chapter,*  
801 *which schedule shall be limited to such amounts as are reasonably estimated as the administrative and other costs and*  
802 *expenses incurred by the Village of Lansing in connection with any matter arising under this chapter, and be reviewed*  
803 *on an as needed basis by the Village of Lansing Board of Trustees to assure that the fees remain reasonable in light of*  
804 *actual and generally incurred costs and expenses associated with Fee, inspection, and review requirements.*

805  
806 **64-10. Permit Issuance.**  
807

808 *The Superintendent of Public Works, upon the receipt, review and approval of any application, shall issue a permit for such work*  
809 *upon such terms as determined in the reasonable discretion of such Superintendent of Public Works. The Superintendent of*  
810 *Public Works may require that special conditions be met as deemed necessary, in his or her discretion, in conjunction with the*  
811 *work, excavation and/or construction to be performed on, in, or under any highway or appurtenant structure. The Superintendent*  
812 *of Public Works may issue a revised or amended permit at any time to correct any error or omission, to require or reference a*  
813 *change in the scope of work or the project specifications, to address the encountering of unforeseen surface or subsurface conditions,*  
814 *including weather, and or for any other reason.*

815  
816 **64-11. Enforcement Officer.**  
817

818 *The Superintendent of Public Works is hereby authorized, directed, and designated to enforce the provisions of this chapter.*  
819

820 **64-12. Performance.**  
821

822 *The contractor may only perform work, construction or excavation as authorized by the express terms of the permit. In performing*  
823 *such work, construction or excavation, the contractor shall:*

- 824       a. *Preserve and protect all roadway surfaces, the highway, and each appurtenant structure from needless destruction or*  
825 *alteration.*
- 826       b. *Commence the work, excavation, and/or construction, within 30 days of the date the permit is issued, and thereafter*  
827 *perform the work, excavation, and/or construction, and all backfilling, tamping, repair, and restoration work, as one*  
828 *continuous operation to complete the same by the earliest practical date. In no event shall the work, construction, and/or*  
829 *excavation be completed after the completion date stated in or required by any permit.*
- 830       c. *Restore and repair any affected highway and appurtenant structure to then-current requirements.*
- 831       d. *Maintain at all times safe crossings, barricades, coverings, warning signs, lighting, and any and all other safety devices,*  
832 *structures, or procedures as may be required by law or regulation, the New York State Department of Transportation,*  
833 *OSHA, or in the exercise of diligent care.*
- 834       e. *Maintain at all times the security and insurance coverage(s) required, and to pay, whenever requested, any FIREA*  
835 *deposits.*
- 836       f. *Perform the work, construction and/or excavation in such a manner and at such times as to not interfere with, or to*  
837 *minimize, any obstructions to the safe flow of traffic.*
- 838       g. *Prevent stormwater pollution arising from any site or other excavation or construction, including through the proper*  
839 *installation and maintenance of short-term and permanent stormwater management practices and, as and if applicable,*  
840 *compliance with any SWPPP, simple erosion and sedimentation control plan, and/or any SPDES permit conditions*  
841 *or requirements.*
- 842       h. *Perform all backfilling and tamping with materials specified by the Superintendent of Public Works, which materials*  
843 *shall be free from clay, loam or silt, and which materials shall be moistened and mechanically tamped until thoroughly*  
844 *compacted and approved by the Superintendent of Public Works.*
- 845       i. *For all construction or excavation work that will impair the provision of any public utility, water supplies, or effect any*  
846 *closure or partial closure of any highway, it shall be the duty of every contractor to give at least 72 hours advance written*  
847 *notice to the Superintendent of Public Works of the work and the effect thereof to all persons, entities, or municipalities*  
848 *owning property or any appurtenant structures within 500 feet of the vicinity of the proposed work. Proof of due notice*  
849 *shall be filed with the Superintendent of Public Works at least 48 hours prior to the commencement of the proposed*  
850 *work.*
- 851       j. *The contractor shall provide prior notice to each and all utility companies, public service companies, and municipalities*  
852 *of the proposed work, excavation, or construction, and to have such company or municipality mark or otherwise identify*  
853 *the location or course of any underground or other utilities. No work, excavation, or construction shall commence until*  
854 *all utilities and underground appurtenances are so marked and the rules and regulations of the New York State Public*  
855 *Service Commission and the "Dig Safely New York" program have been fully complied with.*
- 856       k. *All appurtenant structures shall be built, repaired and installed in accordance with all applicable laws, regulations, and*  
857 *rules, including, but not limited to the New York State Manual of Uniform Traffic Control Devices.*
- 858       l. *The contractor shall preserve, protect, and maintain (including maintenance of the distribution of) all utilities*  
859 *encountered or affected by or during performance of any work, excavation or construction.*

860

861 **64-13. Revocation of Permit; defaults.**

862

- 863       A. *A permit may be revoked by the Superintendent of Public Works after written notice to the contractor (or other*  
864 *permittee) for any violation of any condition of the permit, for the violation or of any provision of, or noncompliance*  
865 *with, this chapter, for the violation of any provision of any other applicable ordinance or law relating to the work, or for*  
866 *the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or*  
867 *properties of others. The following terms and conditions shall apply to the revocation of any permit and/or the occurrence*  
868 *of any default:*

