

**SPECIAL TOWN BOARD MEETING**  
**March 6, 2013**

A Special Meeting of the Lansing Town Board was held at the Town Hall Board Room, 29 Auburn Road, Lansing, NY on the above date at 6:00 p.m. The meeting was called to order by the Supervisor, Kathy Miller and opened with the Pledge of Allegiance to the flag. Roll call by Darlene Marshall, Deputy Town Clerk, showed the following to be **PRESENT:**

Kathy Miller, Supervisor  
Katrina Binkewicz, Councilperson  
Robert Cree, Councilperson  
Ruth Hopkins, Councilperson  
Edward LaVigne, Councilperson

**ALSO PRESENT:** Sharon Butler Bowman, Deputy Supervisor, Dan Veaner, Lansing Star, John O'Neill, Village of Lansing. Caroline and Robert Rasmussen arrived during the Work Session Meeting.

**AUTHORIZE SUPERVISOR TO ENTER INTO A CONTRACT WITH SRI TO CONDUCT A COMPREHENSIVE PLAN RESIDENTS SURVEY AND AUTHORIZE A BUDGET MODIFICATION ESTABLISHING A NEW LINE FOR COMPREHENSIVE PLAN UPDATE:**

**RESOLUTION 13-69**

**RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO A CONTRACT WITH THE SURVEY RESEARCH INSTITUTE TO CONDUCT A COMPREHENSIVE PLAN RESIDENTS SURVEY AND AUTHORIZING A BUDGET MODIFICATION ESTABLISHING A NEW LINE FOR THE COMPREHENSIVE PLAN UPDATE**

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

**WHEREAS**, the Town Board has determined that an update of the 2006 Town of Lansing Comprehensive Plan is necessary and has appointed the Comprehensive Plan Update Committee (the Committee) to coordinate the work on the Comprehensive Plan Update (the Update) and to make recommendations to the Town Board regarding the Update; and

**WHEREAS**, the Committee has been meeting since September 2012 and has determined that a Residents Survey would be a valuable tool to offer an opportunity for Town residents to provide ideas and input into the Update process at this early stage; and

**WHEREAS**, the Committee has sought and obtained estimates from several organizations to assist with conducting a Residents Survey, and

**WHEREAS**, the Committee recommends that the Survey Research Institute of Cornell University (SRI) provided the lowest estimate for conducting the desired Residents Survey and appears to be the most appropriate organization to assist with conducting the Survey; and

**WHEREAS**, the Committee recommends that in addition to the Residents Survey, there could be other expenses related to the Update during 2013, such as, but not necessarily limited to, holding and advertising for public information meetings and other public forums, obtaining updated mapping of natural resources, land use, and other possible map layers, printing of draft Update documents, and possibly contracting for additional expertise in matters relating to the Update; and

**WHEREAS**, upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

**RESOLVED**, that the Town Board authorizes a Budget modification establishing a new line in General Fund B Outside Village (B8020.430) for Comprehensive Plan Update; and it is further

**RESOLVED**, that \$20,000 be transferred from Fund Balance into the newly established Budget line B8020.430; and it is further

**RESOLVED**, that the Town Board authorizes an amount not to exceed \$12,000 of the \$20,000 Budget Modification to contract with SRI to conduct a Residents Survey in conjunction with the Comprehensive Plan Update; and it is further

**RESOLVED**, that the Supervisor of the Town of Lansing is authorized to enter into a contract with SRI to assist with conducting the Residents Survey.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson Ruth Hopkins, duly seconded by Councilperson Katrina Binkewicz.

Councilperson Ruth Hopkins indicated the survey would consist of 30 to 50 questions with about 10 to 15 questions on demographics.

Councilperson Edward LaVigne asked how many people will be surveyed.

Councilperson Ruth Hopkins indicated between 300-350 people will be surveyed.

Supervisor Kathy Miller indicated they keep asking people until 300-350 people have completed the survey.

Councilperson Edward LaVigne asked if there was a timeframe to have this done or could it wait until election time and have the survey handed out to people. Councilperson Edward LaVigne stated that \$12,000 is a lot of money for a survey and inquired about the type of information they hoped to obtain.

