

## Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 15, 2011, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees Lynn Leopold and John O'Neill; Clerk/Treasurer, Jodi Dake; Attorney David Dubow.

Mayor Hartill called the meeting to order at 7:34pm and opened the public comment period. There were no comments.

### Motion-To Close the Public Comment Period

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

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

Eric Goetzman and Jim Bold from Arrowhead Ventures, LLC/Triax Management Group were present to request two changes in the Lansing Meadows PDA, one from a commercial aspect and the other from a residential aspect. Eric asked if the Board would consider adopting a use for the commercial/BJ's area to allow for a fueling station. He also asked for the Zoning Law use "automotive sales/service/lots" to include an alternative fuel. Their proposed fueling station would have gas and electric charging stations. Nissan will be doing a full US market roll-out in 2012 of electric cars which would tie into the store opening. They are estimating that by 2015 there will be a million electric cars on the road. A 480 V can recharge a car to 80 percent in 30 minutes. Currently there are no charging stations in Tompkins County. Jim Bold stated that Syracuse will be opening a charging station in the next six months. Electric charging centers are not currently allowed under the current PDA.

They are proposing that the fueling area would be located on the northeast quadrant of Area A of the Lansing Meadows PDA. Lynn asked why they wouldn't move it to the entrance. Jim stated that they looked at that location also but operationally it works best in the far corner with regards to stacking and flow.

The fueling station canopy would be 14 feet high with recessed lighting fixtures. Their plan would be for six pumps and four electric charging stations. They feel this would be a great benefit to Ithaca. It is anticipated that revenue on electric charging stations is a loss due to capital costs.

Jim stated that they know screening and lighting issues will be a challenge. He and Eric walked the land to look at this. There is one area that will need a lot of trees. Lynn is

worried because this is up against a residential area. Jim stated that they would screen the use from view and blend it in with what is already there. Lynn stated that her biggest concern is noise and traffic. Jim stated that BJ's has been bought by a private equity firm. Currently, BJ's builds 7-10 new stores a year but now that will grow. Many of the new stores include fueling stations.

Eric stated that this topic came up early in the process with Ned Hickey but not with the Planning Board. There has been a lot of pressure to try and get this done.

David Dubow stated that the permitted use is not incorporated into the Lansing Meadows PDA. The Board of Trustees would have to amend the PDA and that's why Eric and Jim are here. Jim stated that the fueling station is different now because it includes electric charging. This will not be a service station, only a refueling station.

Lynn suggested some kind of fence be considered. David stated that presumably they have a vested interest because they own the housing units to the north and will want to insure that there will be no adverse impact on the residential development. Jim stated that there has been very forward thinking on this project. Dubow assumes that if added, this proposed use would be subject to a special permit review process. David explained that the first thing to do would be to amend the PDA as necessary, which amendment would include a specific description of the permitted new use and a reference to the special permit requirement.

It was asked what the operating hours would be. Jim stated that they would be the same as the store hours.

Mayor Hartill stated that screening is key. The positioning of the fueling stations is not optimal but he understands operational flow. This proposal doesn't increase the footprint of the project and he feels it is a minor change to the PDA.

It was questioned whether installing this fueling station would cut too much into their parking spaces. Jim Bold stated that the pressure from the Village of Lansing in the last few years has been to use fewer parking spots.

The Board then decided that this proposed additional use would not change the footprint or density of the project; it would just be changing an allowed use. The Board thought it would be nice to have the first electric car charging station in Tompkins County. Dubow explained that if the Board of Trustees considered this as a minor change it would go to the Planning Board for review and recommendations back to the Board of Trustees. If the recommendation is favorable, the Board of Trustees could then approve the amendment. The Board of Trustees gave their blessing to proceed.

Resolution #5749 -To Refer This to the Planning Board as a Minor Change in accordance with Section 10 of Zoning Law Appendix A-2

Trustee Leopold moved this resolution. Trustee O'Neill seconded the

motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

From the residential aspect, Eric and Jim requested a reduction in the front yard set back for the 1 & 2 unit residential structures. The units don't meet the current setbacks of the PDA. The layout is 35 feet from the property line when the setback regulation is 40 feet. Dubow stated that when Ben Curtis, former Code & Zoning Officer, created the regulations they were very likely focused on the original senior housing/residential development that was presented at that time. The solution is to redefine the currently proposed residential use with district regulation revised accordingly to match the new proposed residential project. Again, if the Board of Trustees considered this as a minor change it would go to the Planning Board for review and recommendations back to the Board of Trustees.