- 869 1. *A contractor may be granted one period of three (3) days from the date of the notice to correct the violation*  
870 *and to proceed with the diligent prosecution of the work authorized by the permit before said permit is*  
871 *revoked. Written notice of any such violation or condition shall be served upon the contractor or his agent*  
872 *engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the*  
873 *permit.*
- 874 2. *Notice may be given either by personal delivery, by certified mail return receipt requested United States mail*  
875 *addressed to the person notified, or by email with proof that such email was provided.*
- 876 3. *When a permit has been revoked and the work authorized by the permit has not been completed, the*  
877 *Superintendent of Public Works shall cause such work as may be necessary to be performed to restore the*  
878 *highway to as good a condition as before the construction or excavation work was undertaken. Such*  
879 *performance and work may be undertaken by the Superintendent of Public Work's employees and staff, or by*  
880 *any independent contractor hired by the Village of Lansing to perform such work. All expenses and costs*  
881 *incurred to restore the highway shall be recovered from any posted security, or if the same is inadequate to*  
882 *cover the costs and expenses thereof, then from the contractor.*
- 883 4. *The failure of any contractor to cure any default or cure any conditions stated within the above-referenced*  
884 *notice within such three (3) days shall be a default that shall entitle the Village of Lansing to collect and*  
885 *utilize any security or FIREA deposit for any purpose related to the contractor's permit, including, but not*  
886 *limited to, the repair of any damage, the completion of the project, or the hiring of any third party to complete*  
887 *the project. No default, nor the completion of the project by any third party or the Village of Lansing, shall*  
888 *relieve the contractor of any obligation or expense imposed under this chapter, or as may otherwise be imposed*  
889 *by any other law or regulation.*
- 890 B. *Notwithstanding the foregoing terms, conditions and requirements, whenever the Superintendent of Public Works*  
891 *believes that there is any emergency, the Superintendent of Public Works may issue a stop-work order. Immediately*  
892 *upon receipt of the same each contractor shall cease work, secure the worksite, and immediately adhere to and complete*  
893 *all safety inspections and procedures as may be required by law, regulation, or the terms of the stop work order. Work*  
894 *may only recommence upon (i) the written revocation of the stop-work order by the Superintendent of Public Works,*  
895 *and (ii) confirmation from the contractor that he/her/it will comply with any and all additional requirements as set*  
896 *forth by the Superintendent of Public Works.*

897  
898 **64-14. Rent or Highway use and occupancy fee; permanent use or occupation of roadway.**  
899

900 *Utility and other facilities commonly occupy areas of highway rights-of-way, whether allowed by law or pursuant to permission*  
901 *granted by the State of New York or one of its agencies or municipalities. Certain uses of the highway are and remain*  
902 *subordinate and subject to the regulation of the Village of Lansing and the use of highway rights-of-way by the public. As to*  
903 *highways regulated by this chapter:*

- 904 1. *Public, private, municipal, and state utility facilities will be permitted to use and occupy the municipality's highways in*  
905 *accordance with any franchised right or privilege granted by statute, such as, but not exclusively, those contained in the*  
906 *New York State Public Service Law and/or Transportation Corporations Law.*
- 907 2. *The Village of Lansing reserves and preserves the right to assess, impose and collect rent or a highway use and*  
908 *occupancy fee from any contractor, landowner, service provider, or system owner or operator occupying and using the*  
909 *property or highways of the Village of Lansing for private or commercial purposes for any period of time exceeding six*  
910 *months. Such rent or fee, if assessed, shall be calculated by the Superintendent of Public Works based upon any*  
911 *rational and neutral standard, including, but not limited to:*
- 912 a. *The recommendation of the Tompkins County Assessment Office;*  
913 b. *The recommendation of the Village of Lansing Clerk and or Treasurer;*  
914 c. *The amount of rent or fees charged for similar uses by the State of New York, the New York State*  
915 *Department of Transportation, or any other or municipality similarly situate to the Village of Lansing;*  
916 d. *The fair market value for the use or of the property utilized; or*

