

REGULAR TOWN BOARD MEETING
MAY 15, 2013

A Regular 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 Debbie Crandall, Town Clerk, showed the following to be

PRESENT:

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

ABSENT: Robert Cree, Councilperson

ALSO PRESENT: Sharon Butler Bowman, Deputy Supervisor, Guy Krogh, Town Attorney, Jack French, Highway Superintendent, Cricket Purcell, Deputy Highway Superintendent, Steve Colt, Park Superintendent and Recreation Director, Jonathan Kanter, Town Planner, Pat Pryor, Tompkins County Representative, Dan Veaner, Lansing Star, Charles Scott, Judy Scott, Suzanne Hinderliter, Mr. and Mrs. Rudy Christopher, Connie Wilcox, Craig Christopher, Diane Christopher, Karen Mathews, Michele Robinson, Chuck Crandall, Scott Bishop, John O'Neill, Village of Lansing, David Plumeau, Chris Gill, Roger Hopkins, Stephen Emlen, Dennis Griffin, Stephanie Behler, Tom Butler, Ted Laux, Doug Fink, John Young, Stephanie Zerilli, Donna Scott, John and Maureen Dean and several other attendees.

TOMPKINS COUNTY REPRESENTATIVE – PAT PRYOR:

To: Lansing Town Board
From: Pat Pryor, County Legislature Representative
Re: monthly report
Date: 5/15/2013

1. The Legislature approved up to \$4.3 million in bonding and notes for road and highway construction and \$1.65 million to pay a portion of repairing or replacing county bridges. A twenty year maintenance plan is under discussion, with decisions as to the first year's projects to be developed soon. I'll provide an update as to Lansing's inclusion in those projects as soon as the plan is ready.
2. The Legislature adopted a Green Building Policy that specifies that new construction and major renovations (\$500,000 and up) of County-owned property shall meet at least the equivalent of LEED Silver standard, with a decision on whether to seek the actual certification made on a case by case basis.
3. The Legislature heard a presentation from Cornell professors Robert Howarth and Tony Ingraffea entitled "A Renewable Energy Future for New York," based on a Stanford/Cornell study that uses New York State as a model to demonstrate how the state can be powered with wind, water, and the sun to address global warming, air pollution and energy security. They maintained that meeting the state's energy needs through renewable energy sources is achievable with rapidly advancing technology in the near future. The presentation may be viewed online at the County Legislature website at www.tompkins-co.org. (Click on the Tompkins County Meeting Portal, the May 7 Legislature meeting, video, then the item on the agenda.)

MOTION TO OPEN PUBLIC HEARING UPON PROPOSED SEQRA ENVIRONMENTAL REVIEW PROPOSED TOWN OF LANSING SEWER IMPROVEMENT AREA AND TREATMENT PLANT

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING UPON PROPOSED SEQRA ENVIRONMENTAL REVIEW PROPOSED TOWN OF LANSING SEWER IMPROVEMENT AREA AND TREATMENT PLANT** at 6:06 pm. Councilperson Ruth Hopkins seconded the motion.

All In Favor – Aye 4

Those Opposed - 0

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:07 pm. Councilperson Ruth Hopkins seconded the motion.

All In Favor – Aye 4

Those Opposed - 0

CITIZEN VOLUNTEER NOMINATIONS

Supervisor Kathy Miller stated that there are three nominations for the Town Board to take under consideration. She stated that they hope to announce the Citizen Volunteer of the Year at the June meeting.

MOTION TO OPEN PUBLIC HEARING – LOCAL LAW #3 OF 2013

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING FOR LOCAL LAW #3 OF 2013 TO EFFECT A RENEWAL AND EXTENSION OF LOCAL LAW #1 OF 2012, ENTITLED “MORATORIUM AND PROHIBITION WITHIN THE TOWN OF LANSING HIGH-IMPACT INDUSTRIAL USES, INCLUDING NATURAL GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES, THE UNDERGROUND STORAGE OF NATURAL GAS, AND THE DISPOSAL OF NATURAL GAS OR PETROLEUM EXTRACTION, EXPLORATION, AND PRODUCTION WASTES”** at 6:10 pm. Councilperson Katrina Binkewicz seconded the motion.

