

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, July 2, 2007, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:36 P.M. and opened the public comment period. There were no comments.

Motion-To Close the Public Comment Period

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

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

John Bailey of the George B. Bailey Insurance Agency was present to give his annual brief summary of the Village's insurance coverage. He provided the following written summary:

VILLAGE OF LANSING  
COVERAGE DESCRIPTIONS

PROPERTY

Coverage will continue to be written, for both building and contents, on a blanket replacement value basis in the amount of \$1,460,370. This means that \$1,460,370 would be available to replace any structure and its contents, listed in the policy. By providing coverage in this manner, the Village would be assured of having enough coverage to replace any structures and contents, owned by the Village. A property deductible is \$1,000 per occurrence.

Coverage is provided for any direct physical loss to buildings or contents, subject to specific standard exclusions in the policy, i.e. Flood, Earthquake, Law or Ordinance, etc.

GENERAL LIABILITY

The Commercial General Liability policy provides liability coverage for Bodily Injury and Property Damage arising out of the operations of the Village. It also covers the existence hazards of streets and roads that the Village is responsible for maintaining.

The premium is based upon the expenditures in the budget and the road miles that the Village is responsible for maintaining. John explained that the Village is only negligent if the clerk has received a written notice of problem and nothing is done about it after the Village was made aware of the problem.

AUTOMOBILE

The Automobile policy covers all owned, non-owned and hired automobiles used by the Village. A coverage amount of \$1,000,000 is provided for Bodily Injury and Property Damage liability. Collision and Comprehensive are provided on the 2005 Chevrolet and 2007 Chevrolet with \$250 deductibles.

CONTRACTORS EQUIPMENT FLOATER

(Inland Marine Coverage)

This policy covers contractor's equipment owned by the Village. It includes such items as lawn mowers, backhoes, tractors and larger vehicles like dump trucks. The deductible applicable to losses on this policy is \$250 per occurrence.

UMBRELLA

The Umbrella policy provides excess liability coverage of \$3,000,000 over the primary limits of liability on the General Liability, Public Officials Liability and Automobile Liability. This combines to provide the Village a total of \$4,000,000 of coverage for any judgments related to the above policies. The Village increased the coverage amount from \$1,000,000 to \$3,000,000 in 1999.

BOILER & MACHINERY

The policy covers a wide range of equipment including breakdown of such things as mechanical or electrical equipment, boilers and pressure vessels, air conditioning and refrigeration equipment, computer and communication systems.

OWNERS & CONTRACTORS PROTECTIVE LIABILITY (OCP)

An OCP policy is provided in the amount of \$1,000,000 for special hauling and work permits required by the State of New York and Tompkins County.

### PUBLIC OFFICIALS LIABILITY

This policy covers Village Officials for civil claim or claims first made against the Town because of a “wrongful act” rendered in discharging their duties on behalf of the Town. A “wrongful act” means any alleged or actual breach of duty, or violation of federal, state, or local civil rights, by an insured while acting within the scope of his/her duties as a public official. A \$2,500 deductible applies per claim.

### CRIME COVERAGE

This coverage protects the Village for the dishonest acts of its employees. \$50,000 of coverage is provided per employee should they be involved in stealing property or money from the Village. An additional \$7,500 of coverage is applicable to those individuals occupying the position of Mayor and Village Clerk. \$35,000 of additional coverage is applicable to the person occupying the position of Tax Collector. A \$250 deductible applies to this policy.

The Board wondered if this amount was high enough. John will get back to the Village as to the cost to increase it.

### SELECTIVE INSURANCE COMPANY PREMIUM SUMMARY

COVERAGE	2006-2007	2007-2008
General Liability	\$6,440	\$6,508
Automobile	\$2,450	\$2,490
Inland Marine	\$518	\$600
Property	\$2,708	\$2,442
Umbrella	\$3,250	\$3,329
OCP (Owners and Contractors Protective)	\$255	\$255
Crime (Fidelity, Forgery, Money & Securities)	\$100	\$107
Public Officials Liability	\$3,443	\$3,429
Boiler & Machinery	INCL.	INCL.
<b>TOTAL ANNUAL PREMIUM</b>	<b>\$19,164</b>	<b>\$19,160</b>

John stated that he is confident in the Village’s insurance carrier and the amount of coverage we have. He explained that we are presently in a soft market so rates are flat or have even lowered slightly. He appreciates the fact the Village staff keeps him informed.