- 917           e. *The recommendation of an appraiser or other qualified consultant utilized by the Superintendent of Public*  
918           *Works or the Village of Lansing Board of Trustees.*
- 919       3. *The Village of Lansing may require such contractor, landowner, service provider, or system owner or operator to enter*  
920       *into an easement and right-of-way agreement "ERA" or a consent and lease agreement "CLA" to utilize such public*  
921       *property and permit the objects or facilities to remain upon municipal land for private or commercial purposes. The*  
922       *municipality and the contractor, landowner, service provider, or system owner or operator will discuss and attempt to*  
923       *mutually agree upon the terms and conditions of such ERA or CLA.*
- 924       4. *To the extent possible, the municipality shall impose rent or a highway use and occupancy fee upon a nondiscriminatory*  
925       *and competitively neutral basis.*
- 926       5. *Notwithstanding anything to the contrary in this section, the Village of Lansing may, but is not required to, negotiate*  
927       *with any contractor, landowner, service provider or system owner or operator for the in-kind provision of services or other*  
928       *valuable consideration in lieu of all or a portion of the amount that would otherwise be required to be paid. This option*  
929       *of the municipality shall, to the extent practical, be applied in a nondiscriminatory and competitively neutral manner*  
930       *with respect to the value received by the municipality.*
- 931       6. *All payments of rent or highway use and occupancy fees shall be paid and collected upon a quarterly or calendar year*  
932       *basis, unless otherwise expressly set forth in such ERA or CLA.*
- 933       7. *As to all existing utility and other facilities now within the highway, no rent or highway use and occupancy fees shall be*  
934       *required to paid and collected unless and until the owner of such facilities seeks to construct, reconstruct, replace,*  
935       *upgrade, or repair such existing facilities or otherwise applies for a permit under or as required by this chapter. Absent*  
936       *any need for a permit, such facilities may be allowed to remain within the highway free of rent or highway use and*  
937       *occupancy fees. Notwithstanding the foregoing clauses, the Village of Lansing may require the user or owner of any*  
938       *existing facilities to submit a permit application:*
- 939           a. *Whenever the Superintendent of Public Works reasonably believes that such facilities need to be constructed,*  
940           *reconstructed, replaced, upgraded, or repaired so as to avoid interference with the use of the highway by the*  
941           *Village of Lansing any other municipality, or the State of New York, or to protect the safe and unobstructed*  
942           *use of the highway right-of-way by the public;*
- 943           b. *In conjunction with a highway construction or maintenance project that may require the relocation of any*  
944           *facilities, particularly where the work to be undertaken in relocating such facilities may interfere with the free*  
945           *and safe flow of traffic or where the facilities which are located within a clear zone or deflection zone (as such*  
946           *terms are defined by NYSDOT);*
- 947       8. *It may not be feasible in all circumstances to strictly comply with the requirements of this § 64-13, and therefore, the*  
948       *Village of Lansing Board of Trustees may permit a waiver of, or a deviation from, the standards and requirements of*  
949       *this § 64-13 (including the waiver or partial waiver of any rent or fee) upon making a written determination that:*
- 950           a. *Such waiver or deviation will not adversely affect the traveling public;*  
951           b. *Such waiver or deviation will not adversely affect the maintenance or safe operation of the highway; and*  
952           c. *Such variance or deviation is not in conflict with any other applicable law or regulation.*
- 953       9. *Signs places in the Village of Lansing right of way shall be installed and approved in accordance with the Village of*  
954       *Lansing Sign Law Chapter §115.*

955  
956  
957 **64-15. Inspections.**

958  
959 *Until the construction or excavation is completed, the Village of Lansing may furnish, but is not required, and charge for an*  
960 *inspection for each day that such work is in progress. Inspections shall be made for the sole purpose of verifying compliance with*  
961 *the permit or for verification that the materials and processes used will result in a finished job that is consistent with the Village of*  
962 *Lansing specifications. No inspection is made for the purposes of reviewing, recommending, or verifying safety practices. Safety*  
963 *compliance and safety inspections are and shall be and remain the sole responsibility of the contractor. The fee for each such*  
964 *inspection shall be as set from time to time by the Village Board of Trustees resolution and shall be promptly paid upon request.*

966 **64-16. Restoration.**

967  
968 *After performance and/or completion of any work, construction or excavation, the highway and each appurtenant structure shall*  
969 *be repaired and restored in a permanent manner satisfactory to the Superintendent of Public Works and/or in accordance with*  
970 *permit requirements. To the extent possible, any repair or restoration must match the original highway or appurtenant structure*  
971 *in type, color, structure, materials, grade, and texture, in compliance with then-current applicable specifications there for. Upon*  
972 *completion of the work and after restoration pursuant to the terms of this chapter, any remaining amount of any deposit or*  
973 *security shall be returned or released, as applicable.*

974

975

976

977 **64-17 Waivers.**

978

979 *Where Village Superintendent of Public Works finds that, due to the special circumstances of a particular case, a waiver of*  
980 *certain requirements is justified, a waiver of any one or more requirements of this chapter may be granted, except in sections where*  
981 *the Board of Trustees has the authority to provide waivers. In all cases, no waiver shall be granted unless the Village of Lansing*  
982 *Superintendent of Public Works finds and records in writing that:*

- 983       1. *Granting the waiver would be keeping with the intent and spirit of this chapter and is in the best interests of the*  
984       *community.*
- 985       2. *There is no adverse effect upon the highway or any appurtenant structure.*
- 986       3. *There is no adverse impact upon the ability to safely travel upon such highway.*
- 987       4. *There are special circumstances involved in the particular case.*
- 988       5. *Denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed.*
- 989       6. *The waiver so requested or granted represents the minimum necessary degree of variation from the requirements of this*  
990       *chapter or the permit.*

991

992 **64-18 Appeals**

993 *Any aggrieved person or entity may appeal any action or determination of the Superintendent of Public Works (or any designee)*  
994 *to the Village of Lansing Board of Trustees by filing a written statement setting forth the reasons for such appeal. Such statement*  
995 *shall be filed within five (5) days of the delivery or filing of any action or determination from which the appeal is taken, time being*  
996 *of the essence. Upon receipt of such appeal, the Board of Trustees shall hold a hearing within thirty (30) days and, after a review*  
997 *of all evidence, shall affirm, modify, or annul the appealed from action or determination.*