All in Favor - Aye

Those Opposed - 0

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:11 pm. Councilperson Ruth Hopkins seconded the motion.

All In Favor - Aye - 4

Those Opposed - 0

PRIVILEGE OF THE FLOOR

Craig Christopher

Mr. Christopher, the owner of Cayuga Signs stated today he was asked to join Lynn Day and to sit in on the Sign Committee. He stated he appreciated the invite and even though he would have some good input in creating the sign ordinance that would work for everyone, he did not want to create the appearance that he was influencing the committee.

Connie Wilcox

We, the residents of Lansing support small business and their right to advertise their business. These business' add to the tax base, support our economy and create jobs. We strongly oppose the Town of Lansing, Town Board enacting a sign moratorium, or a restrictive sign law that will inhibit small business.

May 15, 2013

Lansing Town Board Members:

Given the climate the Town of Lansing Town Board seems to be creating for small business, I am submitting a petition in support of small business in Lansing and the

possible creation of a small business coalition to assure fairness and equality for all businesses in the Town. We urge you not to pass a sign moratorium. This would inhibit any new business that wishes to establish in Lansing and will not have the option of signage for six months. We urge you to put a sign ordinance in effect that will benefit small business and enhance business that is already here. A new sign ordinance should be drafted keeping in mind those businesses already established here in Lansing, and have been for many years. We urge you to make sure there is a provision to grandfather their signage in.

Respectfully,

Connie Wilcox

Supervisor Kathy Miller stated that the town is working very hard on the Sign Ordinance and it will not take 6 months to complete. She wanted everyone to understand that if the town does not have a moratorium or a sign law then anyone can put up anything and there are no restrictions. The new sign law will be reviewed by the Planning Board and a Public Hearing will be held before it is adopted. The proposed Local Law # 2 of 2013 entitled a Temporary 6-Month Moratorium upon certain Commercial and Business Signs in the Town of Lansing will be considered for adoption later in the meeting.

The proposed Local Law #2 of 2013 was further discussed along with the section on the hardship variance and the role of the ZBA.

Craig Christopher

Mr. Christopher stated that he has contacted the Northeast Business Association and they would also like to give the town input. There are a lot of things that need to be addressed and he stated if you are going to do it you might as well do it right. The Northeast Sign Association Board will give you a guide to go through. Mr. Christopher said the current draft differentiates sign requirements by business category when a more standard practice is to base sign size on the size of the building by square footage.

Supervisor Kathy Miller encouraged Mr. Christopher to come to the meetings. Mr. Christopher stated he would come to the meetings but he wanted to get his sign resolved first and then he would be more than happy to. Mr. Christopher stated he would give the town the information then there would be a base to work on.

Further discussion was held on the new draft sign law along with new and existing signs. Supervisor Kathy Miller stated that Counsel just informed her that a new Town Board could come in and propose a new ordinance or local law.

Supervisor Kathy Miller stated that all the Committee meetings are open to the public. She encouraged everyone to come to the meetings and give their input.

MOTION TO OPEN PUBLIC HEARING ON THE APPLICATION FOR RENEWAL OF SPECIAL USE PERMIT AND MODIFICATION OF CONDITIONS OF PREVIOUS SPECIAL USE PERMIT FOR PROPOSED GRANTCHESTER YOUTH SOCCER FIELDS AT 1775 EAST SHORE DRIVE

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING ON THE APPLICATION FOR RENEWAL OF SPECIAL USE PERMIT AND MODIFICATION OF CONDITIONS OF PREVIOUS SPECIAL USE PERMIT FOR PROPOSED GRANTCHESTER YOUTH SOCCER FIELDS AT 1775 EAST SHORE DRIVE** at 6:33 pm. Councilperson Ruth Hopkins seconded the motion.

All In Favor – Aye 4 Those Opposed - 0

Councilperson Edward LaVigne stated he was concerned with the age of the players to be 18 years and under, in addition to allow players up to 22 years not to exceed 3 times per year and asked Counsel for his opinion on this. Counsel Guy Krogh stated that this was a restriction volunteered by the Club because it was oriented towards youths. This was not a town restriction. Town Planner, Jonathan Kanter clarified that the original condition

was players would be 18 and under and the new permit expanded the three times a year for ages 18 to 22 to allow former players that were in college to return to play.

