

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, April 4, 2005, in the Village Office.

Present: Mayor Donald Hartill; Trustees, Larry Fresinski, Lynn Leopold, John O'Neill and Frank Moore; Attorney David Dubow; Clerk/Treasurer, Jodi Dake.

Mayor Hartill called the meeting to order at 7:35P.M.and opened the public comment period. Sorel Gottfried of 1016 Cayuga Heights Road asked if the Board would consider changing the election date when it falls on the Jewish holiday of Passover. In the past Sorel has spoken with Sheri Zifchock at the Board of Elections. David Dubow was unsure if this was something that could be done at the local level or if the State Legislature had to do it. David stated that there is a provision in the New York State Election Law for municipalities that hold there elections in March that states if the election day falls on St. Patrick's Day then the election would be postponed one day. There is precedence set there. The Board agreed to explore the options.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee
Frank Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

The next two items on the agenda were public hearings.

Motion-To Open the Public Hearing for Considering the Proposed Revisions and Updates to the Comprehensive Plan

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee
Frank Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

There were no comments.

Motion-To Close the Public Hearing for Considering the Proposed Revisions and Updates to the Comprehensive Plan

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee
Frank Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

The Board decided to have the second public hearing before acting on this issue.

Motion-To Open the Public Hearing on the Proposed Budget for Fiscal Year 2005-06

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

Mayor Donald Hartill-Aye Trustee Larry Fresinski-Aye Trustee  
Frank Moore- Aye Trustee John O'Neill-Aye  
Trustee Lynn Leopold-Aye

The Mayor gave an overview of the proposed budget. The taxable assessment value for the Village of Lansing is \$327,938,220. Don explained that the budget has increased approximately 3%, which is roughly the rate of inflation. Through the years the Village has been consistent in preparing the budget with the rate of inflation. The N. Triphammer Road reconstruction project for this summer costs approximately \$5M of which 80-90% of the roadway is federally and state funded. The Village is funding approximately \$1M in enhancements. The N. Triphammer Road project has been delayed so the Village is very comfortable because we have set aside monies in previous years to pay for this. In the budget there is an increase in Boards and the Mayors salary of approximately 20%. Their salaries have been the same for 5 years and this percentage is keeping with inflation. Staff salaries have increased 4%. We have recently hired a new Superintendent of Public Works and the Mayor would like to increase the contingent account in anticipation of additional work that will be accomplished. There is a decrease in the tax rate from \$1.80 to \$1.65 because the assessments in the Village have increased approximately 10%.

The water and sewer funds are basically a pass through to Bolton Point for water with a surcharge for maintenance of our infrastructure. Sewer is paid to the Village of Cayuga Heights. There is no longer a sewer moratorium in effect. Frank asked how the \$166.50 is collected to pay the Village of Cayuga Heights. Jodi explained that there is a line item on the tax bill of those with sewer service that is collected and then is paid directly to the Village of Cayuga Heights by August. This money is used to maintain their sewer plant. The other infrastructure expenses are paid by the surcharge on one's water/sewer bill. The special assessment on the tax bill is to pay for debt service. John asked what the 2330 number was. Jodi informed him that this is the number of sewer customers in the Village. Each residence is 1 unit and commercial properties are charged based on their water consumption for the previous year.

Motion-To Close the Public Hearing on the Proposed Budget for Fiscal Year 2005-06

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

Mayor Donald Hartill-Aye Trustee Larry Fresinski-Aye Trustee  
Frank Moore- Aye Trustee John O'Neill-Aye  
Trustee Lynn Leopold-Aye

Resolution #4118-To Adopt the 2005-06 Proposed Budget as the Official Budget with the Modification of Increasing A1990.4, Contingent Account by \$20,000 and Decreasing A0962.2 Budgetary Provisions for Other Uses-General by \$20,000 in the General Fund

Trustee Fresinski moved to adopt the budget and Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Larry Fresinski-Aye Trustee Frank  
Moore- Aye Trustee John O'Neill-Aye  
Trustee Lynn Leopold-Aye

The Board went back to the Comprehensive Plan. The Short Form SEQR Environmental Assessment Form was completed and following Board review, it was found that there was a negative declaration.