998

999 **64-19 Liability and indemnity.**

1000

1001 *The contractor assumes sole responsibility for the worksite and all related or adjacent areas and lands and agrees to assume all*  
1002 *responsibility for any injury or damage that may or does occur as a result of any excavation or construction and any related work,*  
1003 *including, but not limited to, traffic control, grubbing, paving, clean up, remediation, or restoration work. The contractor, to the*  
1004 *fullest extent permitted by law, shall indemnify and hold the Village of Lansing harmless from and against any, each, and all*  
1005 *losses, actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants,*  
1006 *contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands*  
1007 *whatsoever, in law, admiralty or equity (all together hereafter, "claims"), including, but not limited to, reimbursement to the*  
1008 *Village of Lansing any amount expended for any and all experts', consultants', attorneys' and engineering fees and expenses*  
1009 *arising from or in relation to any claim. The Village of Lansing shall not be liable or responsible for any injury to persons or*  
1010 *damage to property due to any acts or failures to act under or pursuant to any permit or this chapter unless it is proven to a*



1011 *reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Village of*  
1012 *Lansing*

1013

1014 **64-20 Conflict with other laws.**

1015 *The provisions of this chapter shall not diminish or impair the right of any other governmental agency or body to require that any*  
1016 *act be taken or avoided. No variance, permit, grandfather rights, law, code, resolution, procedure, or rule pertaining to zoning or*  
1017 *land use shall supersede the requirements of this chapter. This chapter is intended to supplement and augment the requirements of*  
1018 *zoning and land use regulations and rules, as well as the rules of other governmental bodies and agencies, relating to the*  
1019 *preservation and protection of highways and public rights-of-way, and to ensure their continued safe operating condition.*

1020

1021 **64-21 Penalties for Offences.**

1022

1023 *Unless statutory provisions prevail, a violation of any provision of this chapter shall be punishable by a minimum of a one*  
1024 *hundred dollar (\$100) fine but could include up to a two hundred fifty dollar (\$250) fine per violation or imprisonment for not*  
1025 *more than fifteen (15) days, or both. Each day that such violation shall be and be deemed a separate offense.*

1026

1027 Dawson asked if this would codify existing practices. Moseley indicated that it would.

1028

1029 Tomei asked about SEQRA, as mentioned in the proposed local law, and about highway rents.

1030

1031 Moseley noted that the SEQRA process would be completed by the Trustees for something like sewer or  
1032 water line development, and the Planning Board for typical development of land not owned by the Village.  
1033 Moseley indicated that if an entity wanted to place a structure in the Village right of way, highway rent would  
1034 provide the Village with a mechanism to charge fees for the structure to be placed in the right of way.

1035

1036 Dawson moved to recommend the Excavation and Construction in Municipal Roadways and Highway Rights  
1037 of Way local law to the Board of Trustees. Seconded by Baker; Ayes by Tomei, Baker, Dawson, and Gillott..

1038

1039 Gillott noted that the Bush Lane waterline and reconstruction project was a complete mess and that it could  
1040 have been orchestrated better.

1041

1042 Large scale solar arrays and small scale solar arrays

1043 Moseley noted this proposal was started because a land owner approached him and was asking about solar  
1044 farms in residential areas. Moseley noted that currently they would not be allowed, but he thought that  
1045 additional language might be necessary to strengthen the existing Village Zoning Law. Mosley added that  
1046 many communities are working thought the same process in Tompkins County and throughout the State of  
1047 New York.. Moseley presented the following document, which was modeled after the Village  
1048 Telecommunications Law:

1049

1050 • *Add to 145-3:*

- 1051 1. *Large scale solar facility- Rooftop mounted or building mounted, freestanding or ground-mounted solar energy*  
1052 *systems which exceed 20 kW per hour of energy or solar thermal systems. These systems could have the*  
1053 *capability to serve the building to which they are located near or attached to, or the Large -scale solar systems*  
1054 *could sell some or all of their energy back to the New York State Electric and Gas system.*  
1055 2. *Small scale solar array- Integrated building components (i.e. solar shingles), Rooftop mounted or building*  
1056 *mounted, or freestanding or ground-mounted solar energy systems which are limited to 20 kW per hour of*  
1057 *energy or solar thermal systems. The primary function of these systems are to serve the building in which they*

- 1058 *are associated with on the same lot. Each freestanding array shall be treated as an accessory building in*  
1059 *accordance with the definition or as a principal building in accordance with the definition.*
- 1060 • *145-81 Chart of uses:*
    - 1061 1. *The use Large scale solar facility use would need to be added to the matrix in CLT, CHT, B&T, HHS,*
    - 1062 *RSH, CMT districts.*
    - 1063 2. *The Small scale solar array use would need to be added to the matrix in all districts.*
    - 1064
  - 1065 • *Small scale solar array would need to be added to each district as a use under the permitted uses section of each district*  
1066 *(LDR, MDR, HDR, PDA's, CLT, CHT, B&T, HHS, RSH, CMT districts).*
  - 1067
  - 1068 • *Large scale solar facility would need to be added to each district, which would be applicable, as a use in permitted with*  
1069 *special permit under the general and additional conditions section (CLT, CHT, B&T, HHS, RSH, CMT districts).*
    - 1070 1. *Example:*

