

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 21, 2006, in the Village Office.

Present: Deputy Mayor Larry Fresinski; Trustees, Lynn Leopold, John O’Neill and Frank Moore; Clerk/Treasurer Jodi Dake; Attorney David Dubow; and Planning Board Member, Phil Dankert.

Deputy Mayor Larry Fresinski called the meeting to order at 7:34P.M. and opened the public comment period. Phil Dankert questioned why the electronic sign, which reads and displays vehicle speed, is sitting up on Dart Drive but is not on. It was acknowledged that the Sheriff’s Department places these types of devices, although the Board was unsure why it wasn’t working. It was also commented that people drive very fast up Dart Drive. O’Neill suggested a speed table, but it was estimated that the cost would be about \$3,000. Since future plans include Dart Drive eventually ending in a cul de sac, that hopefully will alleviate this problem.

Motion-To Close the Public Comment Period

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

Deputy Mayor Larry Fresinski-Aye	Trustee Frank Moore- Aye	Trustee John
O’Neill-Aye	Trustee Lynn Leopold-Aye	

The next item on the agenda was to consider proposed Local Law D, Amendment to Village of Lansing Code – Zoning Law Telecommunications Facility Special Permit Additional Conditions. Dubow pointed out that at the August 7th meeting a public hearing was held and there were no comments. The Board didn’t act on it at that time because Tompkins County Planning had not had a chance to review either Proposed Local Law D or E. Since this time, we’ve received a letter stating that they have reviewed both proposed laws and have determined that they have no negative intercommunity or county-wide impacts. David explained that this proposed law is being proposed to provide greater Planning Board flexibility with respect to two issues, fall zone areas and co-location of equipment. This law would eliminate some issues that previously had to go to the BZA and which necessitated repetitive review by both boards. John O’Neill added that the Planning Board has thoroughly reviewed the safety issues associated with the fall zone requirements.

The Board completed the SEQR Short Form Part II, and determined that the proposed action would not result in any significant adverse environmental impacts. It then proceeded to consider the following two resolutions.

Resolution #5268- SEQR REVIEW OF PROPOSED LOCAL LAW D

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2006), to be designated Local Law 4 (2006) upon its adoption, providing for an amendment to the Village of Lansing Code, specifically Section 145-60, subsection K, so as to (i) provide for certain modifications to the requirements governing the conditions applicable to the granting of a special permit for a telecommunications facility within the Village of Lansing, such modifications being intended to create greater flexibility and discretion in the Planning Board as to its determination in a case by case basis of the need and propriety of imposing certain of such conditions; and (ii) provide for minor corrections to the

existing text; 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 August 21, 2006, 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 O'Neill moved this resolution. Trustee Moore seconded the motion. A vote was taken:

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

Resolution #5269- To Adopt Proposed Local Law D as Local Law 4, 2006

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law D (2006), to be designated Local Law 4 (2006) upon its adoption, providing for an amendment to the Village of Lansing Code, specifically Section 145-60, subsection K, so as to (i) provide for certain modifications to the requirements governing the conditions applicable to the granting of a special permit for a telecommunications facility within the Village of Lansing, such modifications being intended to create greater flexibility and discretion in the Planning Board as to its determination in a case by case basis of the need and propriety of imposing certain of such conditions; and (ii) provide for minor corrections to the existing text; and
- B. The Village of Lansing Planning Board has (i) performed a thorough review of the proposed action, (ii) reviewed Proposed Local Law D (2006), and (iii) referred such Proposed Local Law D (2006) to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On July 17, 2006, the Village of Lansing Board of Trustees preliminarily reviewed Proposed Local Law D

(2006), discussed its purposes and intent, and thereupon scheduled a public hearing thereon for August 7, 2006; and

- D. On August 7, 2006, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law D (2006) as 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;
- E. On August 21, 2006, 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 August 21, 2006, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law D (2006) as 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

- 1. The Village of Lansing Board of Trustees hereby adopts Proposed Local Law D (2006), to be designated Local Law 4 (2006).