Resolution #4119- SEQR Review of the Updated and Amended Village Comprehensive Plan

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of the updated and amended Village of Lansing Comprehensive Plan following the recommendation of the Village Planning Board; and
- B. This proposed action is an Unlisted Action for which the Village of Lansing Board of Trustees is an involved agency for the purposes of environmental review; and
- C. On April 4, 2005, the Village of Lansing Board of Trustees, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) completed the Short EAF, Part II;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Board of Trustees, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II, including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action, and determines that neither a Full Environmental Assessment Form, nor an Environmental Impact Statement will be required; and:
- 2. The Responsible Officer of the Village of Lansing Board of Trustees is hereby authorized and directed to complete and sign as required the Short EAF, Part III, confirming the foregoing Negative Declaration, which fully completed and signed Short EAF shall be attached to and made a part of this Resolution.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

Resolution #4120-Adoption of Updated and Amended Village Comprehensive Plan

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of the updated and amended Village of Lansing Comprehensive Plan following the recommendation of the Village Planning Board; and

- B. The Village of Lansing Planning Board has (i) performed a lengthy and thorough review of the Village's previously adopted Comprehensive Plan, (ii) prepared amendments thereto based upon updated information and analysis, (iii) made a draft copy of the preliminarily revised and updated Comprehensive Plan available to the public for review and comment, (iv) held a public hearing on such proposed amendments, (v) provided for further amendments based upon such public input and participation, and (vi) referred its final updated and amended Comprehensive Plan dated February 2005 to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. The proposed Village Comprehensive Plan as amended and updated was referred as required by law to the Tompkins County Department of Planning for its review and comment, whereupon by letter dated February 9, 2005 such Department (i) determined that such proposed Comprehensive Plan as amended and updated has no negative inter-community or county-wide impacts, (ii) offered three suggestions as to the inclusion of certain additional information, all of which has in fact been incorporated, and (iii) provided overall favorable comments; and
- D. On April 4, 2005, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) the updated and amended Comprehensive Plan as prepared and recommended by the Village Planning Board, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and
- E. On April 4, 2005, the Village of Lansing Board of Trustees determined that the proposed action is an Unlisted Action for which the Board is an involved agency, and thereupon, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), the Board (i) thoroughly reviewed the Short Environmental Assessment Form (the "Short EAF"), Part 1, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), (iii) completed the Short EAF, Part 2; and (iv) made a negative determination of environmental significance ("Negative Declaration") in accordance with SEQR for the above referenced proposed action and determined that an Environmental Impact Statement would not be required; and
- F. On April 4, 2005, the Village of Lansing Board of Trustees concluded its review of the Village Comprehensive Plan as amended, updated and recommended by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

The Village of Lansing Board of Trustees, in accordance with Section 7-722 of the Village Law of the State of New York, hereby adopts the newly amended and updated Village Comprehensive Plan dated February 2005, having determined that such Plan accurately reflects the identification of the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Village.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

For the students in the audience, David Dubow explained that the Comprehensive Plan is a plan that drives the Village in its planning and zoning decisions. The Planning Board has reviewed it and minor amendments have been recommended to the Board of Trustees who must approve it. The SEQR that was completed states if there are any environmental impacts. The Comprehensive Plan will be reviewed every five years or so.

The next item on the agenda was to approve the minutes from March 16th & 21st.

Motion-Approval of Minutes for March 16th, 2005

Trustee O'Neill moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Abstain    Trustee Larry Fresinski-Aye  
Trustee Frank Moore- Aye                      Trustee John O'Neill-Aye  
Trustee Lynn Leopold-Aye

Motion-Approval of Minutes for March 21st, 2005

Trustee O'Neill moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye              Trustee Larry Fresinski-Aye  
Trustee Frank Moore- Aye                      Trustee John O'Neill-Aye  
Trustee Lynn Leopold-Abstain

Next on the agenda were two Proposed Local Laws which the Planning Board has recommended for adoption. Both of these proposed local laws provide for amendments to the Village Zoning Law and Zoning Map.