John O’Neill asked John Bailey to look into insurance issues relating to FEMA Flood Coverage and a controlled bow hunt of deer being contemplated by the Village Board. John Bailey agreed to obtain and provide some additional information regarding coverages and premiums.

The next item on the agenda was to discuss the Sewer Memorandum of Understanding. Mayor Hartill reported that he met with Steve Farkas, Town of Lansing Supervisor, and the outcome of their meeting was to wait for legal counsel to research the issue of the ownership of new sewer lines proposed to be installed by the Town in the Village. David Dubow stated that he had in fact spoken with the Town’s attorney and his sense is that the Town is agreeable to joint ownership arrangement. He explained that ownership would need to be based in large part on capital contributions made by the respective municipalities and would be subject to a “proportionality” standard that might also include usage of the new infrastructure by the Village and Town. David briefly explained the restrictions provided for in the New York State Constitution as to governmental entities providing benefits to other public entities or private parties without proper consideration in return, and the effect of those restrictions on the allocation of ownership of the sewer infrastructure under consideration. David also reported that he and the attorney for the Town talked about the creation of a commission or comparable entity similar to what is in place with respect to public water service. It was acknowledged that the Village continues to be concerned that proper maintenance of sewer lines and related equipment be properly done. The Mayor indicated that if the Village wished to acquire full ownership of the Town’s proposed sewer infrastructure in the Village it would cost \$2 million. He indicated further that the question is whether it is important to have full ownership. Frank expressed concern as to the Town undertaking the required maintenance and remediation responsibilities. Dubow assured Frank that any agreement between the Village and Town would include provisions providing protection to the Village on this issue and that such an agreement would have specific provisions as to maintenance and other obligations. It was acknowledged that a commission properly and fairly created could be used as a means to make these decisions. Mistrust is an issue. Frank feels we are perceived as unreasonable in the Town’s eyes. David stated that this can be somewhat common in situations like this. Frank stated that he is interested in the protection of the Village. Don stated that we must deal with specifications of the design. Operational boundaries have to be met and this needs to be specified in a contract. Legally it is not unreasonable to have a portion of ownership. Larry feels that specifications would be better than ownership. The challenge will be for the Town and Village to agree on fair and appropriate joint ownership. Don feels there should be a 50-50 Commission for decision-making. Don stated that as far as ownership, we are only talking about the lines that are jointly used and ownership in proportion to use. He estimated those ownership interests as 10% of the forced main and 50% of the gravity line. Frank feels that the Mayor has changed his direction from total ownership to partial ownership.

The next item on the agenda was to consider proposed Local Law B (2007). David Dubow had previously sent Jodi an e-mail with all of the draft documents, all of which were provided to the Board members for their review prior to tonight's meeting.

In light of the General Municipal Law Section 239 -l and -m response received from the County Planning Department and the findings and recommendation included in that response, David indicated that he had suggested to Ben Curtis and Ned Hickey that the Village Planning Board review the County's response, and then update their recommendation to the Board of Trustees regarding Proposed Local Law B. The Planning Board did in fact have a somewhat lengthy discussion at their last meeting. It was ultimately determined that the County's concern was in some respects well-founded. However, rather than modifying the proposed amendment as suggested by the County, the Planning Board concluded that the amendment in question (granting to the Village Engineer the authority to waive special permit approval and environmental review requirements in limited steep slope use cases) should be eliminated entirely, thereby leaving the current Zoning Law provision in place requiring special permit approval and environmental review by the Planning Board for all uses on parcels subject to steep slope combining district classification. Accordingly, on the assumption that the Board of Trustees would concur with the Planning Board's latest recommendation, David had modified Proposed Local Law B as required (leaving only the amendment to sub clause 2 of Village Code subsection 145-48C providing for a more accurate and clarified description of Steep Slope Combining District boundaries), and has also modified the draft approval resolution to reflect (i) the Board's review and consideration of the County response and the Planning Board's recommendation, (ii) the Board's determination to modify the original Proposed Local Law, and (iii) the Board's further determination that the modification to the Proposed Local Law is not deemed "substantial." He explained that the purpose of the non-substantial characterization of the modification is to avoid the need to go through an entirely new review process (with another public hearing) for this Proposed Local Law B. There is some authority in New York that such a new review process is required if the Board determines that the changes to the original Proposed Local Law are in fact "substantial." Given that the change in this case is to simply leave the current Village Code provision (subsection 145-48B) in place without revision, David indicated that he is quite comfortable in having the Board take the position that doing so does not constitute a "substantial" change to Proposed Local Law B. Since the change is in essence to make no change to the current provision, it would obviously appear to be impractical and unnecessary to have a new public hearing on leaving an existing Village Code provision unchanged. Obviously, it is ultimately the Board's decision as to whether they want to modify the Proposed Local Law as recommended by the Planning Board (based upon the County's comments), and whether or not they deem the modification to be "substantial."