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

Deputy Mayor Larry Fresinski-Aye	Trustee Frank Moore- Aye	Trustee John
O’Neill-Aye	Trustee Lynn Leopold-Aye	

The following is a copy of Local Law 4, 2006:

**AMENDMENT TO VILLAGE OF LANSING CODE - ZONING LAW
TELECOMMUNICATIONS FACILITY SPECIAL PERMIT ADDITIONAL CONDITIONS**

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

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to amend subsection K (entitled “Telecommunications Facility”) of Section 145-60 (entitled “Additional conditions for certain Special Permit uses”) of Chapter 145 (entitled “Zoning”) of the Village of Lansing Code so as to (i) provide for certain modifications to the requirements governing the conditions applicable to the granting of a special permit for a telecommunications facility within the Village of Lansing, such modifications being intended to create greater flexibility and discretion in the Planning Board as to its determination in a case by case basis of the need and propriety of imposing certain of such conditions; and (ii) provide for minor corrections to the existing text.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

A. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(2)" (entitled "General Criteria"), subparagraph "(f)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- (f) when including the construction of a tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers unless the Planning Board waives or modifies such co-location requirements based upon its determination that enforcing such requirements will necessitate a tower structure that will be contrary in design, size and nature with other standards and requirements provided for in this subsection K and would thereby be inconsistent with the overall intent and purpose of these regulations. Any subsequent location of telecommunication equipment by other service providers on existing towers technically and structurally capable of accommodating a shared use shall require the amendment of the Special Permit for such tower, in accordance with the provisions hereof for initial issuance of such Special Permit; and

B. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(4)" (entitled "Dimensional Standards"), subparagraph "(a)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- (a) A fall zone around any tower constructed as part of a telecommunications facility must have a radius at least equal to one and one-half (1 ½) times the height of the tower and any antenna(ae) attached upon its zenith. The entire fall zone must not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunications facility. If the tower or facility is attached to an existing structure or is otherwise situated, designed and/or constructed in a manner that negates the need for some or all of the required fall zone area, relief from the requirements of this subsection (4) (a) may be granted by the Planning Board on a case-by-case basis if it is determined by such Board after submission of competent evidence, that modification of such requirement will not endanger the life, health, welfare or property of any person and will not unduly adversely affect residents of any surrounding area. In granting any such waiver, the Board may impose conditions reasonably necessary to protect the public or other property from potential injury.

C. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(4)" (entitled "Dimensional Standards"), subparagraph "(c)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- (c) Any telecommunications facility, and the lot on which it is located, shall comply with the setback, frontage, minimum lot size, and yard standards of the underlying zoning district in which the telecommunications facility is erected and the fall zone requirements provided in subsection (4)(a) above (or as otherwise modified by the Planning Board as permitted in subsection (4)(a) above). To the extent there is a conflict, the more restrictive provision shall govern.

D. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(6)" (entitled "Appearance and Buffering"), subparagraph "(d)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- (d) In fulfilling the requirements of the State Environmental Quality Review Act ("SEQRA"), the Planning Board may require a Full Environmental Assessment Form ("EAF") for the proposed telecommunications facilities. A Visual Environmental Assessment Form (Visual EAF) may be required as an addendum thereto. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

E. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(11)" (entitled "Application"), subparagraph "(b)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(b) Completed EAF and Visual EAF (if such Visual EAF is required by the Planning Board).

F. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(11)" (entitled "Application"), subparagraph "(c)[6]" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

[6] Proof of the landowner's consent to the erection of the facility and agreement to abide by the provisions of this subsection K if the applicant is not the landowner

G. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(11)" (entitled "Application"), subparagraph "(d)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(d) Agreement that the applicant will negotiate in good faith with any subsequent applicant seeking to co-locate a telecommunications facility on the initial applicant's facility unless such agreement is not required because the co-location requirement has been waived as permitted in subsection K(2)(f) above. This agreement, if required, shall commit the initial applicant and landowner and their respective successors in interest to:

H. Chapter 145 (entitled "Zoning"), Section 145-60 (entitled "Additional conditions for certain Special Permit uses"), subsection K (entitled "Telecommunications Facility"), subsection "(13)" (entitled "Miscellaneous"), subparagraph "(a)" of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

(a) Any Special Permit granted hereunder shall be valid only for the dimensions and number of structures for the telecommunications facility contained in the original application as so approved. Any subsequent amendments or additions shall require a new application for same following the procedures set forth in this section.

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superceded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

The next item was to consider proposed local law E. John O'Neill asked if the Board of Zoning Appeals had been notified and if they had any concerns. It was confirmed that the BZA had in fact been notified and were ok with the law. David Dubow gave a brief description of the law. The Board then completed the SEQR Short Form Part II for this Proposed Local Law E. and determined that the proposed action would not result in any significant adverse environmental impacts. It then proceeded to consider the following two resolutions.

Resolution #5270-SEQR REVIEW OF PROPOSED LOCAL LAW E

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law E (2006), to be designated Local Law 5 (2006) upon its adoption, providing for (a) an amendment to Section 145-3 (entitled "Terms defined") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to revise the meaning of the term "Buffer Strip" to include references to the Human Health Services District; and (b) an amendment to Section 145-24 (entitled "Buffer strips") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to provide for certain modifications to the requirements and criteria governing buffer strips and the approval thereof by the Village of Lansing Planning Board, such modifications being intended to (i) extend the availability of the use of a variable width buffer strip to the Research District and Human Health Services District in addition to the Commercial Low Traffic District, (ii) clarify certain terms and provisions governing the review and approval process by the Planning Board and eliminate redundancies related thereto, (iii) create greater flexibility and discretion in the Planning Board with respect to its determinations in a case by case basis, including the consideration and granting of waivers of and modifications to the requirements and criteria otherwise applicable, and (iv) provide for minor corrections to the existing text; 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 August 21, 2006, 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 O'Neill moved this resolution. Trustee Moore seconded the motion. A vote was taken:

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

Resolution #5271- Adoption of Proposed Local Law E as Local Law 5 (2006)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law E (2006), to be designated Local Law 5 (2006) upon its adoption, providing for (a) an amendment to Section

145-3 (entitled "Terms defined") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to revise the meaning of the term "Buffer Strip" to include references to the Human Health Services District; and (b) an amendment to Section 145-24 (entitled "Buffer strips") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to provide for certain modifications to the requirements and criteria governing buffer strips and the approval thereof by the Village of Lansing Planning Board, such modifications being intended to (i) extend the availability of the use of a variable width buffer strip to the Research District and Human Health Services District in addition to the Commercial Low Traffic District, (ii) clarify certain terms and provisions governing the review and approval process by the Planning Board and eliminate redundancies related thereto, (iii) create greater flexibility and discretion in the Planning Board with respect to its determinations in a case by case basis, including the consideration and granting of waivers of and modifications to the requirements and criteria otherwise applicable, and (iv) provide for minor corrections to the existing text; and

- B. The Village of Lansing Planning Board has (i) performed a thorough review of the proposed action, (ii) reviewed Proposed Local Law E (2006), and (iii) referred such Proposed Local Law E (2006) to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On July 17, 2006, the Village of Lansing Board of Trustees preliminarily reviewed Proposed Local Law E (2006), discussed its purposes and intent, and thereupon scheduled a public hearing thereon for August 7, 2006; and
- D. On August 7, 2006, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law ED (2006) as 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;
- E. On August 21, 2006, 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 August 21, 2006, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law E (2006) as 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:

1. The Village of Lansing Board of Trustees hereby adopts Proposed Local Law E (2006), to be designated Local Law 5 (2006).

