

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, May 19, 2008, in the Village Office.

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

Mayor Hartill called the meeting to order at 7:32 P.M. and opened the public comment period. Ned Hickey, Planning Board Chairman, gave a presentation on a possible request from Cornell University for a zoning change from Medium Density Residential (MDR) to Business & Technology (BTD) for a portion of their property on the east side of Warren Road and south of Route 13. Ned pointed out on a map that the area southeast of the Human Health District (HHD) that is currently zoned MDR would be added to an existing area zoned BTD and would be an extension of the currently developed Business and Technology Park. It was explained that based upon Cornell's 25 year build-out plan there could potentially be a total of 19 HHD and BTD buildings on the entire Cornell owned area in the Village east of Warren Road and south of Route 13. Ned's concern is that there is only one entrance to this area being Arrowwood Drive off of Warren Road. One problem may be where to put another road. With the area being bordered by Route 13 on the north, an area of wetlands to the east and the Town of Ithaca to the south, there aren't many options. One option would be to take it through the Town of Ithaca on the south side, but this would go into the Town's residentially zoned area. Ned can't recall why the piece of property that Cornell may be proposing for a zoning change was originally zoned MDR. The only thing that he can think of is because the Town of Ithaca may have wanted it. The Planning Board expects to get a zoning change proposal from Cornell next month and will presumably make a recommendation to the Board of Trustees after the Planning Board's full review. Ned just wanted to alert the Board of Trustees so that they would have time to think about it in advance. Lynn asked how many remaining parcels in the B&T Park can still be developed. Ned stated that there are 8 remaining parcels there, and that the Bomax property is also in the same category of potential BTD development. Larry stated that our practice in the past has been to not change the zoning in the residential areas. He also questioned why we ever made this area in question MDR. Ned stated that the Town of Ithaca has been informed of the proposed zoning change because it would affect them. Ned added that a portion of the adjoining area that is in the Town of Ithaca is currently under a building moratorium.

Motion-To Close the Public Comment Period

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

Mayor Donald Hartill- Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Larry Fresinski -Aye
Trustee Julie Baker-Aye

Motion-To Open the Public Hearing on Proposed Local Law B,
Amendment to Village of Lansing Code- Addition of Chapter 78
(Entitled “Village of Lansing Flood Damage Prevention Law”)

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

Mayor Donald Hartill- Aye	Trustee Larry Fresinski -Aye
Trustee John O’Neill-Aye	Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye	

David explained that Proposed Local Law B (2008) came about because it is necessary to have this law on the books for our residents to get Flood Insurance. It appears that before the Village was formed, this area, then being part of the Town of Lansing, was subject to a flood damage prevention law, but once the Village was formed, a new local law was never adopted. David has made some changes to the model law from NYSDEC so that it would go along with our codification and would accommodate certain local concerns and issues. Tompkins County Planning has reviewed the proposed law and has determined that it has no negative intercommunity or county-wide impacts. However, they did offer two comments and suggestions, both of which were not formal recommendations under General Municipal Law 239-1 and –m. Since they were not formal recommendations, and since the Board was hesitant to make changes to the proposed local law (already having been reviewed and approved by the NYS DEC), which law is based upon the NYS DEC model law, it was determined that the suggested revisions were not necessary or appropriate at this time.

Motion-To Close the Public Hearing on Proposed Local Law B

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

Mayor Donald Hartill- Aye	Trustee Larry Fresinski -Aye
Trustee John O’Neill-Aye	Trustee Julie Baker-Aye
Trustee Lynn Leopold-Aye	

The Mayor adjusted the agenda so that we could next have the engineer’s report. Dave Putnam handed out maps showing three typical sections for Dart Drive and a draft map for transfer of Northwood Road to the Village.

The Northwood Road draft map shows easements to maintain and where the road will be repaired or relocated. Certain existing trees and parking will be removed and/or relocated. Dave stated that the trees are too big for that area. Don will do a proposed Memorandum of Understanding between the Village and Integrated, the owners of the road property, and send it to David Dubow for his review. David stated that there are still many details to work out with Integrated.