The Board reviewed and completed the SEQR Short EAF Part II and made a negative declaration. The following SEQR resolution was presented:

Resolution #5359 - SEQR Review for Proposed Local Law B (2007)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2007), to be designated Local Law 3 (2007) upon its adoption, to amend (i) subsection 145-48B of Section 145-48 [entitled "Conservation Combining District (CC)] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code, and (ii) sub clause (2) of subsection 145-48C [entitled "Dimensions and boundaries; see Zoning Map"] of Section 145-48 [entitled "Conservation Combining District (CC)] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code so as to provide a more accurate and clarified description of the dimensions and boundaries of those areas of the Village of Lansing that are to be deemed included as part of one or more Steep Slope Conservation Combining Districts within the Village of Lansing, and so as to further provide for those instances when Special Permit approval and environmental review by the Planning Board are not required for a proposed use in a Steep Slope Conservation Combining District within the Village of Lansing; 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 July 2, 2007, 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.

John 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

Frank commented that he thinks that the new “steep slope” language could be clearer. Larry reiterated that the language being used is the same language used by the Tompkins County Planning Department. David Dubow explained that Ben was comfortable with their formula and that the County had super-imposed the steep slope areas on our Village Zoning Map. It was suggested that Frank speak with the County. Frank feels it is not a big deal to change the language if that is what it means. He just feels that it is unnecessarily confusing. Larry indicated that he likes Frank’s clarification but thinks we should have the same language as the County. The Board decided that the sheet that frank prepared will be attached to the official minutes for clarification. Larry feels that Frank’s concerns should also be forwarded to the County.

#### Resolution #5360-To Adopt Proposed Local Law B as Local Law 3(2007)

#### **WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2007), to be designated Local Law 3 (2007) upon its adoption, to amend (i) subsection 145-48B of Section 145-48 [entitled “Conservation Combining District (CC)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, and (ii) sub clause (2) of subsection 145-48C [entitled “Dimensions and boundaries; see Zoning Map”] of Section 145-48 [entitled “Conservation Combining District (CC)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code so as to provide a more accurate and clarified description of the dimensions and boundaries of those areas of the Village of Lansing that are to be deemed included as part of one or more Steep Slope Conservation Combining Districts within the Village of Lansing, and so as to further provide for those instances when Special Permit approval and environmental review by the Planning Board are not required for a proposed use in a Steep Slope Conservation Combining District within the Village of Lansing; and
- B. The Village of Lansing Planning Board has (i) performed a thorough review of the proposed action, (ii) reviewed Proposed Local Law B (2007), and (iii) referred such Proposed Local Law B (2007) to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- C. On April 16, 2007, the Village of Lansing Board of Trustees preliminarily reviewed Proposed Local Law B (2007), discussed its purposes and intent, and thereupon scheduled a public hearing thereon for May 7, 2007; and
- D. On May 7, 2007, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law B (2007) 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; and
- E. On July 2, 2007, 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 July 2, 2007, the Village of Lansing Board of Trustees acknowledged receipt of (i) the response (including findings and recommendations) from the Tompkins County Department of Planning with respect to its review of Proposed Local Law B (2007) pursuant to Section 239 – l and –m of the General Municipal Law and (ii) the revised recommendation form the Village Planning Board following that Board’s consideration of the County Section 239 – land –m response, which recommendation is to eliminate that portion of Proposed Local Law B (2007) that provides for an amendment to Subsection 145-58B of the Village Code permitting the Engineer for the Village, upon his or her determination that a proposed use in a Steep Slope Conservation Combining District will not cause any adverse environmental impact, to