1071 *Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:*

- 1072 (1) *General conditions.*
  - 1073 (a) *Utility transmission/ storage/ plants.*
  - 1074 (b) *Indoor recreation/ club.*
  - 1075 (c) *Office/ studio/ service.*
  - 1076 (d) *Government building.*
  - 1077 (e) *Museums/ public buildings.*
  - 1078 (f) *Hospital/ clinic.*
  - 1079 (g) *Motel/ hotel.*
  - 1080 (h) *Sales/ repair/ maintenance.*
  - 1081 (i) *Theater/ nightclub/ discotheque.*
  - 1082 (j) *Construction sales/ storage.*
  - 1083 (k) *Large equipment.*
  - 1084 (l) *Automotive sales/ service/ lots.*
  - 1085 (m) *Commercial assembly soft goods.*
  - 1086 (n) *Transportation services.<sup>1</sup>*
  - 1087 (o) *Alteration to Building or improved Site or Change in Use that Results in Change in Applicable*  
1088 *Parking Space Requirements*
  - 1089 (p) *Low Traffic Food and Beverage*
  - 1090 (q) *High Traffic Food and Beverage*
  - 1091 (r) *Religious facility*
- 1092 (2) *General and additional conditions.*
  - 1093 (a) *Warehousing/ storage/ distribution.*
  - 1094 (b) *Adult entertainment business (see Section 145-60 (L) below)*
  - 1095 (c) *Mixed Use (See Section 145-60 F below)*
  - 1096 (d) *Large scale solar facility*
  - 1097

- 1098 • *145-60-*
  - 1099 1. *An added section will need to be added to special permit with additional conditions (see the attached*  
1100 *document).*

1101 145-60 Q:

1102 Q. Large scale solar facility. Special Permit Required.

- 1103 (1) No Large scale solar facility shall be erected, moved, reconstructed, altered or used in any district unless and until  
1104 the person or entity seeking to do so shall have obtained a Special Permit from the Planning Board in accordance  
1105 with this section and the other provisions of this law governing the issuance of Special Permits.
- 1106 (2) General Criteria. No Special Permit or renewal thereof or amendment of a current Special Permit relating to a  
1107 Large scale solar facility shall be granted by the Planning Board unless it finds that such telecommunications  
1108 facility:
- 1109 a. Conforms with all federal and state laws and all applicable rules or regulations promulgated by the Federal  
1110 Aviation Administration (the "FAA") or any other federal agencies having jurisdiction;
  - 1111 b. The Large scale solar facility shall be designed and constructed in a manner which minimizes visual impact  
1112 to the extent practical;
  - 1113 c. Complies with all other requirements of this Zoning Law, unless expressly superseded herein;
  - 1114 d. Is the most appropriate site among those available within the technically feasible area for the location of a  
1115 Large scale solar facility;
  - 1116 e. shall be situated on the lot on which it is to be developed in such a manner and location as to allow for  
1117 development of any portion of the Village's Greenway that is also to be located on such lot in accordance with  
1118 the Village's Greenway Plan or any modification thereof as determined by the Planning Board.
  - 1119 f. Any Large scale solar facility must be located on a single lot.
  - 1120 g. Any large scale solar facility, and the lot on which it is located, shall comply with the setback, frontage,  
1121 minimum lot size, and yard standards of the underlying zoning district in which the Large scale solar facility  
1122 is constructed. To the extent there is a conflict, the more restrictive provision shall govern.
    - 1123 1. If the Planning Board finds it acceptable, a Large scale solar facility that is constructed  
1124 over new or existing parking areas may be allowed to have setbacks in accordance with the  
1125 parking setback standards of the underlying Zoning District.
- 1126 (3) Lighting.
- 1127 a. Any exterior lighting shall be installed and approved in accordance with the Village of Lighting  
1128 Commission and applicable guidelines.
- 1129 (4) Appearance and Buffering.
- 1130 a. Large scale solar facilities and fencing may be required to be screened by any landscaping needed to avoid  
1131 adverse aesthetic impacts for neighboring properties, recreation areas, public roads, waterways, landmarks,  
1132 refuges, community facilities, or conservation or historic areas within view of the public.
  - 1133 b. The use of any portion of a Large scale solar facility for signs, or promotional or advertising purposes,  
1134 including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited,  
1135 provided, however, that signage including no text or graphics other than health or safety warnings, which  
1136 signage complies with the requirements of the Village's Sign Law, and which signage has been reviewed and  
1137 approved as part of the Special Permit, may be placed on the telecommunications facility.
  - 1138 c. The Large scale solar facility shall have the least visual effect practical on the environment, as determined by  
1139 the Planning Board, be disguised or camouflaged to blend in with the surroundings, to the extent that such  
1140 alteration does not impair the ability of the facility to perform its designed function. Any glare produced by the  
1141 solar array shall not impair or make unsafe the use of contiguous structures, any vehicles on or off the road,  
1142 any airplanes, etc.
  - 1143 d. Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in  
1144 with the natural surroundings.
  - 1145 e. In fulfilling the requirements of the State Environmental Quality Review Act ("SEQRA"), the Planning  
1146 Board may require a Full Environmental Assessment Form ("EAF") for the proposed Large scale solar  
1147 facility. A Visual Environmental Assessment Form (Visual EAF) may be required as an addendum