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

Deputy Mayor Larry Fresinski-Aye
O'Neill-Aye

Trustee Frank Moore- Aye
Trustee Lynn Leopold-Aye

Trustee John

The following is a copy of Local Law 5, 2006:

AMENDMENT TO VILLAGE OF LANSING CODE - ZONING LAW BUFFER STRIP REQUIREMENTS

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

SECTION I. PURPOSE & INTENT.

It is the purpose and intent of this local law to:

- (a) amend Section 145-3 (entitled "Terms defined") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to revise the meaning of the term "Buffer Strip" to include references to the Human Health Services District; and
- (b) amend Section 145-24 (entitled "Buffer strips") of Chapter 145 (entitled "Zoning") of the Village of Lansing Code so as to provide for certain modifications to the requirements and criteria governing buffer strips and the approval thereof by the Village of Lansing Planning Board, such modifications being intended to (i) extend the availability of the use of a variable width buffer strip to the Research District and Human Health Services District in addition to the Commercial Low Traffic District, (ii) clarify certain terms and provisions governing the review and approval process by the Planning Board and eliminate redundancies related thereto, (iii) create greater flexibility and discretion in the Planning Board with respect to its determinations in a case by case basis, including the consideration and granting of waivers of and modifications to the requirements and criteria otherwise applicable, and (iv) provide for minor corrections to the existing text.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

A. Chapter 145 (entitled "Zoning"), Section 145-3 (entitled "Terms defined") of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

Buffer strip – Land within a Commercial, Research, Business and Technology or Human Health Services District designated as a transition area where such district is contiguous with a Residential District. The purpose of the buffer strip is to screen a Residential District from any objectionable noise and visual impacts on the adjoining Commercial, Research, Business and Technology or Human Health Services District.

B. Chapter 145 (entitled "Zoning"), Section 145-24 (entitled "Buffer strips") of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

§ 145-24. Buffer strips.

- A. Where a Residential District abuts either a Commercial, Research, Business and Technology or Human Health Services District, a buffer strip will be established contiguous to the district boundary and wholly within the Commercial, Research, Business and Technology or Human Health Services District as hereafter provided.
- B. Where a Residential District abuts a Commercial Low Traffic, Research or Human Health Services District, the buffer strip shall be seventy-five (75) feet wide, except that a variable width buffer strip may be employed as provided in Subsections E, F and G of this section.
- C. Where a Residential District abuts a Commercial High Traffic or Business and Technology District, the buffer strip shall be one hundred fifty (150) feet wide.
- D. In any event that a proposed development would be required to satisfy the requirements of this § 145-24, then the developer of the subject nonresidential site must obtain the Planning Board's approval of the landscape plan, including a description of the configuration and content of the buffer strip, for the nonresidential development, prior to obtaining a building permit for all or any

part of the development. Any development or improvements, including parking facilities, shall be expressly prohibited in the buffer strip except where such development or improvements are for landscaping, walkways, bikeways, underground utilities, drainage facilities or establishing vegetative growth on the property. The buffer strip shall be designed, planted, graded or developed with the general guideline that the closer a nonresidential use or activity is to a property line or the more intense the use, the more effective the buffer must be in obscuring light and visibility and reducing noise beyond the nonresidential lot. The location of the plantings in the buffer strip should optimize the screening capability of the plantings by utilizing the topography of the site, and should take into consideration the views from and into neighboring Residential Districts. Within the buffer strip, the developer of the nonresidential site shall, at the developer's expense, install a screen of plantings designed, at a minimum, to obscure year round the visibility from the Residential District of the development on the nonresidential site. The determination of whether the screening of the development on the nonresidential site is sufficient shall be based upon the view at eye-level from the setback line or lines of the residential properties paralleling the boundary or boundaries between the properties involved. The developer shall complete the buffer strip in accordance with the landscape plan approved by the Planning Board, and the buffer strip shall satisfy the following criteria:

- (1) The developer shall install within the buffer strip evergreens equal in number to one (1) for every six (6) feet of boundary between the subject nonresidential site and any adjacent Residential District(s). These evergreens shall be Eastern White Spruce, Douglas Fir or an equivalent, approved by the Planning Board as part of the Planning Board's approval of the landscape plan for the site, and shall be at least six (6) feet in height at the time of planting. Where possible, the evergreen trees are to be either staggered or planted in naturalistic groupings, thereby providing the maximum obtainable screening.
- (2) In addition to the requirements for evergreens stated in Subsection D(1) above, the developer shall install within the buffer strip deciduous trees and shrubs equal in number to fifty percent (50%) of the number of evergreens required. At least one-half (1/2) of these deciduous plants shall be two-inch-caliper to three-inch-caliper trees. All shrub plantings shall be two (2) to three (3) feet tall container-grown, or three (3) to four (4) feet tall bare root deciduous shrubs.
- (3) Existing trees may be used to fulfill the requirements of Subsections D(1) and (2) above if and only if their size, type and location are approved by the Planning Board as part of its approval of the landscape plan for the site. Where there exists natural screening within the buffer strip, the natural screening should be preserved and used to the greatest extent feasible. Existing vegetation that is approved to fulfill these requirements must be protected with a snow fence or similar structures during construction of the nonresidential development as directed by the Village Code Enforcement Officer.
- (4) At its sole discretion, the Planning Board may permit plantings to be placed outside of the buffer strip to be counted toward fulfillment of the requirements of Subsections D(1) and (2) above, and may reduce the required number of six-foot-tall or two-inch-caliper to three-inch-caliper trees in consideration for the substitution of larger trees or decorative fencing where to do so will increase the screening capability of the landscaping.
- (5) The design of the buffer strip and the plantings to be installed therein shall be practical to maintain in a slightly condition; plant species shall be chosen for their suitability to the site and climate, as well as their resistance to deer and other animals, so that they can be maintained in a healthy condition.
- (6) The Planning Board shall have the authority to approve, a landscape plan that includes reasonable variations from the requirements of Subsections D(1) through (5) above, provided that the developer has demonstrated to the satisfaction of the Planning Board that such variations shall produce screening that is no less effective than would be produced if these requirements were satisfied without such variations. In the event that the Planning Board so approves such a plan, then the requirements of such approved plan shall supersede and shall be imposed in lieu of any requirements of Subsections D(1) through (5) above that vary from such plan.