waive the otherwise applicable requirement for Special Permit approval and environmental review by the Planning Board for such proposed use; and

G. On July 2, 2007, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law B (2007) as originally recommended by the Village Planning Board, (ii) the response (including findings and recommendations) from the Tompkins County Department of Planning with respect to its review of Proposed Local Law B (2007) pursuant to Section 239 – 1 and –m of the General Municipal Law, (iii) the modified recommendation by the Village Planning Board, (iv) all issues raised during the public hearing and/or otherwise raised in the course of the Board’s deliberations, and (v) all other information and materials rightfully before the Board; and

H. On July 2, 2007, based upon its foregoing review, the Village of Lansing Board of Trustees determined that Proposed Local Law B (2007), if to be approved, should be modified in light of the foregoing response from the Tompkins County Department of Planning and the updated recommendation of the Village Planning Board, thereby further determining that such modification to Proposed Local Law B (2007) eliminating one of the proposed amendments to the Village Zoning Law Steep Slope Combining District provisions (resulting in no modification to the provision in question) is not a substantial change;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOW:**

- 1. The Village of Lansing Board of Trustees hereby adopts the attached Proposed Local Law B (2007), as revised, to be designated Local Law 3 (2007).

Trustee O’Neill moved to Adopt Local Law 3 (2007). 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 following is a copy of Local Law 3 (2007):

**AMENDMENT TO VILLAGE OF LANSING CODE - ZONING LAW / STEEP SLOPE CONSERVATION COMBINING DISTRICT PROVISIONS**

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 sub clause (2) of subsection 145-48C [entitled “Dimensions and boundaries; see Zoning Map”] of Section 145-48 [entitled “Conservation Combining District (CC)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code so as to provide a more accurate and clarified description of the dimensions and boundaries of those areas of the Village of Lansing that are to be deemed included as part of one or more Steep Slope Conservation Combining Districts within the Village of Lansing.

**SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.**

Sub clause (2) of subsection 145-48C [entitled “Dimensions and boundaries; see Zoning Map”] of Section 145-48 [entitled “Conservation Combining District (CC)”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

- (2) The Steep Slope Conservation Combining District includes all lots that contain slopes of greater than fifteen percent (15%) based upon a USGS DEM (digital elevation model) which interpolates values between 20' contours calculated within a 33.3' grid cell, as delineated on the Zoning Map.**

**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 superseded to the extent necessary to give this local law full force and effect.

**SECTION IV. VALIDITY.**

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

**SECTION V. EFFECTIVE DATE.**

This Local Law shall be effective upon (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 on the agenda was to consider Proposed Local Law C (2007), Amendment To Village of Lansing Code-Zoning Law/Conservation Combining District SEQR and Environmental Review Provisions. David reported that the County had no comments on this proposed law.

The Board reviewed and completed the SEQR Short EAF Part II and made a negative declaration. The following SEQR resolution was presented:

Resolution #5361-SEQR Review of Proposed Local Law C (2007)

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2007), to be designated Local Law 4 (2007) upon its adoption, to amend Section 145-37 [entitled "Environmental Review"]of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code, (ii) Section 145-60.1 [entitled "Compliance with State Environmental Quality Review Act"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code, and (iii) subclasses (1), (2) and (3) of subsection 145-61B [entitled "Special Permits in Conservation Combining District"] of Section 145-61 [entitled "Special Permits in combining districts"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code, so as to provide in each case clarification as to the applicability of the State Environmental Quality Review Act (SEQRA) or other local environmental review procedures on the granting of Special Permits, including those for uses within a Drainage way Conservation Combining District, a Steep Slope Conservation Combining District and/or a Unique Natural Area Conservation Combining District; 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 July 2, 2007, 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 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