MOTION TO CLOSE PUBLIC HEARING

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:38 pm. Councilperson Katrina Binkewicz seconded the motion.

All In Favor – Aye 4 Those Opposed - 0

MOTION TO OPEN PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW OF THE PROPOSED RENEWAL OF SPECIAL USE PERMIT FOR GRANTCHESTER YOUTH SOCCER FIELDS AT 1775 EAST SHORE DRIVE

Supervisor Kathy Miller moved to **OPEN THE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW OF THE PROPOSED RENEWAL OF SPECIAL USE PERMIT FOR GRANTCHESTER YOUTH SOCCER FIELDS AT 1775 EAST SHORE DRIVE** at 6:39 pm. Councilperson Ruth Hopkins seconded the motion.

All In Favor- Aye 4 Those Opposed -0

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

All persons desiring to be heard, having been heard, Supervisor Kathy Miller moved to **CLOSE THE PUBLIC HEARING** at 6:40 pm. Councilperson Ruth Hopkins seconded the motion.

All in Favor –Aye 4 Those Opposed - 0

CONSIDER ADOPTION OF LOCAL LAW #3 OF 2013

DISCUSSION

Councilperson Edward LaVigne stated that his understanding is that there are no changes except extending this for another year and he asked Counsel if he was correct. Counsel Guy Krogh stated that it was an extension of one year and one minor clarification regarding existing business uses to make sure that they could continue and it would not impact them.

NOTE: Proposed for Consideration, Local Law #2 of 2013 – To Effect a Temporary 6-Month Moratorium Upon Certain Commercial and Business Signs in the Town of Lansing, was not adopted into law. Therefore, the proposed Local Law #3 of 2013 becomes Local Law #2 of 2013.

RESOLUTION 13-84

RESOLUTION ADOPTING LOCAL LAW #2 OF 2013 TO EXTEND TEMPORARY MORATORIUM UPON HIGH IMPACT COMMERCIAL AND INDUSTRIAL ACTIVITIES IN THE TOWN OF LANSING

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

WHEREAS, the Town has been conducting a multi-year study concerning updates to both its zoning laws and its Comprehensive Plan, including an examination of the use of overlay and other districts to protect important natural and other features of the Town, as well as the creation of a Town Center and related zoning and planning actions, and has made regular and substantial progress to date, including, among other things, the appointment and work of the Town Center Committee, the Comprehensive Plan Committee, the Pathways Committee, the Codes Committee, the Oil & Gas Committee, and the efforts in relation to key drivers of the future Comprehensive Plan and zoning efforts, including, among other things, the South Lansing sewer initiatives; and

WHEREAS, the onset and imminent potential approval of oil and gas drilling, particularly through a process known as HVHF, has the potential to bring heavy industrial processes and operations into the Town precisely at a time when the Town is in the process of continuing to examine existing regulations to address the potential impacts of all industries and the need for changes in Town laws and procedures related to heavy industrial operations and otherwise; and

WHEREAS, such moratorium, hereby enacted and extended by local law, prohibits the siting or operation of any new heavy industrial activities within the Town, whether temporary or permanent, and including HVHF and natural gas drilling, until the Town can consider several regulations or changes in law to address the issues arising from such heavy industrial activities; and such moratorium further proposes to adopt grandfathering rights and a hardship exemption to allow relief to properties and landowners disproportionately and/or harshly affected by such moratorium; and

WHEREAS, since a Moratorium is a Type II Action under SEQRA, no environmental review is required; and the required review by the Tompkins County Planning Department was received and noted no negative county-wide or inter-community impacts; and

WHEREAS, a Public Hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 15th day of May, 2013, at 6:10 o'clock P.M., whereat all persons interested in the subject matter hereof were permitted to provide testimony or give evidence; and

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

RESOLVED, that Local Law Number 2 of 2013 be and hereby is approved and adopted in the form as presented to this meeting, and in such form "be it so enacted"; and it is further