On Dart Drive, it was explained that the plan is to have all roadside storm water covered from Warren Road to the bridge on Dart Drive. Mayor Hartill was concerned that once this project is completed it will look wider and encourage drivers to go faster. Don asked if speed tables were an option. Dave stated that they have them in the City of Ithaca and they are tearing them up. It is the snowplows that tend to damage the speed tables. Dave stated that the road will only be two feet wider and there will be a change in material so it won't look so wide. There was also a question regarding gutters. The sidewalk will go down the south side of Dart Drive. Don asked if TG Miller's would be able to do the detail design or if the Village should engage another party. Dave suggested that the Mayor meet with Dave Herrick, Jeff Overstrom and him to discuss this further. The next step will be to have a public meeting with the residents of Dart Drive in late June.

Motion-To Open the Public Hearing on the Annual Stormwater Report

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Larry Fresinski -Aye
Trustee Julie Baker-Aye

Lynn had prepared the following executive summary and it was distributed to the Board:

Executive Summary **2007-2008 Annual Report for Phase II SPDES General Permit for** **Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)** **Village of Lansing, May 19, 2008 Public Hearing**

This Annual Report has been prepared in compliance with the NYS Department of Environmental Conservation permitting requirements for small (Municipal Separate Storm Sewer Systems (MS4s), which includes the Village of Lansing. The Village has been required to meet the new EPA Phase II Stormwater regulations since 2003 and has been working toward full permit compliance by January 2008. This Annual Report documents the progress that the Village made toward compliance, covering the period from March 10, 2007 through March 9, 2008. Below is a summary of the six Minimum Control Measures (MCMs), which include:

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

MCM 1: Public Education/Outreach on Stormwater Impacts

The Village has been actively involved with the Stormwater Coalition of Tompkins County, which has coordinated many public education and outreach opportunities for stormwater education. Efforts include providing trainings for local officials, contractors and others on the necessity of controlling stormwater. Other entities, such as the Cayuga Lake Watershed Intermunicipal Organization, of which the Village is member, Tompkins County Soil and Water Conservation District, and the Cayuga Lake Watershed Network, provide stormwater educational programs, such as the Floating Classroom, Lake Fest, septic system maintenance, creating rain gardens, boat maintenance, among others. A detailed list of these activities is in the Annual Report.

MCM 2: Public Involvement/Participation

As with MCM 1, the Village has benefited from the efforts of many organizations and agencies to include public in stormwater activities, such as litter clean-ups, stream bank stabilizations, trash and hazardous waste management and volunteer monitoring of local streams and the Lake. Several volunteer Master Gardeners assisted in planting the Village rain garden in June, 2007. See the Annual Report for more detail.

MCM 3: Illicit Discharge Detection and Elimination

The Village did not adopt the required regulations in 2007 to control illicit discharges to Village waterways and storm sewers, but will be working on this in the coming months. Illicit discharges, such as dumping wastewater directly into the Village's storm sewers, are already prohibited under the Tompkins County Sanitary Code. Certain discharges, such as dumping waste oil or other pollutants into the storm sewer system, ditches or streams, must be prohibited by Village law. The Town of Ithaca assisted local MS4s with mapping their outfalls, and completed mapping the Village's outfalls last summer. The map and data set now provide us with a comprehensive list of all discharges to local waters within the Village. The Village's Supervisor of Public Works and one trustee attended an IDDE training last spring that was provided for local officials and staff.

MCM 4: Construction Site Stormwater Runoff Control

The Village adopted its stormwater law in late December, 2007, which requires stormwater controls on any new developments one acre or larger. New developments must submit Stormwater Pollution Prevention Plans, which the Village Planning Board/Engineer reviews. The Village Code Enforcement Officer has attended DEC training workshops on stormwater in the past year.

MCM 5: Post-Construction Stormwater Management

This requirement is much like the previous one, except that once the development is finished, the area must be monitored to ensure that stormwater does not cause erosion that will carry sediment off the site. These activities are now covered under our local law.

MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations

The Village also must comply with stormwater regulations in its own municipal operations, such as highway, bridge, park, rights-of-way and building maintenance. We already have many measures in place to ensure that pollutants are properly managed and not allowed to enter our waterways. Examples: road salt is stored in its own closed building, retention basins and storm sewers checked and cleaned annually, streets swept in spring to remove sand and grit. DPW staff will probably need to have some additional

training on pollution prevention.

In April, 2008, the DEC issued the new General SPDES Permits for stormwater [Construction Activities, GP-0-08-001 and the SPDES General Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4s), GP-0-08-002], which covers construction activities, from May 1, 2008—April 30, 2010. The following activities are covered under the new permit:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater discharges based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants to surface waters of the State*.