Resolution #5362- To Adopt Proposed Local Law C as Local Law 4 (2007)

**WHEREAS:**

- I. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law C (2007), to be designated Local Law 4 (2007) upon its adoption, to amend Section 145-37 [entitled "Environmental Review"]of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code, (ii) Section 145-60.1 [entitled "Compliance with State

Environmental Quality Review Act”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, and (iii) subclauses (1), (2) and (3) of subsection 145-61B [entitled “Special Permits in Conservation Combining District”] of Section 145-61 [entitled “Special Permits in combining districts”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, so as to provide in each case clarification as to the applicability of the State Environmental Quality Review Act (SEQRA) or other local environmental review procedures on the granting of Special Permits, including those for uses within a Drainage way Conservation Combining District, a Steep Slope Conservation Combining District and/or a Unique Natural Area Conservation Combining District; and

- J. The Village of Lansing Planning Board has (i) performed a thorough review of the proposed action, (ii) reviewed Proposed Local Law C (2007), and (iii) referred such Proposed Local Law C (2007) to the Village of Lansing Board of Trustees with a recommendation for its approval; and
- K. On April 16, 2007, the Village of Lansing Board of Trustees preliminarily reviewed Proposed Local Law C (2007), discussed its purposes and intent, and thereupon scheduled a public hearing thereon for May 7, 2007; and
- L. On May 7, 2007, the Village of Lansing Board of Trustees held a public hearing regarding this proposed action, and thereafter discussed and reviewed (i) Proposed Local Law C (2007) 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; and
- M. On July 2, 2007, 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
- N. On July 2, 2007, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law C (2007) 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 the attached Proposed Local Law C (2007), to be designated Local Law 4 (2007).

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

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

The following is Local Law 4 (2007):

**AMENDMENT TO VILLAGE OF LANSING CODE - ZONING LAW / CONSERVATION COMBINING DISTRICT SEQR AND ENVIRONMENTAL REVIEW PROVISIONS**

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:

- (i) Section 145-37 [entitled “Environmental Review”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code,
- (ii) Section 145-60.1 [entitled “Compliance with State Environmental Quality Review Act”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, and
- (iii) subclauses (1), (2) and (3) of subsection 145-61B [entitled “Special Permits in Conservation Combining District”] of Section 145-61 [entitled “Special Permits in combining districts”] of Chapter 145 [entitled “Zoning”] of the Village of Lansing Code, so as to provide in each case clarification as to the applicability of the State Environmental Quality Review Act (SEQRA) or other local environmental review procedures on the granting of Special Permits, including those for uses within a Drainage way Conservation Combining District, a Steep Slope Conservation Combining District and/or a Unique Natural Area Conservation Combining District.

SECTION II. AMENDMENT TO THE VILLAGE OF LANSING CODE.

- A. Section 145-37 [entitled "Environmental Review"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**§ 145-37. Environmental review.**

**An environmental review may be required before issuance of any building land use permit or Special Permit, in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA), or in the event that the proposed action is exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145 for the purpose of determining whether the proposed action will have any significant adverse environmental impacts.**

- B. Section 145-60.1 [entitled "Environmental Review"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**§ 145-60.1. Compliance with State Environmental Quality Review Act.**

**The Board authorized to consider the Special Permit application shall comply with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA), or in the event that the proposed action is exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145 for the purpose of determining whether the proposed action will have any significant adverse environmental impacts.**

- C. The introductory sentence of sub clause (1) of subsection 145-61B [entitled "Special Permits in Conservation Combining District"] of Section 145-61 [entitled "Special Permits in combining districts"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**(1) Special conditions for Drainage way Conservation Combining District. Drainage way Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has satisfied the requirements of its own independent environmental review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts.**

- D. The introductory sentence of sub clause (2) of subsection 145-61B [entitled "Special Permits in Conservation Combining District"] of Section 145-61 [entitled "Special Permits in combining districts"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**(2) Special conditions for Steep Slope Conservation Combining District. Steep Slope Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has satisfied the requirements of its own independent environmental review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts.**

- E. The introductory sentence of sub clause (3) of subsection 145-61B [entitled "Special Permits in Conservation Combining District"] of Section 145-61 [entitled "Special Permits in combining districts"] of Chapter 145 [entitled "Zoning"] of the Village of Lansing Code is hereby amended so as to read in its entirety as follows:

**(3) Special conditions for Unique Natural Area Conservation Combining District. Unique Natural Area Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has satisfied the requirements of its own independent review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts.**

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.