Resolution #5750 -To Refer Yard Setbacks To Lansing Meadows PDA to the Planning Board as a Minor Change

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

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

At the joint meeting back in July the Planning Board presented the following draft proposed amendments to Temporary Commercial Activities to the Board of Trustees. They changed some language and the following is the latest draft they are proposing:

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

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

BT, D-Business and Technology District  
 CLT- Commercial Low Traffic  
 CHT-Commercial High Traffic  
 FCMC-Farm & Craft Market Combining  
 HHS- Human Health Services  
 PDA-Planned Development Area  
 RSH- Research

(6) One-unit residential building. Includes accessory facilities and residential activities, including gardening or farming and keeping of pets. More than three (3) dogs, over six (6) months old, is considered a kennel.

(9) Two-unit residential building. Includes accessory facilities and residential activities, including gardening or farming and keeping of pets. More than three (3) dogs, over six (6) months old, is considered a kennel.

(10) Multiunit residential building. Includes accessory facilities and residential activities, including gardening and keeping of pets. More than three (3) dogs, over six (6) months old, is considered a kennel.

#### **145-58**

Temporary commercial activities. Permitted with written permission of owner of property; driveways and parking areas must be adequate for proposed use; all other district regulations must be complied with; written approval for temporary sign design and placement must be obtained from the Zoning Officer, although no sign permit is required. Please reference Temporary Commercial Activities matrix for applicable uses in the designated districts and time limitations.

#### **145-82**

**Temporary Non-Commercial Activities.** Private activities or gatherings related to the principal uses permitted in a particular district where no required entry or participation fee is charged the primary purpose of which is not the sale of goods or services; including events conducted by and for the employees and invitees associated with the uses permitted in that particular district.

Dubow explained that the initial discussion came about when the Shops at Ithaca Mall inquired about selling sheds short term in their parking lot. After extensive evaluation and reviews as to the broader issue of providing additional Temporary Commercial Activities and Temporary Non-Commercial activities, the result was the above chart and related proposed Zoning Law modifications. At this point the Planning Board would like to know if the Board of Trustees agrees with this. There was no opposition, so David Dubow will put it into local law form, the Planning Board will review it again and then it can be recommended to the Trustees.

Dave Putnam was present to explain the two project change orders that were presented to the Board. He stated that the removal of the tank floor would be approximately \$8,000. Lynn stated that it looked very different behind the office and she hated to see those trees gone. Dave stated that the cedar trees were in poor shape anyways.

Resolution #5751 - To Accept Change Order #1 to Remove and Dispose of the Oakcrest Tank Floor/Foundation at Time and Material and Authorize the Mayor to Sign Gorick Construction Oakcrest Tank Removal Contract Work Change Directive No.1

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

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

The next change order from McPherson Builders, Inc. pertains to the Addition to the Garage & Shop.

Resolution #5752 - To Accept Change Order No. 2 for \$3,414.00 to the Addition to Maintenance Garage & Shop Contract with McPherson Builders, Inc. to Add Snow-guard to Roof and Delete Installation of CO Sensor, Louver and Damper and to Authorize the Mayor to Sign the Change Order

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

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

The next item on the agenda was to consider a resolution proposed by SCLIWC regarding unions. Judy Drake, Human Resource Manager for Town of Ithaca and Bolton Point Water System, has sent over a draft sample resolution that will need to be brought to each of the member municipalities of the Bolton Point Water System to approve the Commission's recognition of the UAW Local 2300 as the exclusive representative of the non technical, clerical and office staff of the Commission. They have been advised that the legislative boards of each of the five Commission members should also approve the union recognition. Judy has requested that this resolution be considered at this board meeting.