David Dubow presented Proposed Local Law B (2005). He explained that it is an overlay district, which has existed since the Village started. Proposed Local Law B is the result of a rather extended review and debate regarding the continued need for the Airport Combining District and the special permit requirements (largely a notice procedure for alerting parties that they will be constructing improvements within what might be considered a potential noise hazard area) for building within that overlay district. The debate was precipitated by the approval of the Millcroft Subdivision last year and the pending Lansing Trails II subdivision (for which preliminary approval has been granted), both of which include lands situated within the Airport Combining District as originally laid out. There was earlier debate by the Planning Board regarding a somewhat scaled down procedure for notifying potential builders and/or property owners of the possible noise hazards; however, after reviewing preliminary drafts of proposed local laws that were prepared incorporating alternative procedures, the Planning Board was still uncomfortable with the imposition of notice requirements and the related administrative requirements. After recently reviewing two special permit applications for Millcroft parcels, the Planning Board ultimately determined that this might be the appropriate time for the elimination of the Airport Combining District and the special permit process for properties within that District, and Proposed Local Law B so provides.

Frank questioned why we had the overlay district as a whole. David explained that it dates back to the original drafting of the Village's zoning provisions and it is not entirely clear as to exactly what its basis was. It was most likely a concern at that time regarding the possible noise hazards associated with airport operations. With this proposed change, the need to come to the Planning Board for a special permit will be eliminated. One will still have to get the normal building permit. Some discussion took place with respect to Zoning Law Section 604.02 regarding noise levels and how they are measured. The Board agreed that the Planning Board needs to revisit the noise standard provisions in the Zoning Law as they apply to the Village as a whole. The Board acknowledged that noise issues are very hard to

enforce in this area.

Motion-To Set a Public Hearing to Consider Proposed Local Law B ((2005) to Consider Amending the Zoning Law and Zoning Map to Eliminate the Airport Combining District and the Requirements and Conditions Applicable Thereto for April 18,2005 at 7:35pm.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

Dubow explained that Proposed Local Law C is intended to extend to the north (by approximately 80+/- feet) what everyone believes to be the northerly boundary of the Human Health Services District. This has been initiated by Cornell and Integrated Acquisition as a result of what appear to be needs associated with the intended expansion of one of the Park View medical buildings and additional parking for that medical complex. The review of this initiative raised some questions as to the exact location of all of the current boundary lines of this zoning district, so it was concluded that this would offer the opportunity to more precisely delineate those boundaries. The new map prepared by T.G. Miller has undergone a number of modifications to address questions that have come up and to also insure to the extent possible consistency with other maps and records, resulting in what is now the final version of the map to which Local Law C refers and based upon which the District boundaries are described. In light of some concerns regarding the infringement of this extension into the NYSEG right of way running across this Cornell property, the 1929 right of way agreement was reviewed and it confirms that the grantor reserved the right to use the land so long as that use does not interfere with or obstruct the NYSEG rights. Although this isn't technically a Village issue, it was considered prudent to clarify the matter given that Cornell will be coming back in with a special permit application involving the parking expansion into a portion of the NYSEG right of way area.

Motion-To Set a Public Hearing to Consider Proposed Local Law C (2005) to Consider Amending the Zoning Law and Zoning Map to Extend Further to the North the Northerly Boundary of the Human Health Services District and to More Precisely Describe the Boundaries of the Human Health Services District for April 18,2005 at 7:40pm.

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

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

After the Public Hearings are held on April 18th and before the new laws can be passed, a SEQR review for each proposed local law must also be completed.

The Mayor stated that the last utility pole has gone in on N. Triphammer Rd. NYSEG is behind schedule. They still have to run wires and phone and cable will then follow. Mary Sirois commented that the traffic director was excellent. There hasn't been much of a delay in traffic flow except for one day.

Don has received an email from Walter Lynn stating that he has been contacted by George Gesslein to talk to him about considering contracting with the Village of Cayuga Heights to provide fire service in the Village of Lansing. There is a meeting at the Fire Company on April 11th, which the Mayor plans to attend.

In the next few weeks they should be starting the Kline Road Bypass sewer project. Cayuga Heights Rd. will be torn up when this takes place. Lynn asked if the sewer committee was formed yet. The Mayor still wants to add another member and he still has to write a charge for the committee. He expects it will be done this week. Frank stated that the sewer meeting scheduled for April 23rd in the Town of Lansing was canceled. Don stated that we still haven't heard from NYSDOT regarding going down Route 34 for the sewer line.

Carolyn Peterson, Mayor of the City of Ithaca, is exploring different water issues related to the possible use of the Lake Source Cooling water.