RESOLVED, that in accord with § 21 of the Municipal Home Rule Law, the final adopted version of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said § 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law § 27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

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

Councilperson Katrina Binkewicz - Aye	Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye	Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 2 OF 2013**

**TO EXTEND LOCAL LAW NUMBER 1 OF 2012 FOR
AN ADDITIONAL PERIOD OF ONE YEAR**

Be it enacted by the Town of Lansing as follows:

A LOCAL LAW IMPOSING A 12-MONTH EXTENSION OF LOCAL LAW NUMBER 1 OF 2012 ENTITLED “MORATORIUM AND PROHIBITION WITHIN THE TOWN OF LANSING OF HIGH-IMPACT INDUSTRIAL USES, INCLUDING NATURAL GAS AND PETROLEUM EXPLORATION AND EXTRACTION ACTIVITIES, THE UNDERGROUND STORAGE OF NATURAL GAS, AND THE DISPOSAL OF NATURAL GAS OR PETROLEUM EXTRACTION, EXPLORATION, AND PRODUCTION WASTES.”

ARTICLE 1. TITLE.

This Local Law shall be referred to as the “Local Law #2 of 2013.”

ARTICLE 2. PURPOSE AND INTENT.

By the enactment of Local Law #1 of 2012, the Town of Lansing legislatively found that the potential for industrial development was inimical to its ongoing Comprehensive Planning updates and its Town Center Project, and that existing Town zoning, review procedures, and regulations did not adequately address industrial uses and land use impacts. Included among these industrial land uses was the potentially imminent development of oil and gas reserves through HVHF, solution mining processes, and oil and gas development processes. Industrial activities and land uses pose and create certain risks that the Town Board needed to address prior to any permitting of or authorizations for such industrial activities, including, without limitation, the protection of roadways and regulation of traffic impacts, the protection of aquifers, wellheads, drinking water, and surface air and waters, and the protection of the public health and weal, among others. The Town of Lansing thus desires to commence and/or continue aquifer analyses and water protection, the development of road use regulations, the identification and consideration of scenic areas, the preservation of lake views and viewsapes, the study and designation of critical environmental areas, and the protection of wetlands, including wetlands of local importance, the protection of agriculture, and to consider local laws to regulate or prohibit or mitigate the effects of certain of such industrial activities within the Town.

The Town has discovered, in attempting to complete such analyses and studies, that several of the same are lengthy and complex issues, both factually and legally, including the processes of mapping aquifers and obtaining roadway engineering data to support road use regulations or agreements. In order to more effectively protect the health, safety and welfare of the community, and to help assure the orderly development and use of lands within the Town, and to examine the impacts of heavy industry and heavy industrial activities, including oil and gas development projects upon the town, its properties, infrastructure, and citizenry, the Town of Lansing has legislatively determined that the existing moratorium needs to be extended.

The Town believes, based upon progress to date, that critical regulations may be emplaced within such additional 12-month period and that, therefore, extending the existing moratorium for another year is reasonable and necessary. Therefore, pursuant to the statutory powers vested in the Town to regulate and control land uses, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Lansing hereby declares an additional 12-month moratorium on industrial activities as defined in Local Law #1 of 2012 (and as re-defined and/or amended below), including all defined Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas activities, and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Waste activities, each and all of which shall remain prohibited so as to allow the Town to address, in a careful manner and upon a Town-wide basis, rather than on an *ad-hoc* basis, the issues presented by heavy industrial land uses and/or oil and gas and solution mining, storage, extraction, and production waste disposal.

ARTICLE 3. SCOPE OF CONTROLS.

All terms, conditions, clauses, requirements, and procedures of Local Law #1 of 2012, as amended or as herein below re-stated, are incorporated herein. Such amendments and re-statement(s) being a material part of this Local Law #3 of 2013:

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE

A. This Local Law is intended and declared to be consistent with, and is adopted pursuant to, the authority granted to the Town Board under the New York State Constitution and the laws of the State of New York, including, but not limited to, the following authorities: New York State Constitution Article IX, §§ 2(c)(6), 10; Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law §§ 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law §§ 10(4)(a), and (b); Statute of Local Governments §§ 10(1), (6), and (7); Town Law § 64 (17-a), (20-b), and (23); Town Law § 130(5), (6), (7), (8), (11), (14), (15), and (23); Town Law § 135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law § 17-1101, § 23-0303(2), and § 27-0711; and Public Health Law §§ 228(2), (3).