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land, which is the entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

The point of this effort: the south end of Cayuga Lake is a 303 (d) listed waterbody of concern, according to the US EPA. Stormwater control efforts are meant to improve water quality by reducing sediment and pollution currently entering the lake.

Lynn went on to explain that we have reached the end of our permit and a new permit started 5/1/08 and will go until 4/30/10. The Village is in good shape. We can do group reporting from now on. Lynn stated that we don't have a map with all of our storm sewers on it. We have as-built plans for N. Tripphammer Road, but it would be nice if TG Miller had the time to do a map of the rest of the Village. Mayor Hartill complimented Lynn on a job well done.

Motion-To Close the Public Hearing on the Annual Stormwater Report

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

Mayor Donald Hartill-Aye
Trustee John O'Neill-Aye
Trustee Lynn Leopold-Aye

Trustee Larry Fresinski –Aye
Trustee Julie Baker-Aye

The Mayor signed the report and Jodi will mail it tomorrow.

The next item on the agenda was to consider the following year end budget modifications.

Modified 2007-08 BUDGET TRANSFERS- GENERAL FUND

Be it RESOLVED to transfer

- \$ 100.00 from Special Items, Contingent Account, A1990.4,, to General Government Support, Auditor, Contractual, A1320.4
- \$ 17.00 from General Government Support, Clerk, Equipment, A1410.2 to General Government Support, Assessment, Contractual, A1355.4
- \$ 3,764.00 from Special Items, Contingent Account, A1990.4, to General Government Support, Deputy Clerk, Personal Services, A1415.1
- \$ 2,375.00 from Special Items, Contingent Account, A1990.4, to General Government Support, Central Garage, Equipment/Building, A1640.2
- \$ 1,040.00 from Public Safety, Code Enforcement Officer, Contractual, A3620.4 to Public Safety, Code Enforcement Officer, Equipment, A3620.2
- \$ 5,605.00 from Public Safety, Transportation, Street Maintenance, Contractual, A5110.4 to Public Safety, Transportation, Street Maintenance, Equipment, A5110.2
- \$ 1,166.00 from Public Safety, Transportation, Snow Removal, Contractual, A5142.4 to Public Safety, Transportation, Snow Removal, Equipment, A5142.2
- \$ 1,821.00 from Culture and Recreation, Playgrounds & Recreation Centers, Equipment, A7140.2, to Culture and Recreation, Playgrounds & Recreation Centers, Contractual, A7140.4
- \$ 141.00 from Culture and Recreation, Youth Programs, Contractual, A7310.4 to Culture and Recreation, Playgrounds & Recreation Centers, Contractual, A7140.4
- \$ 8,222.00 from General Government Support, Law, Contractual, A1420.4, to Home & Community Services, Planning, Legal Expense, A8020.41
- \$ 1,952.00 from Home & Community Services, Planning, Engineer, A8020.43 to Home & Community Services, Planning, Contractual, A8020.44
- \$ 1,650.00 from Special Items, Contingent Account, A1990.4 to Home & Community Services, Storm Sewers, A8140.4
- \$ 350.00 from Employee Benefits, NYS Retirement- Employers Share, A9010.8, to Employee Benefits, Social Security, A9030.8
- \$ 80.00 from Employee Benefits, NYS Retirement-Employers Share, A9010.8, to Employee Benefits, Medicare, A9030.81
- \$ 1,000.00 from Employee Benefits, NYS Retirement-Employers Share, A9010.8, to Employee Benefits, Longevity, A9089.8

Total Contingency used -\$7,889.00 of \$20,000

Budget Transfers- Sewer Fund

\$ 183.00 from General Government Support, Special Items, Contingent Account, G1990.4, to Home & Community Services, Other Sanitation- Intergovernmental Charges, G8189.4

Total Contingency used-\$183.00.

Jodi explained to the Board that there weren't many adjustments. Mainly they were within the same categories or adjustments that had been preapproved by resolution to make some additional purchases. The increase in transfers to clerk part time and employee benefits had to do with Carol Willard retiring and her getting her final PTBA time.

Resolution #5461 -To Authorize Budget Transfers for 2007-08

Trustee Fresinski moved to approve this resolution. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye
Trustee John O'Neill-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

The Board went back to Proposed Local Law B (2008). The SEQR Short EAF was reviewed and completed by the Board.