- 1148                    *thereto. The Planning Board may require submittal of a more detailed visual analysis based on the results of*  
1149                    *the Visual EAF.*
- 1150                    *f. Without limiting the requirements of the section §145-60Q(4)a., existing on-site vegetation shall be*  
1151                    *preserved to the maximum extent possible.*
- 1152                    *g. The Planning Board may require additional information, such as line-of-sight drawings, detailed elevation*  
1153                    *maps, visual simulations, before and after renderings, and alternate designs to more clearly identify adverse*  
1154                    *impacts for the purpose of their mitigation.*
- 1155                    *h. Equipment or vehicles not used in direct support, renovations, additions or repair of any Large scale solar*  
1156                    *facility shall not be stored or parked on the facility site.*
- 1157                    (5) *Access and Parking.*
- 1158                    *a. Access ways shall make maximum use of existing public or private roads to the extent practicable. New*  
1159                    *access ways constructed solely for a Large scale solar facility must be at least twenty (20), but no more than*  
1160                    *thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil*  
1161                    *erosion potential.*
- 1162                    *b. The road surface (driveways) shall be centered within access ways and not more than sixty percent (60%) of*  
1163                    *the width of the legal access way shall be covered with any form of improved surface.*
- 1164                    *c. Parking areas shall be sufficient to accommodate the greatest number of service vehicles required to service the*  
1165                    *facilities located on the premises at any one time.*
- 1166                    *d. Driveways or parking areas shall provide adequate on site turn-around, such that service vehicles shall exit*  
1167                    *the lot moving forward and will not have to back out onto a public road.*
- 1168                    (6) *Security.*
- 1169                    *a. Large scale solar facility, and accessory structures shall each be surrounded by fencing of sufficient height, style*  
1170                    *and location as determined by the Planning Board, to adequately secure the site, the top foot of which may, at*  
1171                    *the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-*  
1172                    *strands of barbed wire to discourage unauthorized access to the site. The Planning Board may waive or*  
1173                    *modify the requirements for fencing if, in its discretion, the Board determines that other forms of security are*  
1174                    *adequate, or that, by reason of location, neighborhood or character of the site, security will not be significantly*  
1175                    *compromised by the omission, relocation or reduction in size, of the otherwise required fencing.*
- 1176                    *b. Motion-activated or staff-activated security lighting around the equipment area of a Large scale solar facility*  
1177                    *or accessory structure entrance may be installed provided that such lighting does not project off the site. Such*  
1178                    *lighting should only be activated when the area within the fenced perimeters has been entered.*
- 1179                    *c. A locked gate at the intersection of the access way and a public road may be required to obstruct entry by*  
1180                    *unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.*
- 1181                    (7) *Engineering and Maintenance.*
- 1182                    *a. Site plans for a Large Scale solar facility must bear the seal of a design professional licensed to practice in the*  
1183                    *State of New York. Every facility shall be built, operated and maintained to acceptable industry standards,*  
1184                    *including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic*  
1185                    *Engineers (“IEEE”) and the American National Standards Institute (“ANSI”).*
- 1186                    *b. The Village, at the expense of the applicant, may employ its own consultant(s) to examine the application*  
1187                    *and related documentation and make recommendations as to whether the criteria for granting the Special*  
1188                    *Permit have been met, including whether the applicant’s conclusions regarding safety analysis, visual analysis,*  
1189                    *structural inspection, and stormwater management aspects are valid and supported by generally accepted and*  
1190                    *reliable engineering and technical data and standards.*
- 1191                    (8) *Removal.*
- 1192                    *a. Decommissioning Plan. At the time of submittal of the application for a Special Permit for a Large scale*  
1193                    *solar facility, the applicant shall submit an agreement to remove all solar equipment, driveways, structures,*  
1194                    *buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures. If such facility*  
1195                    *becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12)*  
1196                    *consecutive months. Upon removal of said facility, the land shall be restored to its previous condition,*

- 1197 including but not limited to the seeding and sodding, as appropriate depending upon the season of the work,  
1198 of exposed soils.
- 1199 b. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal  
1200 of the Large scale solar facility and property restoration, with the municipality as the assignee, in an amount  
1201 approved by the Planning Board upon the recommendation of the Village Engineer, but not less than fifty  
1202 thousand (\$50,000) dollars.
- 1203 c. Upon any amendment of the Special Permit, the Planning Board may adjust the required amount to the  
1204 financial security bond to adequately cover increases in the cost of removal of the Large scale solar facility and  
1205 property restoration.
- 1206 (9) Application.
- 1207 The application for a Special Permit, for the construction of a Large scale solar facility shall include, without  
1208 altering any other application requirements as set forth in this Zoning Law:
- 1209 a. A completed project application form in such detail and containing such information as the Planning Board  
1210 may require.
- 1211 b. In fulfilling the requirements of the State Environmental Quality Review Act ("SEQRA"), the Planning  
1212 Board may require a Full Environmental Assessment Form ("EAF") for the proposed telecommunications  
1213 facilities. A Visual Environmental Assessment Form (Visual EAF) may be required as an addendum  
1214 thereto. The Planning Board may require submittal of a more detailed visual analysis based on the results of  
1215 the Visual EAF.
- 1216 c. Site plan in accordance with the requirements of this section including, without limitation:
- 1217 i. The exact location including geographic coordinates of the proposed Large scale solar facility  
1218 including any solar arrays, equipment and anchors, if applicable;
- 1219 ii. The maximum height of the proposed facility, including all appurtenances;
- 1220 iii. A detail of solar panel array type, if any, including but not limited to equipment specification  
1221 sheets shall be documented and submitted for all photovoltaic panels, significant components,  
1222 mounting systems, and inverters that are to be installed;
- 1223 iv. The location, type and intensity of any lighting on the site;
- 1224 v. Property boundaries and names of all adjacent landowners;
- 1225 vi. Proof of the landowner's consent to the erection of the facility and agreement to abide by the  
1226 provisions of this section Q if the applicant is not the landowner;
- 1227 vii. The location of all other structures on the property;
- 1228 viii. If designing over new or existing parking spaces, the array shall be designed to accommodate  
1229 for emergency vehicle access. The design may include, but not limit, items such as the height  
1230 of the large scale solar facility, access ways for vehicles, firefighting capabilities, etc...
- 1231 ix. Blueprints and a site plan showing the layout of the Large scale solar facility must bear the  
1232 seal of a design professional licensed to practice in New York State;
- 1233 x. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic  
1234 maintenance and property upkeep, such as mowing and trimming;
- 1235 xi. The location, nature and extent of any proposed fencing, landscaping and screening;
- 1236 xii. The location and nature of any proposed utility easements and access roads or drives;
- 1237 xiii. Documentary evidence that the proposal satisfies the requirements of subsection §145-60 (Q)  
1238 (2) (a) above;
- 1239 xiv. The location of any portion of the Village's Greenway that is to be developed in accordance  
1240 with the Village's Greenway Plan or any modification thereof as determined by the  
1241 Planning Board on the lot on which the Large scale solar facility is proposed to be located;  
1242 and
- 1243 xv. A glare assessment survey and any mitigation efforts that may be utilized to minimize glare  
1244 on contiguous parcels of land.