Ruth Hopkins indicated the questions could be brought in to review but they were not in final format yet. They are looking for feedback on citizens' needs, gas concerns and road concerns.

Councilperson Edward LaVigne stated he is not going to vote on something until he understands what he is voting on. He strongly urged that they consider this and obtain more information. Other alternatives should be considered along with obtaining someone to do this on a free basis.

Supervisor Kathy Miller indicated the survey will be part of the Comprehensive Plan which will cover several things. If the Planning Department is relying on the Comprehensive Plan going forward, the Town needs this information to back it up.

Supervisor Kathy Miller indicated she and Councilperson Ruth Hopkins have listened to the presentation. She suggested the entire Town Board hear Jonathan Kanter and Susan Tabrizi's presentation at the next meeting.

After further discussion the motion to authorize the adoption of the Resolution by Councilperson Ruth Hopkins and seconded by Councilperson Katrina Binkewicz was withdrawn.

This resolution was tabled until the March 20, 2013 Regular Town Board Meeting, at which time the entire Town Board will hear Jonathan Kanter and Susan Tabrizi's presentation.

**RESCHEDULE PUBLIC HEARING UPON PROPOSED LOCAL LAW #1 OF 2013 FOR A MORATORIUM UPON CERTAIN BUSINESS AND COMMERCIAL SIGNAGE AND SIGNS IN THE TOWN OF LANSING:**

Supervisor Kathy Miller indicated it is legal counsel's recommendation that Councilperson Ruth Hopkins and Councilperson Edward LaVigne recuse themselves from anything having to do with the sign law whether it is the moratorium or the law itself.

Councilperson Edward LaVigne asked why he should be recused.

Councilperson Ruth Hopkins indicated it was her understanding, because she had been contacted by one of the parties and had discussions that may impact them she should recuse herself.

Supervisor Kathy Miller indicated Attorney Guy Krogh had sent an email requesting the Town Board not talk to anyone and everything should be referred to him as he has been contacted by another attorney.

Councilperson Edward LaVigne asked why he is no longer able to talk to the person.

Councilperson Robert Cree stated that Councilperson Edward LaVigne had talked to one of the parties before and the Town Board had agreed to this.

Supervisor Kathy Miller indicated that was fine but no one on the Town Board should talk to the parties from now on.

Councilperson Edward LaVigne asked how was he suppose to represent someone's concerns when something like this comes up. He asked why counsel doesn't want him to speak to the party any longer.

Supervisor Kathy Miller indicated it is because Town Board members will potentially have to make judgments on these things. She indicated that under Attorney Guy Krogh's advice, she is asking both Councilpersons Ruth Hopkins and Edward LaVigne to recuse themselves. She stated she agrees with Attorney Guy Krogh's recommendation.

Councilperson Edward LaVigne indicated he would like to hear this from Attorney Guy Krogh himself. He inquired about the legal ramifications.

Supervisor Kathy Miller indicated an attorney for one party has contacted Attorney Guy Krogh. There could be legal ramifications and anything said to the party could be part of a case. She stated it is considered using your office to influence.

Councilperson Robert Cree's understanding was that Councilpersons Ruth Hopkins and Edward LaVigne were not recusing themselves from voting but just not discussing this in the future.

Supervisor Kathy Miller indicated they are recusing themselves from anything to do with the moratorium or the law which includes voting.

Councilperson Robert Cree didn't understand why that would not apply to the entire Town Board.

Councilperson Ruth Hopkins indicated she understood it to be partly due to her comments last week and her being contacted by one party and Councilperson Edward LaVigne was contacted by the other party.

Councilperson Edward LaVigne indicated that he had also reached out to the other party because the Town Board had asked him to.

Supervisor Kathy Miller indicated that was before any legal involvement.

Councilperson Robert Cree indicated they can get clarification from legal counsel on this. It makes it difficult if the remaining three don't agree.

Supervisor Kathy Miller indicated the problem is Councilperson Ruth Hopkins has a vested interest because of where she lives. Councilperson Edward LaVigne has a vested interest because one party is a good friend.

Councilperson Edward LaVigne stated he has a vested interest because the party approached him.