This Local Law is a police power and land use regulation. This Local Law is intended, and is hereby declared, to address matters of local concern. It is further declared that it is not the intention of the Town of Lansing (the "Town") to address matters of statewide concern. This Local Law is intended to act as, and is hereby declared an exercise of, the permissive "incidental control" of land uses that zoning and land use laws are concerned with, being mainly broad areas of land use planning and the physical use of land and property within the Town, including physical externalities associated with certain herein-defined land uses, such as negative impacts on roadways and traffic congestion and other deleterious impacts on a community. This Local Law is a law of general applicability and is intended and declared to promote the interests of the community as a whole, including by protecting drinking water supplies and supplementing and enhancing, but not limiting or impinging upon, the Safe Drinking Water Act and the Underground Injection Control programs administered by the Environmental Protection Agency. This Local Law is also intended and declared to impose conditions and restrictions on certain uses of property that are directly related and incidental to the use of property, with such conditions and restrictions being aimed at minimizing or precluding adverse impacts in and upon the Town that could result from a certain uses of property that pose a unique risk of adverse impacts to, and effects upon, the comfort, peace, enjoyment, health and safety of residents and their property.

B. The Town Board has found, determined, and made the following declarations and findings:

1. Lansing is a community in the northern part of Tompkins County that contains a lakeshore (Cayuga Lake), major creek valleys, gorges, waterfalls, protected and impaired waterways, native trout streams and tributaries to Cayuga Lake, wetlands, historic buildings, cemeteries and farmsteads, and other important natural, scenic, archaeological, and historic resources that contribute to the cultural fabric and quality of life that residents prize.
2. Whether utilizing public water supplies or private wells, residents of the Town are dependent upon aquifers and Cayuga Lake for life-sustaining water. Maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy. Certain of the activities described in Article 3, § 4 of this Local Law have the potential to damage surface and ground water resources in the event of (by way of example) human error, discharges and emissions of deleterious substances, power outages, flooding or other natural disasters, or engineered materials and structures experiencing stresses beyond those for which they were designed. Further, water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive and may not restore the water resource to a quality acceptable for

domestic use. The Town Board believes it is appropriate to evaluate the effectiveness of aquifer protection legislation as one tool to fortify the Town's water resources and protect them from potential damage; and, if appropriate, to draft and enact such legislation.

3. Preservation of the Town's irreplaceable significant ecological, historic, and scenic sites, its air and water quality, its priceless and unique character, and its inventory of unique natural areas and communities, is of significant value to the inhabitants of the Town and to the tourists who visit. In order to protect such Town assets in the face of significant development pressures, the Town Board believes it is appropriate to consider the identification and designation of Critical Environmental Areas within the Town and to consider Comprehensive Planning and updated zoning regulations that seek to protect these, and other, areas of the Town.

4. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the agricultural, scenic, recreational, and other natural resources of the Town is important for both a healthy environment and a vibrant economy. Aesthetic issues are real and evoke strong reactions from people, and they deeply affect the way people feel about a place, whether businesses will want to locate in a place, and whether people will want to live in and visit a place.

5. Allowing the activities described in Article 3, § 4 of this Local Law could impair the existing character of the Town because, by their very nature, such activities have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the communities and areas where such activities occur. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas, and scenic views, the fragmentation of natural communities and valuable wildlife and flora corridors, decreased recreational opportunities, and damage to the tourism industries. Thus, the Town believes that comprehensive planning and updated zoning regulations may mitigate these potential impacts, and thus the Town believes that legislative and planning solutions may achieve the proper balance between development and the preservation of important assets and features of the Town and the public health.