Lynn Leopold spoke on the MS4 Grant for Stormwater Management. She attended a meeting at Soil and Water Conservation and they looked at how the MS4s, both individually and collectively, can apply for the EPF assistance for Stormwater Phase II Implementation. Several municipalities are already actively involved in developing local stormwater ordinances and other activities. The Town of Lansing has already adopted one, which she had previously emailed to the Board. We have until 2008 to accomplish this.

At the Stormwater Meeting it became apparent that some of our biggest costs in implementing the minimum measures would involve both engineering or legal time, legal especially as we work on adopting local laws. There is no state law, per se, that we could copy. The state says we have to adopt our own ordinances, according to the state's regulatory authority. It's not a matter of just deferring to an existing state law. We have to have our own. Many items that are in the Town of Lansing law are already covered to some extent in our site plan review, zoning and subdivision requirements. It would take some careful thought to figure out how to pull out and isolate all those requirements that would then become part of the stormwater ordinance. We would need guidance on how to do this. At the Stormwater meeting they were all thinking of putting in for money (up to \$3000 per MS4 per item) for the MS4s so that we can help pay for the legal costs of adopting a local law. This money is meant as a 50% match. We would have to provide the match through in-kind time, or outright cash commitment. We could include the time required of the lawyer, the Planning Board and the Village Board in preparing and adopting such a local law.

One of the items that we can also get funded for is cluster housing development for more open space, hence better stormwater management. What we are doing in Lansing Trails II is eligible, backcharged to work already done. So that is another possibility for funding. There is also funding to help MS4s set up funding mechanisms for the ongoing work of site inspections, illicit discharges, etc.

Darby will need a letter of intent signed by all the participating MS4s (and the more that participate, the better our chances of getting funding--we need all 9 MS4s) by next Friday. Darby Kiley is going to pull together all the information from the MS4s and Craig will submit and manage the grant. Mayor Hartill found it hard to imagine everyone doing this in parallel. He agreed to sign the Letter of Intent that says we are going to cooperate. Lastly, Lynn stated that she and David Putnam would be submitting the final year- end report.

David Dubow stated that the Edelmans have offered the Village a gift of land. He proceeded to show the Board where it was on the map. If the Board would like to accept the property he has all the paper work ready to be signed and the Village would need to make payment in the amount of \$2,755.40 for the prorated taxes that have already been paid by the Edelmans.

Resolution #4121- To Accept Offer of Conveyance by Gift of Property  
from William H. Edelman & Audrey M. Edelman

WHEREAS, the Village of Lansing has received from William H. Edelman and Audrey M. Edelman an offer (the "Offer") dated February 10, 2005 to convey by gift a parcel of property located adjacent to the northerly side of Wood Thrush Hollow Road containing 7.127 acres, such parcel being identified as "Remaining Lands of Edelman" on a map entitled "Final Subdivision Plat Lands of William H. Edelman and Audrey M. Edelman Lot 99, Village of Lansing, Tompkins County, New York" prepared by Michael John Reagan, PLS, dated November 17, 2004, which map is filed in the Tompkins County Clerk's Office and Village of Lansing, the only condition accompanying the Offer being that the Village reimburse William H. Edelman and Audrey M. Edelman for the prorated portion

of pre-paid real property taxes as of February 10, 2005 in the amount of \$2,755.40; and

WHEREAS, the Offer was accompanied by a warranty deed and accompanying documents executed by William H. Edelman and Audrey M. Edelman for the purpose of conveying the offered property if the Village accepts the Offer;

WHEREAS, the Village of Lansing wishes to accept the Offer;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Lansing as follows:

1. The Village of Lansing hereby accepts the Offer and authorizes the Mayor to execute (i) the Offer document to confirm the Village's acceptance thereof, and (ii) all required closing documents necessary to effectuate the intended transfer of property by gift; and
2. The Village of Lansing hereby authorizes the Clerk/Treasurer to issue payment in the amount of \$2,755.40 to William H. Edelman and Audrey M. Edelman to reimburse William H. Edelman and Audrey M. Edelman for the prorated portion of pre-paid real property taxes as of February 10, 2005.

Trustee O'Neill moved to accept the property and Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Larry Fresinski-Aye	Trustee Frank
Moore- Aye	Trustee John O'Neill-Aye	
Trustee Lynn Leopold-Aye		

The meeting adjourned at 9:15 PM.

Dake

Jodi  
Clerk/Treasurer