Next on the agenda was the approval of minutes from June 4<sup>th</sup>, 14<sup>th</sup> & 18<sup>th</sup>, 2007. Jodi submitted a few budget transfer changes for the June 4<sup>th</sup> minutes which the Board agreed to. All sets of minutes have been reviewed by the Village Attorney and Trustees.

Motion - To Approve the Minutes from June 4<sup>th</sup>, 2007 as Amended.

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

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

Motion - To Approve the Minutes from June 14<sup>th</sup>, 2007.

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

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

Motion - To Approve the Minutes from June 18<sup>th</sup>, 2007.

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 Leopold seconded the motion. A vote was taken:

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

The Mayor had no additional comments.

During general discussion, David Dubow explained that as part of the subdivision approval granted by the Planning Board with respect to property of Jeffery C. Uotila, a condition was imposed at the recommendation of Brent Cross, the engineer for the Village, that the portion of the property between the centerline and southerly right of way line of Bush Lane be conveyed to the Village to confirm the Village's ownership of that portion of Bush Lane. Lynn asked if this would be an advantage to the property owner since he pays taxes on this. David stated that it is simply clarifying ownership.

The following proposed resolution was presented to the Board for its consideration:

Resolution #5363-Accept a Portion of Uotila's Property that is Part of Bush Lane

WHEREAS, the Village of Lansing Planning Board has approved a subdivision of property of Jeffrey C. Uotila, which property is 7.11 acres in size, fronts on Bush Lane, and is identified as Tax Parcel Number 45.2 -1-45.1; and

WHEREAS, the conditions of such subdivision approval provided for the transfer and conveyance to the Village of the portions of the property situated between the centerline of Bush Lane and the southerly right of way line of Bush Lane, such conveyance being intended to confirm the Village's claim of ownership of and title to such portion of Bush Lane; and

WHEREAS, the Village Board of Trustees wishes to confirm its willingness to accept the conveyance of such property;

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

1. The Village of Lansing hereby confirms its willingness to accept the transfer and conveyance by Jeffrey C. Uotila of the portions of his property (being identified as Tax Parcel Number 45.2 -1-45.1) situated between the centerline if Bush Lane and the southerly right of way line of Bush Lane, such conveyance being intended to confirm the Village's claim of

ownership of and title to such portion of Bush Lane, provided, however, that the conveyance and title and transfer documents related thereto are subject to the approval of the Village Attorney;

2. Upon such Village Attorney approval, the Mayor is hereby authorized to execute all required closing documents necessary to effectuate the intended transfer and conveyance of such property; and
3. Upon such Village Attorney approval, the Clerk/Treasurer is hereby authorized to issue payment for all required and customary expenditures associated with the intended transfer and conveyance of such property.

Trustee Leopold moved this resolution. 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

John O'Neill reported that the EEMA/flood insurance paperwork is being filled out. He also asked if we had chosen a representative for NIMS. Don stated that he still needs to contact the County to get some clarification but feels that John Courtney would be the best person to represent the Village since he has already completed most of the necessary courses.

John O'Neill reported that he continues to work on the permit for the controlled deer hunt. The permit process will start August 13<sup>th</sup>. The bow hunting season will be from September 27<sup>th</sup>-October 19<sup>th</sup>. He will be emailing more information to the Trustees. Don stated that we must also get an agreement with the property owner.

Frank stated that the next sewer meeting is July 11<sup>th</sup>. He raised the question as to what would be happening next. It was confirmed that further agreement would need to be reached with the Town on the matters earlier discussed. Don indicated that he would prepare a draft proposal.

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 9:25 PM.

Jodi Dake

Clerk/Treasurer