

**RESOLUTION 23-\_\_**

**RESOLUTION AND ORDER CALLING PUBLIC HEARING UPON  
PUBLIC INTEREST ORDER FOR FORMATION OF DRAINAGE  
DISTRICT #11 FOR EAST SHORE CIRCLE SUBDIVISIONS**

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

WHEREAS, John Young, *et al.* (the “Developer”) is proposing the dedication of stormwater facilities and easements relating thereto for the purposes of fulfilling Planning Board approval conditions and ensuring the long-term maintenance of stormwater facilities for the East Shore Circle Major and Minor Subdivisions, further including the dedication of stormwater pond lots identified on the major subdivision plat as Lots 8 and 9; and

WHEREAS, the development plans, subdivision plats, and project SWPPPs have envisioned that the common facilities and stormwater operation, maintenance, reporting, and repair obligations would be managed by a drainage district operated by the Town as an Article 12-A improvement district, and the final approval of the major subdivision plat issued by the Planning Board defines the boundaries of the subdivision and requires district formation for the whole thereof as a condition of approval; and

WHEREAS, the proposal to proceed with this specific district, and its location and boundaries, arose as a result of both said planning board conditions, Phase 2 EPA Stormwater requirements (as reflected in the Town Code and the town policy mandating drainage districts for residential subdivisions), and the direct and unanimous petitions of all landowners in both the major and minor subdivisions; and

WHEREAS, the Town Board accepted the town engineer’s recommendation as to this district and forwarded the same, together with maps, the landowner petitions, and related information, to the Water and Sewer Advisory Board (“WSAB”), which agency reviews and issues advisory recommendations on all special benefit districts for the town, and the WSAB unanimously recommended by written memorandum that the town proceed with formation of this district as was so mapped and proposed; and

WHEREAS, the Town Board duly accepted and adopted such advisory opinion and recommendations and, by resolution, authorized the town engineer to proceed with a Map, Plan and Report (“MPR”) for this proposed district based upon all of the foregoing, and upon November 6, 2023, a final MPR was prepared and sealed and thereafter submitted to the town for review, as well as for development of the concurrent and needed stormwater management terms and easements; and

WHEREAS, suitable documents have been prepared respecting stormwater agreements and easements, the same are under review by the landowners, and the Town Board finds

that all requirements for this district appear to be in place, or are anticipated to be in place prior to the adoption of any Final Order under Town Law Article 12-A; and

WHEREAS, the MPR is found to be in compliance with Town Law §§ 209-c and 209-d, and it is and has been determined that it is in the public interest to form such district, such that the Town now desires to proceed towards establishment of Drainage District #11 pursuant to the provisions of Town Law Article 12-A (the "Project") and finds that all proceedings to date have been in compliance therewith and that the final Map, Plan and Report, dated November 6, 2023 properly describes the district and its expenses; it being further found that such district benefits all parcels in the proposed district and that no benefitted parcels have been excluded from such district; and

WHEREAS, this action was previously classified as a Type I Action under SEQRA and the lead agency (the Town of Lansing Planning Board), under a coordinated review that duly considered drainage and stormwater facilities and this Project, previously issued a Negative Declaration; and

WHEREAS, an examination of such FEAF and prior SEQRA findings in relation to this Project has been undertaken, and the Town Board (as an involved agency) has found that no impacts arising from this Project are or are likely to cause any actual or potential impact to become a moderate or significant impact, such that no supplemental review under SEQRA is determined to be necessary that does or may require referral to the lead agency; and

WHEREAS, upon due deliberation hereupon, the Town Board hereby adopts an Order pursuant to Town Law §209-d as follows:

1. The boundaries of the proposed district are inclusive of all that land now and formally part of the East Shore Circle Minor and East Shore Circle Major Subdivisions, including approximately 21.48 acres of land, being comprised of two stormwater lots and related easement areas, and approximately ten residential building parcels (some of which are already developed, or partially developed) all being known as TPNs 37.1-7-12.8, 37.1-7-12.9, 37.1-7-12.10, and p/o 37.1-7-12.2, each of said parcels and the district boundaries being thus further depicted in the Subdivision Plat maps and stormwater maps, each duly deemed incorporated herein, and the descriptions for land records thereof as are on file at the Tompkins County Clerk's Office. The said lands are also described in the MPR as follows: BEGINNING at a point in the present centerline of East Shore Circle, said point being further located approximately 587.3' East of the present centerline intersection with Teeter Road; RUNNING THENCE North 70° 57' 51" East along the present centerline of East Shore Circle for a distance of 75.00' to a point; RUNNING THENCE South 18° 58' 58" East, passing through an iron pin found at a distance of 28.85' and continuing for a total distance of 248.59' to an iron pin found; RUNNING THENCE North 71° 11' 06" East for a distance of 329.32' to an iron pin found;

