

RESOLUTION MAKING A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ADOPTING LOCAL LAW # _____ OF 2023 OF THE TOWN OF LANSING TO AMEND CERTAIN PROVISIONS OF THE CODE OF THE TOWN OF LANSING CHAPTER 270: ZONING

RESOLUTION 23-

RESOLUTION MAKING A NEGATIVE DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND ADOPTING LOCAL LAW # _____ OF 2023 OF THE TOWN OF LANSING TO AMEND CERTAIN PROVISIONS OF THE CODE OF THE TOWN OF LANSING CHAPTER 270: ZONING

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town Board of the Town of Lansing is authorized to adopt zoning provisions and local laws that advance and protect the health, safety, and welfare of the community; and

WHEREAS, the Town Board of the Town of Lansing Authorized and Directed the Code Revision Committee to Prepare Preliminary Draft Rural Agricultural (RA) Zoning District Text and Map Amendments via Motion 22-07 on February 16, 2022; and

WHEREAS, the Director of Planning, on behalf of the Code Revision Committee, circulated preliminary draft Zoning text and map amendments to the Agricultural and Farmland Protection Committee on June 3, 2022; Conservation Advisory Council on June 4, 2022; and Planning Board on June 6, 2022, respectively, for review and feedback; and

WHEREAS, the Preliminary Draft (Final Draft as Working Product of the Code Revision Committee) Rural Agriculture (RA) and Agriculture (AG) Zoning Districts (as well as Site plan review and Site Development Standards) was unanimously recommended by the Code Revision Committee on October 6, 2022; and

WHEREAS, the Preliminary Draft (Final Draft as Working Product of the Code Revision Committee) Rural Agriculture (RA) and Agriculture (AG) Zoning Districts and all comments prepared by the Agricultural and Farmland Protection Committee, Conservation Advisory Council, Planning Board, and project consultant George R. Frantz, AICP, ASLA, were circulated to the Lansing Town Board on October 7, 2022; and

WHEREAS, a duly noticed Open House was held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, on December 7, 2022 to consider public input and comments upon such Preliminary Draft Rural Agriculture (RA) and Agriculture (AG) Zoning Districts, and to hear all persons interested in the subject thereof; and

WHEREAS, said proposed Local Law proposes to facilitate and regulate the development of land in accordance with the Town of Lansing 2018 Comprehensive Plan and 2015 Agriculture and Farmland Protection Plan; and

WHEREAS, Chapter 270-57(A) requires referral to the Town Planning Board “for review and recommendation thereon before the public hearing hereinafter provided for”; and

WHEREAS, the Town Planning Board has been given the opportunity to comment on the proposed local law at their meeting on January 9, 2023; and

WHEREAS, Chapter 270-57(B) requires referral to the Tompkins County Department of Planning & Sustainability; and

WHEREAS, the draft documents and related information were duly delivered to the Tompkins County Department of Planning & Sustainability on October 24, 2022 per General Municipal Law §239 ; et seq, and such Department responded in a January 09, 2023 letter from Katherine Borgella, Tompkins County Commissioner of Planning, pursuant to §239 -l, -m, and -n of the New York State General Municipal Law determined the local law will have no significant county-wide or inter-community impact. The Tompkins County Department of Planning & Sustainability made the following comment:

“There are several recommendations from the Town’s Comprehensive Plan that could be incorporated into Section H of Site Plan Review (Project Review Criteria). Examples include:

- “Provide incentives for the redevelopment or retrofitting of aging or abandoned industrial or commercial sites to avoid abandoned buildings” from Recommendation LU-1D
- “encouraging the adherence to practices leading to LEED certification, and the installation of alternative energy services” from Recommendation LU-1F
- “foster infill development and redevelopment opportunities that take full advantage of existing infrastructure” from Recommendation LU-3B
- “encourage infill and redevelopment of underutilized properties” from Recommendation ED-5A”

WHEREAS, the comments were carefully considered by the Town Board;

WHEREAS, adoption of a Local Law of the Town of Lansing to Amend the Code of the Town of Lansing Chapter 270: Zoning (Rural Agricultural Zoning District; Site Plan Review; and General Provisions) is a Type I Action under the State Environmental Quality Review Act §617.4(b)(2); and

WHEREAS, 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA) require that a Lead Agency be established for conducting environmental review of projects in accordance with local and state environmental law; and

WHEREAS, State Law specifies that for actions governed by local environmental review, the Lead Agency shall be that local agency which has primary responsibility for approving and carrying out the action; and

WHEREAS, the Town Board, being the local agency which has primary responsibility for approving and carrying out the action, did on February 16, 2022 declare intent to establish itself as the Lead Agency for environmental review via Resolution 22-44; and