- (7) The landscape plan, and the buffer strip forming an element thereof, shall satisfy or conform to each of the general conditions for issuance of a Special Permit, as set forth in § 145-59E of this chapter, to the extent that such general conditions are applicable to a landscape plan or buffer strip.
- E. Purpose of variable width buffer strip. To introduce additional flexibility in the siting of permitted land uses in the Commercial Low Traffic, Research and Human Health Services Districts without changing or increasing the intensity of land use activities that would otherwise be permitted in the such Districts, and to encourage innovative site plans that will provide an attractive environment, a variable width buffer strip may be employed between such Districts and the abutting Residential District subject to the provisions of Subsections F and G of this section. If a variable width buffer strip is applied for, the buffer strip provisions of Subsection B above, as they would otherwise apply to the Commercial Low Traffic, Research or Human Health Services Districts, are hereby replaced by the approval process and requirements provided for in Subsections F and G below; however, in no case may the buffer strip width be reduced to less than twenty-five (25) feet.
- F. Procedure for variable width buffer strip.
 - (1) The applicant seeking approval of a variable width buffer strip must submit and file at least two (2) site plans to the Village Clerk at least twelve (12) days prior to the regular monthly business meeting of the Planning Board. One (1) site plan shall be prepared with the standard buffer strip required in Subsection B; one (1) or more site plans shall be prepared with the variable width buffer strip plans for which the applicant seeks approval. The site plans for both the standard buffer strip and the proposed variable width buffer strip(s) must include:
 - (a) The total area of enclosed floor space for all existing improvements and/or improvements to be constructed.
 - (b) The total existing and/or proposed parking and loading areas and total number of existing and/or proposed parking spaces.
 - (c) The total existing and/or proposed lot area in impervious surface.
 - (2) The Planning Board must conduct a public meeting and publish and post notice thereof in accordance with the provisions of § 145-59D(3) governing Special Permit approval. In addition thereto, the applicant seeking approval of a variable width buffer strip shall send by mail to all owners of Village property contiguous to the boundaries of the property for which variable width buffer strip approval is being sought written notice of the public meeting of the Planning Board at which such application is to be heard. Such notice shall state the nature of the application for such variable width buffer strip approval, the time and place of the public meeting and such additional information as shall be required by the Village Zoning Officer. Such notice shall be mailed no less than five (5) days prior to the scheduled public meeting. Proof of such mailing shall be filed with the Planning Board prior to or at the time of the scheduled public meeting.
 - (3) In making its review and rendering its decision as to whether such variable width buffer strip shall be approved, the Planning Board must make findings as to the criteria and requirements set forth in Subsection G below. If a site plan including the requested variable width buffer strip is approved by the Planning Board, the Zoning Officer shall be authorized to issue any permits to which the applicant is entitled when all other applicable requirements have been completed. If the site plan including the requested variable width buffer strip is not approved by the Planning Board and its approval is therefore limited to only the site plan with the standard buffer strip, the Zoning Officer shall likewise be authorized to issue any permits to which the applicant is entitled when all other applicable requirements have been completed.
- G. Variable width buffer strip criteria and requirements. Except as otherwise provided in Subsection J below, approval of a variable width buffer strip shall not be granted by the Planning Board unless the approved site plan with the requested variable width buffer strip meets the following requirements and criteria. The Planning Board may employ professional assistance in evaluating the compliance of the proposed variable width buffer strip plan with these criteria and requirements.
 - (1) The variable width buffer strip must be judged as equally effective and sufficient in

screening the residential side of the buffer strip from noise, glare, visual obtrusiveness and any other undesirable externality of the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District as would result from the standard buffer strip imposed by the requirements in Subsections B and D above.

- (2) The site plan(s) with the requested variable width buffer strip must show that the total area of enclosed floor space, total parking and loading area and number of parking spaces and total lot area in impervious surface in each instance do not exceed those of the submitted site plan with the standard buffer strip.
- (3) The site plan presented with the standard buffer strip must be judged approvable in all respects, including the density of landscaping, suitability of plantings and/or fences and location of all other improvements included in the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District involved.
- (4) The variable width buffer strip shall have a minimum width of twenty-five (25) feet and need not have a greater width than seventy-five (75) feet and need not be the same width along its entire length.
- (5) Any and all requirements of Subsection D above have been complied with.
- (6) Any and all other conditions and/or requirements for any Special Permit required for the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District have been complied with.

H. Phased installation. The Village Planning Board may permit the plantings in the buffer strip to be installed in phases, over a stated time period, as part of the Planning Board's approval of the landscape plan for the site. If phased installation is permitted, the developer shall be entitled to receive and hold only a temporary certificate of occupancy for the development and therefore shall be required to fulfill the requirements of § 145-57G(3) of this chapter, including, but not limited to, the delivery of a performance guarantee and financial security acceptable to the required Village representatives.

I. Maintenance of buffer strip. The owner of the nonresidential site(s) upon which all or any part of the buffer strip(s) is (are) located shall be obligated, at the owner's expense, to maintain and/or replace all plantings installed in the buffer strip as required in accordance with the terms of this § 145-24 in perpetuity. In any event that the owner fails to properly maintain and/or replace such plantings, the Village Code Enforcement Officer may take such action to enforce the terms of this Subsection I as is authorized by applicable law, including but not limited to such action as is authorized in accordance with Article VIII of this chapter.