(10) Fees and Deposits.

- 1246 a. *The fees for a Special Permit application for a Large scale solar facility shall be calculated in accordance with*  
1247 *Section §145-57 (D) (2), and solar arrays shall be considered to be a principal building and all other*  
1248 *structures to be accessory buildings.*  
1249 b. *Any applicable application or other fees, including any deposits required by the Village to pay the costs of any*  
1250 *consultants retained by the Village as provided herein.*  
1251 c. *In addition to the delivery of the fees described at §145-60(Q)(10)(a) above, the applicant shall deliver with*  
1252 *its application an amount equal to one percent (1%) of the estimated cost of the project. This sum shall be*  
1253 *held by the Village in a non-interest bearing account, and these funds shall be available to the Village to pay*  
1254 *consultants engaged by the Village to assist in review of the application. Following grant or denial of the*  
1255 *application, the Village shall return to the applicant any excess remaining in escrow. If the escrow account*  
1256 *has been depleted prior to grant or denial of the application, the applicant shall deposit such funds as are then*  
1257 *necessary for the Village to pay any outstanding fees to said consultants.*

1258 (11) *Miscellaneous.*

- 1259 a. *Any Special Permit granted hereunder shall be valid only for the dimensions and number of structures for the*  
1260 *Large scale solar facility contained in the original application as so approved. Any subsequent amendments*  
1261 *or additions shall require a new application for same following the procedures set forth in section §145-59*  
1262 *(F).*  
1263 b. *In considering the application, the Planning Board may, if the application is granted, impose such reasonable*  
1264 *conditions as it may deem necessary to minimize any adverse impacts of the facility or its construction, or to*  
1265 *assure continued compliance with the terms of this section.*  
1266 c. *A condition of any Special Permit granted hereunder shall require that the applicant convey a permanent*  
1267 *right-of-way to the Village for the area of any portion of the Village Greenway that is to be located on the*  
1268 *subject lot in accordance with the Village's Greenway Plan or any modification thereof as determined by the*  
1269 *Planning Board, which right-of-way shall provide the Village the right to improve and maintain such area,*  
1270 *and which shall be in form and substance satisfactory to the Village's attorney, unless otherwise determined*  
1271 *by the Planning Board to not be necessary.*  
1272 d. *In the event that a court of competent jurisdiction renders a decision invalidating any portion of this local law,*  
1273 *the balance of this local law shall be unaffected thereby and shall remain in full force and effect as if the*  
1274 *invalidated portion had never been a part of this local law.*

1275 (12) *Notice of Public Hearing. Notice of public hearings shall governed in accordance with section §145-59.*  
1276

1277 Moseley noted that the highlighted yellow areas are what he added, to the original document, because there  
1278 were some other communities that have been dealing with glare from the large scale solar arrays.

1280 Dawson noted that she was concerned with the appearance of the solar arrays in residential areas and felt that  
1281 they should only be allowed in the side and rear yards of the lots for free standing arrays. Gillott also  
1282 expresses concern with the appearance.

1284 Tomei noted that the small scale solar definition should include language that indicates that some selling of  
1285 power back in to the grid is acceptable.

1287 Dawson asked what size a 20 kw system would be.

1289 Moseley explained that it would be about 2,000 square feet and that most municipalities are proposing  
1290 residential systems not to exceed 12 kw. Additionally, the largest residential system, to date, in the Village is a  
1291 19.2 kw system.

1292 Dawson suggested that for the small scale solar arrays 2,000 square feet be the size limitation rather than a kw  
1293 size.

1294 Tomei asked about issues with solar panels and firefighting capabilities.

1295

1296 Moseley explained that the panels can only be turned off at the disconnect switch, which is usually at the  
1297 ground level or in the basement area. The panels will continue to generate electricity and create problems for  
1298 fire fighters. Moseley added that there are new Building Codes, as approved by New York State, that will take  
1299 effect on October 3, 2016. Within these new codes are provisions for solar panels, which will hopefully help  
1300 the fire fighters. Moseley noted that he will make the recommended changes and present them at the next  
1301 Planning Board meeting.