Supervisor Kathy Miller indicated that was fine but now everything should go through Attorney Guy Krogh.

## **RESOLUTION 13-69**

### **RESOLUTION RESCHEDULING PUBLIC HEARING UPON PROPOSED LOCAL LAW #1 OF 2013 FOR A MORATORIUM UPON CERTAIN BUSINESS AND COMMERCIAL SIGNAGE AND SIGNS IN THE TOWN OF LANSING**

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

WHEREAS, the Town has discovered that its purported sign ordinance was actually repealed by the prior adoption and update of its zoning laws in 2005, and perhaps sooner, such that no sign regulations remain in place in the Town of Lansing; and

WHEREAS, the lack of effective sign regulations has the potential to adversely impact and affect public safety and land uses and values; and

WHEREAS, such moratorium, proposed to be enacted by local law (if adopted) proposes to prohibit the erection, enlargement, placement, replacement, alteration, or repair of certain commercial and business signage and signs in the Town of Lansing, whether temporary or permanent; and such moratorium further proposes to adopt certain exceptions and a hardship variance procedure to allow relief to properties and landowners disproportionately and harshly affected by such moratorium; and

WHEREAS, since a Moratorium is a Type II Action under SEQRA, no environmental review is required; and

WHEREAS, the Town Board of the Town of Lansing previously scheduled a Public Hearing to be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing on the 20<sup>th</sup> day of March, 2013 at 6:05 p.m. and wishes to reschedule said meeting; and

WHEREAS, upon due consideration thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that a Public Hearing will be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 17th day of April, 2013, at 6:05 o'clock p.m., to consider the adoption of proposed Local Law #1 of 2013, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law; and it is further

RESOLVED, that the Town Clerk notify the County Department of Planning via a request for a GML § 239-1, *et seq.*, review as soon as is practical; and it is further

RESOLVED AND DETERMINED that this action is classified as a Type II Action under SEQRA (6 NYCRR Part 617, § 617.5(27, 30)), such that no environmental review is mandated or required.

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

Councilperson Katrina Binkewicz	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Abstained (recused herself)
Councilperson Edward LaVigne	Abstained (recused himself)
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on March 6, 2013.

**RESCHEDULE PUBLIC HEARING UPON SEQRA ENVIRONMENTAL REVIEW OF PROPOSED TOWN OF LANSING SEWER IMPROVEMENT AREA PROJECT & TREATMENT PLANT:**

Supervisor Kathy Miller indicated the main informational meeting is scheduled for April 23, 2013 at 7:00 p.m. at the Lansing Middle School Auditorium with additional informational meetings to follow.

**RESOLUTION 13-70**

**RESOLUTION RESCHEDULING PUBLIC HEARING UPON PROPOSED SEQRA ENVIRONMENTAL REVIEW OF PROPOSED TOWN OF LANSING SEWER IMPROVEMENT AREA PROJECT AND TREATMENT PLANT**

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

WHEREAS, since prior to 2004 the Town has considered a town sewer plant and service mains, whether as a district or as an improvement area, and by resolution 10-156 (dated October 20, 2010), the Town Board authorized the preparation of a map, plan and report (“MPR”) for the proposed Town of Lansing stand-alone sewer plant and the related sewer benefit district; and

WHEREAS, since such date the project and the scope of the project have changed in that, *inter alia*, the “district” is now proposed to be an “improvement area,” and the engineer selected for the supporting work and the generation of the MPR has changed; and

WHEREAS, the Town Board wishes to proceed to establish a sewer improvement area pursuant to Town Law Article 12-C and thus needs to conduct an environmental review of the potential environmental impacts of such project and improvement area pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Town Board of the Town of Lansing previously scheduled a Public Hearing to be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing on the 1st day of May, 2013 at 6:05 p.m. and wishes to reschedule said meeting; and

WHEREAS, upon due deliberation thereupon, and in compliance with 6 NYCRR § 617.6(a)(1), now therefore be it