6. If one or more of the activities described in Article 3, § 4 of this Local Law are conducted within the Town, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Town and pedestrians (especially children), cyclists, and motorists. Such traffic could result in traffic congestion that could delay emergency response times for medical emergencies, fires, and accidents. Certain of the activities described in Article 3, § 4 of this Local Law also typically involve a large volume of heavy vehicles, and accidents involving such vehicles have a greater potential for causing damages, severe injury, and death than those involving smaller vehicles. These incidents are more likely to occur on roads (such as many roads in the Town) that have sharp corners, narrow lanes, short sight lines, and/or limited roadway geometries. Thus, an increased volume of heavy vehicle and truck traffic may cause, contribute to, or create unsafe conditions for the traveling public and thus place a strain upon emergency responders. Increased heavy vehicular and truck traffic also tends to increase air pollution and noise levels, and decrease the quality of life and property values for those living nearby. Further, roads are a critical public resource and constitute a major investment of the public's money, and many roadways in the Town are "highways by use" (New York Highway Law § 189), which have never been engineered, built, maintained, or designed to handle or carry repeated heavy loads or vehicles, even when within legal limits. The Town is not in a position to bear the high costs associated with the road use impacts that typically accompany many of the activities described in Article 3, § 4 of this Local Law. The Town Board thus believes it is appropriate to evaluate the effectiveness of road use

and/or roadway classification legislation as tools to protect the Town's resources and roadways from such costs and damage, and, if appropriate, to develop a road use policy and enact legislation to protect Town taxpayers from having to shoulder the burden of repairing or rebuilding roads damaged by activities described in Article 3, § 4 of this Local Law.

7. If one or more of the activities described in Article 3, § 4 of this Local Law are conducted within the Town, the air pollution, noise, vibrations, dust, and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous to the inhabitants of the Town. Air pollution is a known hazard to the public health, and unchecked pollution, noise, vibrations, dust and odors are known air contaminants that can cause public nuisances. The Town thus believes it is appropriate to understand the scope of municipal authority to regulate such air pollution and contaminants to prevent nuisances and air quality and, if appropriate, to enact legislation to so protect the Town and the public health of citizens of, and visitors to, the Town.

8. If one or more of the activities described in Article 3, § 4 of this Local Law are conducted within the Town, noise, vibrations, seismic, subterranean, lateral and subjacent support impacts, and light pollution typically caused by such activities could be hazardous or inconvenient to the inhabitants of the Town. Noise, traffic congestion, nighttime lighting, vibrations, and seismic and other impacts to subterranean surface support can have negative effects on human health and wildlife. Also being potential nuisances, the Town desires to examine the extent to which the Town may mitigate or prohibit certain of these impacts and, if appropriate, enact legislation to protect the Town and its citizens from the effects of such potential nuisances.

9. The creation, generation, keeping, storage or disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined in Article 3, § 3 of this Local Law) within the Town could have a negative impact on the public health, safety, and welfare of the inhabitants of the Town. As well, there are substantial fiscal risks arising from such activities in terms of the need for the clean up, removal, and/or remediation of such wastes and lands upon which the same are generated, deposited, or emitted, whether purposefully or accidentally, including potential liability for such deposits or emissions. As well, the high costs associated with the disposal of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes (as that term is defined at Article 3, § 3 of this Local Law) have in other localities resulted, and could in our Town result, in persons seeking to avoid such costs by depositing such material along roadways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities could pose a hazard to the public health, safety, and welfare of the inhabitants of the Town, and thus the Town desires to have time to study legislative options and to consider whether to effect a ban upon extractive or solution mining, a partial ban, or to otherwise respond with a legislative solution aimed at mitigating impacts from allowed mining operations. These solutions will each and all require comprehensive planning, coordination with county and regional planning offices, and the implementation of zoning or other regulations to place such solution(s) into effect.

10. Pipelines under 125 psi and less than 6" diameter are presently not regulated by the federal or New York state governments, yet may pose many the same dangers as larger, regulated lines when ruptured or impaired. In any event, such pipelines also require a clear zone for inspections, maintenance, and access. The Town Board believes it is appropriate to evaluate whether it is advisable to develop a policy to address such otherwise unregulated pipelines, and if so, to enact such a policy.