RUNNING THENCE South 18° 02' 05" East for a distance of 5.92' to a point; RUNNING THENCE North 70° 49' 21" East for a distance of 341.21' to an iron pin found; RUNNING THENCE North 71° 01' 16" East for a distance of 147.52' to an iron pin found; RUNNING THENCE North 16° 32' 00" West for a distance of 33.11' to an iron pin found; RUNNING THENCE South 25° 15' 46" East for a distance of 147.00' to an iron pin found; RUNNING THENCE South 24° 53' 54" West for a distance of 189.64' to a point; RUNNING THENCE South 56° 56' 25" West, along the North line of East Shore Drive for a distance of 305.99' to a point; RUNNING THENCE South 63° 15' 24" West, along the North line of East Shore Drive for a distance of 467.00' to a highway monument found; RUNNING THENCE North 87° 15' 43" East for a distance of 619.53' to an iron pipe found; RUNNING THENCE North 14° 52' 42" East for a distance of 143.28' to an iron pin found; RUNNING THENCE North 19° 11' 22" West for a distance of 39.16' to an iron pin found; RUNNING THENCE North 19° 11' 22" West for a distance of 310.35' to a point; RUNNING THENCE North 71° 06' 53" East along the present centerline of East Shore Circle for a distance of 160.00' to a point; RUNNING THENCE North 71° 06' 53" East along the present centerline of East Shore Circle for a distance of 139.59' to a point; RUNNING THENCE North 03° 02' 22" West for a distance of 390.04' to a point; RUNNING THENCE North 03° 02' 22" West for a distance of 277.95' to a point; RUNNING THENCE North 03° 02' 22" West for a distance of 239.60' to an iron pin found; RUNNING THENCE South 82° 49' 40" East for a distance of 136.15' to a point; RUNNING THENCE South 82° 49' 40" East for a distance of 133.50' to a point; RUNNING THENCE South 07° 10' 20" West for a distance of 45.00' to a point; RUNNING THENCE along a curve to the right for an arc distance of 124.14' to a point, said course having a chord tie of South 10° 36' 36" East for a distance of 122.16'; RUNNING THENCE along a curve to the right for an arc distance of 53.00' to a point, said course having a chord tie of South 35° 59' 01" East for a distance of 52.85'; RUNNING THENCE South 43° 33' 41" East for a distance of 105.80' to a point; RUNNING THENCE South 43° 33' 41" East for a distance of 234.55' to a point; RUNNING THENCE South 43° 33' 41" East for a distance of 122.10' to a point; RUNNING THENCE South 19° 02' 09" East for a distance of 73.92' to a point; RUNNING THENCE South 70° 57' 51" West for a distance of 51.13' to a point; RUNNING THENCE South 19° 02' 09" East for a distance of 46.97' to a point; RUNNING THENCE South 70° 57' 51" West along the present centerline of East Shore Circle for a distance of 162.48' to a point; RUNNING THENCE South 70° 57' 51" West along the present centerline of East Shore Circle for a distance of 174.85' to a point; RUNNING THENCE South 70° 57' 51" West along the present centerline of East Shore Circle for a distance of 76.00' to the point and place of beginning; Said parcel having an area of 21.48 acres to the centerline of roads.

2. The proposed improvements consist of stormwater retention ponds, vegetated swales and ditches to convey stormwater to pond forebays, rip rap, a culvert, and other related stormwater facilities and drains, all of which are set forth upon and within the final subdivision plats, in recorded easements, and in the SWPPPs (which are incorporated herein by reference). All costs of installation will be paid for by the Developer, and the future maintenance responsibilities of Drainage District #11 include

inspections and reporting, unclogging outlet pipes, mowing and vegetation management, animal and nuisance controls, pond and forebay management, dredging ponds and forebay when needed, sediment and debris removal, repairs to areas with erosion and settling within ponds, embankments, swales, and bioretention areas, structural and other repairs/replacements of trash racks, concrete, and riser structures, and the tilling or replacement of bioretention surfaces and media, as needed, to ensure or restore permeability and drainage. The Developer will provide easements and rights-of-way to the Town and the District for normal maintenance and emergency access, and further responsibilities of the District include the need to periodically inspect on-site privately built and maintained stormwater facilities (on individual residential lots) and require their preservation, maintenance, and improvement, as required by law.

3. The estimated cost to the Town and the District for the proposed improvements is \$0.00, which is the maximum amount proposed to be expended by the Town or the District. There is no hook-up cost for or to the drainage district, and there is no financing needed for this project.

4. The MPR describes in detail how the financing, hook-up costs, and other costs and expenses of the proposed drainage district were estimated and computed, including the first year's estimated maximum average maintenance cost of \$630 per parcel. Such costs are proposed to be paid through special benefit assessments for the benefited parcels of the proposed district, to be collected with the annual Town and County tax bill. The average cost was computed by identifying the frequency that each maintenance activity is required; then establishing the number of hours and cost per hour for such maintenance activity, then arriving at a total district first year's estimated cost of \$6,330. Such amount was then applied to the total acreage and a pro-rata formula was applied to each lot for payment in accordance with the total cost per acre, all as shown more particularly in said MPR. This statement of detail as to how the costs were calculated is and shall be deemed the required computation statement required to be filed with the Town Clerk by Town Law § 209-d(1).

5. The MPR is on file for public review and inspection at the Office of the Town Clerk, and a public hearing upon such proposed district will be held at 6:31 pm upon December 20, 2023, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and to thereat hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law.

6. The Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause this Resolution and Order to be published in the Town's official newspaper and posted not less than 10 nor more than 20 days before such public hearing.