

**RESOLUTION APPROVING PUBLIC INTEREST ORDER AND CONDITIONALLY APPROVING FORMATION OF DRAINAGE DISTRICT #12 FOR ASBURY-COLLINS SUBDIVISION**

**RESOLUTION 23-**

**RESOLUTION APPROVING PUBLIC INTEREST ORDER AND  
CONDITIONALLY APPROVING FORMATION OF DRAINAGE  
DISTRICT #12 FOR ASBURY-COLLINS SUBDIVISION**

The following Resolutions were 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 Asbury-Collins Major Subdivision, and the development plans, subdivision plats, and project SWPPPs have envisioned that the facilities, and stormwater operation, maintenance, reporting, and repair obligations, would be managed by a drainage district, and the final approval of the major subdivision issued by the Planning Board defined the boundary of this subdivisions and required district formation for the whole thereof as a condition of approval; and

**WHEREAS**, the Town Board accepted the planning board’s and town engineer’s recommendation as to this district and forwarded the same, together with resolutions, maps, 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 mapped and proposed, and 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

**WHEREAS**, a final MPR dated November 6, 2023 was prepared by the Town’s Engineer per Town Law §§ 209-c and 209-d, and the Town Board found such MPR to be in compliance with Town Law and it to be in the public interest to form such district, and the town thus duly issued a Public Interest Order under Town Law §209-d and scheduled a public hearing, which public hearing was duly held upon December 20, 2023 at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, to consider district formation and the public interest order, and all persons thereat were duly heard; and

**WHEREAS**, upon a review of all of the foregoing and any information had or submitted at such public hearing, the Town Board of the Town of Lansing did duly

**RESOLVE AND DETERMINE**, that: (1) the boundaries of the proposed district are inclusive of lands being a part of the Asbury-Collins Subdivision, including approximately 72.35 acres of land, being comprised of approximately eight lots and parcels, all being more particularly known as TPN 38.-1-39.2, with each of said lots and parcels and the district boundaries being further depicted in the Subdivision Plat and stormwater maps, and further described by metes and bounds

in the MPR, each and all of which maps and descriptions are incorporated herein; (2) the proposed improvements consist of stormwater swales, individual lot bioretention practices, and other related stormwater facilities and drains; (3) all costs of installation have been and will be paid by the Developer or future landowner-developers; (4) the future maintenance responsibilities of the Town (through Drainage District #12) include inspections and reporting, unclogging outlet pipes, mowing and vegetation management, animal and nuisance controls, sediment and debris removal, repairs to areas with erosion and settling within swales and bioretention areas, and the tilling or replacement of bioretention surfaces and media, as needed, to ensure or restore permeability and drainage, and 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; (5) the Developer will provide easements and rights-of-way to the Town and the District for normal maintenance, emergency access, and stormwater reporting, operations, management, and repairs; (6) 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; (7) there is no hook-up cost or fee; (8) there is no financing needed for this project; (9) the MPR is and has been on file for public review and inspection at the Office of the Town Clerk; (10) a public hearing upon such proposed district was scheduled and duly held upon December 20, 2023, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York; and (11) 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 average maintenance cost of \$750 per parcel; such costs are proposed to be collected through special benefit assessments upon the annual Town and County tax bills; and it was further

**RESOLVED AND DETERMINED**, that this action was previously classified as a Type I Action under SEQRA, and the lead agency duly considered stormwater facilities, drainage, and the creation of this drainage district and previously issued a Negative Declaration, and an examination of such FEAF and prior SEQRA findings in relation to this project under such coordinated review has been undertaken, and the Town Board has found that no impacts arising from this approval are or are likely to cause any actual or potential impact to become a moderate or significant impact, such that no supplemental or additional review under SEQRA is determined to be necessary for this project; and it is further

**RESOLVED AND DETERMINED**, that: (1) the boundaries of said District are wholly outside the boundaries of any incorporated city or village; (2) the Notice of Hearing was published and posted as required by law, and was otherwise sufficient; (3) all property and property owners within the proposed Drainage District #12 are benefited thereby; (4) all benefited properties and property owners are included within the said District (and none are excluded); and (5) the establishment of Drainage District #12 is in the public interest; and it is further

**RESOLVED AND ORDERED**, that the establishment of Town of Lansing Drainage District #12 be and hereby is approved subject to permissive referendum pursuant to Town Law §209-e and Town Law Article 7; and further that a proper notice of permissive referendum be published and posted within 10 days of the date of adoption of these resolutions, and the posting remain upon the official Town Clerk's Bulletin Board during the entirety of the referendum period.

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 Bronwyn Losey –  
Supervisor Edward LaVigne –

Councilperson Ruth Groff –  
Councilperson Joseph Wetmore –

Accordingly, the foregoing Resolutions and Public Interest Order were approved, carried, and duly adopted on December 20, 2023.