RESOLVED AND DETERMINED, that

1. This action is classified as a Type I Action pursuant to 6 NYCRR Part 617.4;
2. The Town Board of the Town of Lansing proposes to be the Lead Agency for coordinated environmental review, subject to consent or any requests regarding such coordinated review by any Involved or Interested Agency, as applicable;
3. The Involved Agencies are determined to be the County Department of Planning, the County Department of Health, the NYS Department of

Health, the NYS Department of Environmental Conservation; The NYS Environmental Facilities Corporation, the NYS Southern Tier Regional Development Council, the NYS Comptroller's Office, the NYS Department of Transportation, the Tompkins County Highway Department; the NYS Office of Parks, Recreation and Historic Preservation, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers;

4. The Interested Agencies are determined to be the Town of Lansing Planning Board, the Village of Lansing, the Village of Cayuga Heights, the Towns of Groton, Locke, Dryden, the County of Cayuga, the Southern Cayuga Lake Intermunicipal Water Commission, and the Cayuga Indian Nation; and it is further;

RESOLVED, that the Town Clerk issue a Notice of Intent to each and all of the following Involved Agencies and Interested Agencies, including therewith a copy of the proposed FEAF and the Map, Plan and Report for such proposed sewer improvement area; and it is further

RESOLVED, that a Public Hearing to consider the environmental impacts of the proposed sewer improvement area be and is hereby scheduled for the 15th day of May, 2013, at 6:05 p.m., at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and to thereat hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED AND ORDERED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law and it is further

RESOLVED AND ORDERED, that a responsible Town official or employee deliver the Notice of Intent of the Town of Lansing to act as lead agency to all Interested and Involved Agencies.

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

Councilperson Katrina Binkewicz	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on March 6, 2013.

#### **ADJOURN MEETING:**

#### **RESOLUTION 13-71**

Councilperson Robert Cree moved to **ADJOURN THE MARCH 6, 2013 SPECIAL TOWN BOARD MEETING AT 6:34 PM** to commence the **WORK SESSION MEETING**. Supervisor Kathy Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz	Aye
Councilperson Robert Cree	Aye
Councilperson Ruth Hopkins	Aye
Councilperson Edward LaVigne	Aye
Supervisor Kathy Miller	Aye

Minutes taken and executed by the Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall

## **TOWN BOARD WORK SESSION MEETING**

PLEASE NOTE: The primary purpose of the Town Board Work Session is to be informational/educational for the benefit of the Board Members. Public comment will be taken at the regular meetings when the items are scheduled on the agenda.

### **Topics of Discussion:**

#### **Town of Lansing Fee Schedule**

#### **Proposed Local Law #1 of 2013 for Moratorium upon Certain Business and Commercial Signage and Signs in the Town of Lansing**

#### **Survey for Comprehensive Plan**

#### **The Rasmussen's: Caroline and Robert Rasmussen presented the following documents to the Town Board:**

We are Bob and Caroline Rasmussen, 127 Asbury Rd. (home) and 131 Asbury Rd (rental).

The new commercial LED sign was first lit at Cayuga Signs immediately across from our property on October 29. We had twice spoken with our neighbor asking him to remove the sign feeling that it was a safety hazard and was totally inappropriate in our residential neighborhood. He informed us that he had received a permit from the Town.

We immediately, at Supervisor Miller's recommendation, submitted a petition to you at your November 7 Town Board meeting. The petition contained the signatures of 44 of our neighbors and asked that the sign be removed since we believed it was in violation of the Town's Sign Ordinance and Land Use Ordinance.

To date, we have received no response from the Town to our petition.

Hearing nothing from the Town, we submitted a written appeal to the Chairman of the Zoning Board of Appeals on December 10 for consideration at their December 18 meeting. We were not placed on the agenda of that meeting, and although we attended the meeting, we were ignored and were denied the opportunity to speak before the meeting was adjourned. In comments after the meeting, the Chairman stated that the ZBA was awaiting direction from their lawyer as to whether or not the ZBA could hear our appeal. The chairman also assured us that any statute of limitations would not apply during this delay.

To date, we have received no response from the ZBA.

It is now March 6, more than 4 months since the sign first appeared, almost four months since we submitted our petition to you, and more than two months since we appealed to the ZBA. We therefore request that you answer the following questions.