1302  
1303 **Other Business**

1304 Moseley noted that a food truck operator has requested 180 days to be utilized for selling their food products  
1305 as opposed to the current Village Code provisions which may be a lesser period of time, and this request is  
1306 being communicated to the Board of Trustees, . Moseley noted that he presented the following document to  
1307 the Board of Trustees at their last meeting.

1308  
1309 *To: Board of Trustees*  
1310 *From: Zoning Department*  
1311 *Subject: Temporary Commercial Activity- Stationary Food Vendors*  
1312 *Date: August 1, 2016*

1313  
1314

1315 *Dear Mayor and Trustees,*

1316 *Currently a Stationary Food Vendor (food truck) is one of the Temporary Commercial Activities that is an allowed*  
1317 *use in the most of the commercial zones in the Village (Village Zoning Law section 145-58). Section 145-58 C. of the Village*  
1318 *Zoning was changed in 2014 and previously allowed a Temporary Commercial Activity no more than 3 days per month to*  
1319 *operate. The Village now breaks down the Temporary Commercial Activities into 6 categories and provides for different*  
1320 *timeframes for each one of the categories. A Stationary Food Vendor is allowed to be in operation for no more than 5 consecutive*  
1321 *days and no more than 42 days per tax parcel per year. A permit and a \$50 permit fee is applied for every Stationary Food*  
1322 *Vendor wishing to operate in the Village. At maximum, every 5 days would constitute a new permit requirement and fee.*

1323 *Mr. Bong Sen has submitted a letter requesting that the Village consider expanding the number of days that a*  
1324 *Stationary Food Vendor could operate in the commercial districts to 180 days per tax parcel. He indicates that he would operate*  
1325 *from 9:00AM-2:00PM each one of those days.*

1326 *I have also researched and have the following report on municipalities related to food trucks:*

- 1327
- 1328 • *Town of Lansing- no regulations observed*
  - 1329 • *Town of Dryden- no regulations observed*
  - 1330 • *Town of Ithaca- not allowed on private property*
  - 1331 • *Village of Dryden- allowed with a peddlers' license, good for 1 year and cost \$750 for the year*  
*license.*
  - 1332 • *Village of Cayuga Heights- viewed as a commercial use and would need to get Planning Board*  
1333 *approval.*

- 1334 • Village of Groton- allowed with a peddlers' license, good for 90 days and cost \$75. The permit
- 1335 can be renewed every 90 days with no maximum days per year.
- 1336 • City of Ithaca- allowed use, maximum of a 1-year license and the City limits the hours of
- 1337 operation for the food vendors.
- 1338 • City of Syracuse- only regulated food vendors that are utilizing municipal property/ streets.
- 1339 • Town of Amberst- allowed use, appears to be a maximum of 1-year license and costs \$400 per
- 1340 year. Amberst would appear to regulate the food vendors utilizing municipal property/ streets.
- 1341 • City of Rochester- allowed use in commercial districts for no more than 60 days per year and would
- 1342 require a zoning permit each year with a fee of \$50 for the calendar year and they cannot be
- 1343 located on vacant parcels of land. Food vendors are allowed in residential areas but are limited to
- 1344 2 days per year.

1345 *Currently the Village also has an exception that allows this use to operate without a permit if it operates under 8 hours*  
1346 *per week. In the past we have allowed the 8 hours to be utilized by the Stationary Food Vendor and then require a permit. If*  
1347 *Mr. Sen were to operate his food truck 4 hours per day, he would be able to achieve two days per week without the Village*  
1348 *requiring a permit. So theoretically he would then be able to operate for 14 full weeks (70 days) with the combined permitted and*  
1349 *non-permitted days. He could also utilize the exception to operate 2 days per week (if both days operated under a total of 8 hours*  
1350 *per week) for the entire year.*

1351 *If this were to be changed, this would be allowed for all Stationary Food Vendors in the designated districts, as listed in*  
1352 *145-58 C. of the Village Zoning Law.*

1353 Gillott has some concerns with allowing more days as it could detract from the existing restaurants in the  
1354 area, which pay property taxes or rent.

1355  
1356 Baker noted that the point of a food truck is to be mobile and if we allowed 180 days then it would not really  
1357 meet the intent of being mobile.

1358  
1359 Dawson asked what a permit fee would be for 90 days. Moseley indicated that 90 days would equate to about  
1360 \$900. Dawson asked where they currently operate. Moseley indicated that they currently operate at the Ithaca  
1361 Farmers Market. Dawson indicated that since he has not operated in the Village before, she was not inclined  
1362 to change the laws. Dawson noted if the food truck has not operated in the Village how would they know if  
1363 they need more days.

1364 Tomei explained that the Alexander food truck asked for an expansion of days in the past after he operated in  
1365 the Village. We did not expand the days at his request.

1366  
1367 The Planning Board would like to have the owner of the food truck at the next meeting to further discuss this  
1368 topic and better understand the request

1369  
1370 **Approval of Minutes:**  
1371 None.

1372  
1373 **Trustee Report:**



1374 Gillott reported on the August 1<sup>st</sup> Trustee meeting. For a report of that meeting please see the Trustee  
1375 minutes.

1376

1377 **Adjournment:**

1378 Dawson moved to adjourn at 8:21PM. Seconded by Gillott; Ayes by Tomei, Baker, Dawson, and Gillott.

1379