J. Waivers and Modifications. Notwithstanding any terms or provisions to the contrary set forth above, upon finding that the developer of a particular project has properly demonstrated that special circumstances of such project warrant certain waivers of and/or modifications to the requirements and criteria otherwise applicable under this Section 145-24 and that such waivers and/or modifications will not undermine the purpose and intent of such requirements and criteria, the Planning Board, consistent with its overall discretion and authority to approve buffer strip landscaping plans and variable width buffer strips as provided above, shall have the further authority in its sole discretion to waive and/or modify such requirements and criteria (with appropriate conditions if deemed necessary) in making its final determinations; provided, however, that under no circumstances shall the Planning Board have the authority to approve a buffer strip or variable width buffer strip with a width less than that required under Subsections B, C and E above. The Planning Board may employ professional assistance in evaluating the appropriateness of any such waivers of and/or modifications to such criteria and requirements.

SECTION III. SUPERCEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superceded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective upon (i) its filing in the office of the Secretary of State and (ii) ten (10) days after publication and posting as required by law; provided, however that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Larry stated that on September 6th there is a meeting with Sevanna Park to take a look at the entrance wall that will be going in as part of the N. Triphammer Rd. project. Kathryn Wolfe will get pictures of similar walls to show at the presentation. The 8-foot wall looks large from their perspective. Larry stated that they will also paint the ground to show where the wall will be. This blue stone wall has been in the plans all along.

Jodi stated that after reviewing the minutes from last Thursday's meeting she wanted to help answer a couple of questions that came up. John had suggested that we compare pricing between Mobil and Andree Petroleum. Jodi stated that Mobil does not sell diesel and the Andree Petroleum bill represents a mix that is delivered to our tanks here to be used in our backhoe and skidster. Another issue was the Stormwater Coalition resolution. Jodi had called Kathy Wilsea to find out what this was about but was unable to speak with her. Lynn stated that it is a proposed inter-municipal agreement that has been revised by the Town of Ithaca. Jodi will try to get a final copy from Kathy to send to the Board to review. Dubow stated that this started out as somewhat of an informal agreement, which when it came to the Village, had been already subject to two separate reviews and revisions by the Towns of Dryden and Ithaca. It was concluded at that time that the Village did not want Dubow to spend additional time on a further review. Lynn stated that the Town of Ithaca has agreed to be the repository for the annual fees to be paid by the municipalities that are parties to the Agreement. It was explained that the group to be organized has already been awarded State funding. Lynn thought that we had previously passed a resolution that authorized the Mayor to sign this Agreement, but Dubow indicated that he believed the previous resolution only endorsed the idea of a coalition and authorized the Village to join the proposed group, but did not specifically authorize the execution of the Agreement since it had not yet been finalized. It was agreed that Jodi would contact Kathy Wilsea and request a final Agreement for the Board's consideration. Lynn informed the Board that the coalition would be starting to work on the by-laws in September. She indicated that the present terms of the Agreement provide that once the municipalities involved complete the process of formally adopting local rules and regulations, the organization's existence will end unless the parties agree otherwise.

Jodi also informed the Board that John Bailey returned her call regarding the insurance coverage on the equipment next door that the Village believed was insured by the Southern Cayuga Lake Intermunicipal Water Commission. He was under the assumption that we were getting the information, not him. He has called Selective Insurance but hasn't heard back from them. Jodi called Paul at Bolton Point and confirmed that they do have insurance coverage on the equipment next door.

John O'Neill asked if we are still on track with respect to the timetable for final paving on the North Triphammer Road Project. Larry indicated that as far as we know there have been no changes. O'Neill also asked if there were still bike lanes planned. Larry confirmed that they are still planned. Lastly, O'Neill asked if we have a vendor's law regarding door to do vendors. Dubow indicated that he didn't think that we did. The Board discussed soliciting. Frank suggested unless we have significant public objection or concern, we should not do anything.

Motion- To Adjourn

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

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

The meeting adjourned at 8:30PM.

Dake

Jodi
Clerk/Treasurer