Is the Town Board the proper place for us to seek a response? If so, can you tell us your response to our petition?

If not, is the ZBA the proper place for us to seek a response? If so, will the Town Board assist us making our appeal to the ZBA?

Gregg Travis, Chairman  
Lansing Zoning Board of Appeals  
29 Auburn Road, Lansing, NY 14882

Dec 10, 2012

Dear Mr. Travis,

We are writing to the Lansing Zoning Board of Appeals today to register a formal protest regarding the electronic LED sign at 130 Asbury Rd. The sign was first lit on October 31 of this year. We were told that the permit for the sign was given to Craig Christopher, owner of Cayuga Signs in May. However we were not made aware of this permit by Lansing or Mr. Christopher and had no knowledge of the sign until October 31. On November 7<sup>th</sup> we brought our concerns about this sign to the Lansing Town Board. We have received no official reply regarding these concerns. The 60 day statute of limitations between the granting of a permit for the sign and our protest of the sign, does not nullify our rights to protest the sign because we had no way of knowing of the nature of the sign until it was constructed and lit.

The sign is not lawful under the Lansing Sign Ordinance (<http://www.lansingtown.com/lansing/index.php/codes-and-planning-documents>).

If the business on premises, Cayuga Signs, is a "Home Occupation" business (section 1502.5 Lansing Sign ordinance), then it is violation because its moving message says more than "the name of the person residing on the premises and the profession or occupation being conducted". The sign messages include: "Service and Repair", "Street Light Repair", "LED Displays", "Neon", etc. The sign is also larger than 9 square feet.

If Cayuga Signs is not a home occupation AND it is a business in a R1 zoned parcel, then the business must fall under one of the following designations:

- 1) the business, and its current business practices and use of the property, predate the Lansing zoning laws. This needs to be investigated. The very construction of the sign demonstrates that Cayuga Sign on Asbury Rd is expanding their business into electronic signs and other business practices that are increasing the non-conformity and requires approval of the Zoning Board of Appeals'.
- 2) the business received a variance for the business when it was established. But again, the business is by definition expanding their product line and again should be reviewed given its non-conforming use.
- 3) it is an illegal business. In which case it most certainly needs to be considered by the Zoning Board of Appeals.

We are not anti-business and don't deny Mr. Christopher the right to run his business. However, the new sign presents many problems for the neighborhood and for the Town:

- 1) It is a serious safety threat to our families and to anyone traveling on this road. Electronic Signs, like the one you have permitted, are specifically designed to distract driver's attention. Their sole purpose is to focus driver's attention on an advertisement and away from the road. Our children and friends and neighbors use this road every day for walking, jogging, riding bikes, walking the dog, and driving.
- 2) The sign is completely out of character with our neighborhood (R1) and substantially reduces residential property values in our neighborhood. This sign completely defeats the purpose of zoning and Town land use ordinances, which are there to protect the character of our residential neighborhood and our property values.
- 3) This sign is not in compliance with the Lansing ordinances..it flashes and gives appearance of movement, it glares on neighbors and the road, it is larger than a home business identification sign, and it is much more than the allowed wording of an identification sign, namely company name and address. Clearly this sign does not meet the goals of the Lansing sign ordinance namely to "preserve and enhance the visual characteristic quality of the area and prevent installations which are particularly distractive and hazardous to vehicular traffic."

This sign also seems to indicate an expansion of the business (not just the expanded sign) which we believe should not occur without full process for home businesses in R1 neighborhoods.

- 4) This sign also sets a precedent of commercialization in our neighborhood and in other R1 neighborhoods in Lansing; how many more of such signs will the town approve?

The enclosed petitions were signed by 41 neighbors on Asbury, Armstrong and Meadow roads. An additional petition (48 people) was signed by people using Asbury Road for biking, walking and running.

Please respond to this request. Thank you.

Caroline and Robert Rasmussen  
127 Asbury Rd.  
Lansing, NY 14882  
(residing at this address since 1982)

With no further business to discuss the meeting ended at 8:55 p.m.

Notes were taken by Supervisor Kathy Miller and executed by the Deputy Town Clerk.

Respectfully submitted,

Darlene Marshall