WHEREAS, this is a Type I Action under the State Environmental Quality Review Act Section 617.4(b)(2), which requires environmental review; and

WHEREAS, this Board, acting as Lead Agency in environmental review, has on January 18, 2023, reviewed the criteria and determined the significance of the project including the proposed action, its location, its purpose, and its potential impacts on the environment, and reviewed and accepted as adequate a Full Environmental Assessment Form, Parts 1, 2, and 3, prepared by Lead Agency and Town Planning staff; and

WHEREAS, a duly noticed Public Hearing was held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 18th day of January 2023, at 6:32 pm, to consider public input and comments upon such proposed Local Law, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and

WHEREAS, as a result of such hearing, the Town Planning Board and Agriculture Committee, and individual public officers and members thereof, objected that their wishes, maps, and recommendations were not followed verbatim, and further objected that they did not know or understand the previously referred matters and review and adoption schedules, such that the Town Board again sent such matters back to such committees for re-review; and

WHEREAS, the Town Board set another public hearing for April 19, 2023 and re-referred this matter also to the Town Codes Committee; and

WHEREAS, prior recommendations were adhered to, and new ones made, and such matters again having been referred to the Town Codes Committee, which once again finalized the versions of this local law as will update Code Chapter 270; and

WHEREAS, as set forth more fully in the FEAF and SEQRA review documents and findings statement, there were no moderate or significant actual or potential environmental impacts identified in relation to this local law, a review of the FEAF on the record by the Town Board did not reveal any conclusions inconsistent with the prior analyses in FEAF Parts 2 and 3, and all potential or probably future environmental impacts were analyzed and duly considered by the Town Board, as Lead Agency, in relation to the question of whether such impacts were so probable of occurring or so significant as to require a positive declaration of environmental impacts, and after weighing the above, the zoning code changes, and all other potential impacts arising from or in connection with the adoption of this local law, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become

inconsistent with the Town's master plan and/or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become moderate, large, or significant; and

WHEREAS, a duly noticed Public Hearing was held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 19th day of April 2023, to once again consider public input and comments upon such proposed Local Law, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and

WHEREAS, and upon more and further deliberation upon the same, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Town Board of the Town of Lansing be and hereby is again declared to be the Lead Agency, and after consideration of the FEAF and actual or probable environmental impacts, as well as all other impacts and criteria requiring review or consideration under 6 NYCRR 617.7(c), the Town Board, as Lead Agency finds, declares, and hereby determines that the proposed action – adopting Local Law #__ of 2023 - will have no significant negative environmental impacts or consequences; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law and the Regulations promulgated thereunder, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the FEAF, 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, but not limited to, the criteria identified in 6 NYCRR § 617.7(c), and (iii) its completion of the FEAF, including the findings noted therein (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance in accordance with SEQRA for the above referenced proposed action (“Negative Declaration”), and determines that an Environmental Impact Statement is therefore not required; and it is further

RESOLVED, that a Responsible Officer of the Town Board of the Town of Lansing is hereby authorized and directed to complete and sign the determination of significance confirming the foregoing Negative Declaration, which fully completed and signed FEAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED, that Local Law Number__ of 2023, being a local law entitled as a “Local Law of the Town of Lansing to Amend Certain Sections of the Code of the Town of Lansing Chapter 270: Zoning,” be and hereby is approved and adopted in the form as presented to this meeting, including each and all of the exhibits and appendices thereof keyed to each section of the town Code and, in such form “be it so enacted”; and it is further

RESOLVED, that the amended and final Zoning Map as presented to this meeting be and hereby is adopted as the official zoning map of the Town of Lansing; and it is further

RESOLVED AND DIRECTED, in accord with the Municipal Home Rule Law, the final adopted version of this local law shall be filed with the Town Clerk, and the said Town Clerk shall file the same within 20 days hereof, electronically or otherwise, with the New York State Secretary of State, State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231, as required by Municipal Home Rule Law; and it is further

RESOLVED AND DIRECTED, in accord with General Municipal Law § 239-m(6), the Town Clerk is directed to cause a copy of this resolution to be delivered to the Tompkins County Planning Department to serve as the required response and report upon the final action of the Town Board, including responses to county recommendations, if any, that are contained herein.

RESOLVED, that the proposal will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, this Local Law shall take effect immediately upon adoption by the Town Board of the Town of Lansing; and it is further

RESOLVED, that this local law and its map shall be forwarded to the municipal code service the Town has contracted with for immediate inclusion in the Town Code.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Andra Benson –	Councilperson Ruth Groff –
Councilperson Bronwyn Losey –	Councilperson Joseph Wetmore –
Supervisor Edward LaVigne –	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on April 19, 2023.