Resolution #5462-SEQR Review for Proposed Local Law B (2008)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2008), to be designated Local Law 2 (2008) upon its adoption, (i) to amend the Village of Lansing Code so as to add a new Chapter 78 entitled "Village of Lansing Flood Damage Prevention Law," which new Chapter 78 is generally intended to provide for compliance with the floodplain management requirements of the National Flood Insurance Program contained in 44 CFR 60.3(b, c and d).; and (ii) to amend certain existing provisions of Chapter 145 (entitled "Zoning") of the Village Code so as to make such provisions consistent with the provisions of the new Village Code Chapter 78; 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 May 19, 2008, 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 to approve this resolution. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye
Trustee John O’Neill-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

The Board then considered the approval of Proposed Local Law B (2008)

Resolution#5463-To Adopt Proposed Local Law B (2008) as Local Law 2
(2008)

WHEREAS:

- A. This matter involves consideration of the following proposed action: Adoption of Proposed Local Law B (2008), to be designated Local Law 2 (2008) upon its adoption, (i) to amend the Village of Lansing Code so as to add a new Chapter 78 entitled “Village of Lansing

Flood Damage Prevention Law,” which new Chapter 78 is generally intended to provide for compliance with the floodplain management requirements of the National Flood Insurance Program contained in 44 CFR 60.3(b, c and d).; and (ii) to amend certain existing provisions of Chapter 145 (entitled “Zoning”) of the Village Code so as to make such provisions consistent with the provisions of the new Village Code Chapter 78; and

- B. On April 7, 2008, the Village of Lansing Board of Trustees preliminarily discussed the purposes and intent of Proposed Local Law B (2008), whereupon it was agreed that the Proposed Local Law would be submitted to the New York State Department of Conservation (the “NYS DEC”) for review;
- C. On April 8, 2008, Proposed Local Law B (2008) was submitted to the NYS DEC for review, whereupon on such same date the NYS DEC confirmed that upon the adoption of Proposed Local Law B (2008) it will be appropriate for the Village of Lansing to be reentered into the National Flood Insurance Program; and
- D. On April 21, 2008, the Village of Lansing Board of Trustees further discussed the purposes and intent of Proposed Local Law B (2008), and thereupon scheduled a public hearing thereon for May 19, 2008; and
- E. On May 19, 2008, 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 (2008), (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
- F. On May 19, 2008, 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
- G. On May 19, 2008, the Village of Lansing Board of Trustees completed its review of (i) Proposed Local Law B (2008), (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 B (2008), to be designated Local Law 2 (2008).

Trustee Leopold moved to adopt Proposed Local Law B as Local Law #2. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Julie Baker-Aye
Trustee John O'Neill-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

John O'Neill stated that a copy of Proposed Law B will need to be sent to Jaime Ethier at NYSDEC. Dubow gave Jodi a list of additional people that need to receive a copy of this local law. She will also place a post-adoption notice in the Ithaca Journal.

Mayor Hartill entertained the following motion:

Motion - To Approve the Minutes from April 21, 2008.

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 Julie Baker-Abstain

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

During the Mayor's comments he stated that he had received a note from the State addressed to Tim Joseph stating that their application for funding under the Shared Municipal Services Incentive Program (SMSI) was granted. They will receive \$82,245.24 for "Countywide Intermunicipal Sewer and Water Feasibility Study: and Engineering Study to Evaluate Options to Address Regulatory Requirements and Planned Growth". Don feels this study is a waste of money. A sewer study has already been done by the group of six municipalities as part of the multi-party agreement entered into several years ago.

We will have a new employee starting the beginning of June. We are still working on finding someone to do fire inspections. This is the only part of Carol's job that hasn't been absorbed by the other staff members.

Mario Tomei, Planning Board member, stated that the Planning Board has a concern with the Town of Lansing's proposed zoning changes, including commercial uses being permitted in residential districts.

The Town also wanted to bypass their planning board for certain site plan and subdivision matters but have found they can't legally do that. There has been a lot of commentary on these proposed changes. It was explained that what triggered this whole change was that Byrne Dairy wanted to build on a site that was partially commercial and partially residential. Lynn suggested that maybe it was time to have a joint meeting with the Town of Lansing. There is a Town meeting on Wednesday which John O'Neill will attend.

Motion- To Adjourn

Trustee Leopold moved for adjournment. Trustee Moore seconded the motion to adjourn. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Frank Moore-Aye
Trustee John O'Neill-Aye

Trustee Larry Fresinski -Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 9:18 PM.

Jodi Dake

Clerk/Treasurer