Don stated that the Commission had a meeting on August 4<sup>th</sup> at which time they agreed to this. Don arrived late to this meeting and was locked out of the building so he is unsure as to what happened at that meeting. Don was less than pleased with the process. The Union has been inconclusive. What this proposed resolution does is includes everyone except management at Bolton Point. Originally, this was to be a fraction of operators, not all. Don would like further clarification. The Board tabled this matter until next meeting.

Since we did not have a noon meeting on Thursday, Mayor Hartill entertained a motion to approve the vouchers.

Resolution #5753- Abstract of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the General Fund, in the amount of \$61,326.07 is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the Sewer Fund, in the amount of \$2,001.99, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the Water Fund, in the amount of \$4,062.35, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 3 for the Capital Projects Fund, in the amount of \$71,476.60, is hereby approved for payment, and

Trustee Leopold moved that the foregoing Abstract of Audited Vouchers resolutions be adopted and Trustee O'Neill seconded the motion.

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

Jodi stated that the June 16<sup>th</sup> could not be approved this evening since Don didn't attend that meeting. July 14<sup>th</sup> minutes were presented to the Board for their approval.

Motion - To Approve the Minutes from July 14, 2011

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 -Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

During Mayor's Comments Don stated that he is concerned with the delay in the Burdick/Cayuga Heights Road water project. Once the project is completed we were going to pave Burdick Road but the estimated completion date is getting close to the end of the paving season. Don also reported that the final details are still being worked out with the water commission regarding the Village taking over the seasonal road that goes down to the lake and the related road maintenance.

During General discussion Lynn stated that she is concerned with the inaccuracies of residents' comments on Lansing Reserve being a PILOT. Don stated that this is not a PILOT and that he would be drafting a letter in response to an email from residents to clarify the situation. Lynn suggested that we may want to consider updating our Comprehensive Plan once the 2010 Census information is available. We may want to add more on affordable housing. Don stated that he, Marty Moseley and Mario Tomei have a meeting on Wednesday with Ed Marx, Tompkins County Planning, to discuss this whole

issue. There are three Dart parcels that are in issue and the Village will be looking to see if there is a solution to all of them.

Harbor Fest was this past weekend at Myers Park. Mayor Hartill was part of the opening ceremonies and a judge for the chicken BBQ. Lynn would like to see the Village donate to the Harbor Fest next year. Don agreed that we should consider that in next year's budget.

John O'Neill stated that we received the quote for higher umbrella liability limits from George B. Bailey Insurance. The current limit for the Village of Lansing is \$3 million which costs the Village \$2,659. The annual premium for a \$4 million umbrella would be increased by \$517 and for a \$5 million it would be increased by \$1,035. The Board felt it would be appropriate and in line with other municipalities to increase the coverage to \$5 million.

Resolution #5754-To Increase the Village of Lansing's Umbrella Liability Policy to \$5 million.

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

Mayor Donald Hartill –Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

Jodi will contact Jeanne at the Bailey Agency to have her increase the umbrella liability.

Lynn asked where we were with the new Village office. Don stated that we have met with the architect and are in the design stage. We have decided to place the new Village Office in front of the current building. Jodi stated that if anyone would like to look at the plans she has them in the office. Jodi will email the Board a copy of the floor plan designed by QPK.

The DMAP application is due in by September 1<sup>st</sup>. Lynn will get this completed. Lynn also stated that Robert Miller and Dick Costello have each already turned in their paperwork and Wayne Knoblak would also like to get involved.

Based upon the request of the Mayor to discuss an attorney-client privileged matter in private session, the following motion was made:

Motion- To Go Into Attorney/Client Private Session

Trustee Leopold moved to go into private session. Trustee O'Neill seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye



The Board went into private session at 8:55pm

Motion- To Come Out of Attorney/Client Private Session

Trustee O'Neill moved to come out of private session. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye

The Board came out of private session at 9:38 pm.

Motion- To Adjourn

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

Mayor Donald Hartill-Aye  
Trustee Lynn Leopold-Aye

Trustee John O'Neill-Aye  
Trustee Patricia O'Rourke-Aye

The meeting adjourned at 9:38pm.

Jodi Dake  
Clerk/Treasurer