11. The Town Board believes it is appropriate to evaluate development and enactment of legislative standards to ensure that any industrial activity contemplated for the Town take place only if compatible with present land uses

and the Town's Comprehensive Plan. The evaluation and determination of whether the activities described in Article 3, § 4 of this Local Law are appropriate for the Town and are a legitimate goal of land use policies and laws. There is no question that exclusion of specified industrial uses is a legitimate goal of such laws. As the United States Supreme Court stated in *Town of Belle Terre v. Borass*, 416 U.S. 1 (1974):

...the concept of public welfare is broad and inclusive.... The values that it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the [local] legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.

416 U.S. at 6.

Further, in *Matter of Gernatt Asphalt Products, Inc. v. Town of Sardinia*, 87 N.Y. 2d 668 (1996), the Court of Appeals, New York State's highest court, evaluated a claim that a town's prohibition of mining throughout the town was in effect unconstitutional 'exclusionary zoning.' The Court of Appeals held as follows:

We have never held, however, that the ... ['exclusionary zoning'] test, which is intended to prevent a municipality from improperly using the zoning power to keep people out, also applies to prevent the exclusion of industrial uses. A municipality is not obliged to permit the exploitation of any and all natural resources within the town as a permitted use if limiting that use is a reasonable exercise of its police power to prevent damage to the rights of others and to promote the interests of the community as a whole.

87 N.Y. 2d at 683, 684 (*emphasis added*).

C. The purpose of the Local Law is therefore to provide the Town with a period of time to consider and, if appropriate, to draft and to enact one or more local laws, ordinances, or other legislation, to identify and designate wetlands and critical environmental areas, develop aquifer protection legislation, develop road use classification laws or other road use policies, to update Town's Comprehensive Plan, to examine nuisance controls and the Town's authority to mitigate or abate nuisances, including by regulating or prohibiting air and water pollution, and to update or amend, as indicated or needed, the Town's zoning laws, and/or to consider a ban or prohibition of the activities described in Article 3, § 4 of the Local Law. At this time, it appears to the Town Board that a moratorium of one (1) year in duration, coupled with a mechanism for a variance procedure, will achieve an appropriate balancing of interests between (on the one hand) the public need to safeguard the character and other resources of the Town and the health, safety and general welfare of its residents, and (on the other) the rights of individual property owners or businesses desiring to conduct such activities during such period.

Section 3. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Agriculture Use - Land used for the production of crops and/or livestock and livestock products (as those terms are defined at § 301 of the New York State Agriculture and Markets Law).

Below-Regulatory Concern - Radioactive material in a quantity or of a level that is distinguishable from background levels (as that phrase is defined at 10 CFR § 20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

Board of Appeals - The Zoning Board of Appeals of the Town.

Explosive Materials - Substances capable of undergoing decomposition or combustion with great rapidity, involving much heat and producing a large volume of gas. The reaction products fill a much greater volume than that occupied by the original material and exert an enormous pressure, which can be used for blasting and for propelling. Examples include TNT, dynamite, nitroglycerin, and ammonium nitrate.

Gathering Line, Or Production Line - Any system of pipelines (and other equipment such as, but not limited to, drip stations, vent stations, pigging facilities, valve box, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move or transport oil, gas, or liquids from a point of production, a treatment facility, or a storage area to a transmission line which is (i) exempt from the Federal Energy Regulatory Commission's jurisdiction under § 1(b) of the Natural Gas Act, and (ii) which does not meet the definition of a "Major utility transmission facility" under the Public Service Law of New York, Article 7, § 120(2)(b).

High-Impact Industrial Uses - For purposes of this Law, "High-Impact Industrial Uses" does not include Agriculture Use(s), but does include those uses and industries that are traditionally considered to be "heavy industrial uses" or "heavy industry," and by way of illustration (and not limitation) include:

1. A Land Application Facility;
2. Natural Gas And/Or Petroleum Exploration Activities;
3. Natural Gas And/Or Petroleum Extraction Activities;
4. A Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility;
5. Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump;
6. A Natural Gas Compression Facility, Natural Gas Processing Facility, or any Non-regulated Pipelines;
7. Underground Injection;
8. Underground Natural Gas Storage;
9. Iron, steel, copper, brass, aluminum and similar smelting operations, foundries, forming and processing plants, and large-scale automotive and vehicular assembly plants;
10. Emery cloth and sandpaper manufacturing;
11. Smelting of ores and metallurgical products;
12. Petroleum or petroleum products refining;
13. Glue and adhesives manufacturing;
14. Explosive materials fabrication or manufacturing;
15. Wood or pulp, paper, and paperboard processing or manufacturing;
16. Petroleum and coal manufacturing;
17. Pesticide, fertilizer, and chemical manufacturing;

18. Rubber, resin, and synthetic fiber and plastics manufacturing or processing;
19. Commercial glass, clay, ceramics, china, and porcelain manufacturing or processing facilities;
20. Commercial leather and hide tanning and processing facilities;
21. Large-scale commercial meat or fish processing, storage, or canning facilities; and
22. Large scale commercial or industrial power generation by solar farming, water flows, wind flows, the burning of fossil or other fuels, including wastes, or the fission or fusion of any atoms, compounds, or materials.
23. Any other commercial or industrial business, land use, facility, or application (but not including Agricultural Uses or other uses that are exempt from this Local Law) that the Town determines is likely to:
 - (i) have any one of the following characteristics identified as sub-sections (a) through (d) (mainly or generally, characteristics which potentially create negative impacts upon the Town or its residents); *plus* (ii) as to which sub-section (e) also applies:
 - a. A significant negative or deleterious impact upon the environment; or
 - b. A significant contribution to any increase in illnesses or mortality in the Town; or
 - c. Involves the use, storage, or creation of any Hazardous Wastes or Radioactive Materials, or which poses a risk of environmental harm by the release, emission, or transmission of any deleterious organic or non-organic wastes or hydrocarbons; or
 - d. Involves any significant volume of detrimental or obnoxious noise, smoke, vibration, odor, traffic, dust, or other impacts, conditions, or characteristics that may or will constitute a public nuisance; *plus*
 - e. Any use, operation(s), process, application, business, or industry that involves any three of the following impacts:
 - (i) The employment of 20 or more persons, including all persons acting as an independent contractors and/or as a joint-venturer (and the like), whether upon a temporary, intermittent, seasonal, or permanent basis;
 - (ii) Has or uses any facility or improvement(s) that exceed 200,000 combined square feet of enclosed or partially enclosed space, or which creates more than 200,000 square feet of impervious or semi-impervious surfaces;
 - (iii) Will utilize or disturb, when fully constructed, more than 3 acres of land;
 - (iv) Involves the delivery or transportation of more than 10,000 tons of materials or equipment in any one month;
 - (v) Utilizes more than 100 commercially classed vehicle trips to or from the site in any month where any 20 or more of such vehicles qualify as overweight or oversized vehicles such that special permits, divisible load permits, or heavy hauling permits are required from the New York State Department of Transportation for such vehicles;
 - (vi) Requires roadway or intersection upgrades, whether to the load bearing capacity of any roadway, the surface quality of any roadway, or the roadway or intersection geometry of any roadway;

- (vii) Proposes, uses, or needs any outdoor storage of any supplies, materials, machinery, or equipment, wherever stored and whether within or without the Town, that, due to volume, size, or otherwise, would result in a lack of compliance with any outdoor storage requirements of the Town or would, if covered, exceed, or contribute to the exceeding of, the 200,000 square foot limitations set forth in sub-section (ii) above;
- (viii) Would produce graywater or other waste that, if delivered to a sewage treatment plant, would require removal, pre-treatment, or tertiary treatment;
- (ix) Would produce graywater or other waste that, if discharged under a SPDES Permit or otherwise, would cause excess sedimentation, excess turbidity of any surface waters, or that would result in the emission or transmission of any substance that is considered a Hazardous Material, that is a Radioactive Material, or that otherwise would either trigger an investigation or remediation under the New York State Navigation Law or would require the implementation and/or construction of any temporary or permanent stormwater practices;
- (x) Would use, store, remove, deliver or sequester 500,000 gallons or more of water from any source, supply, or location;
- (xi) Would require the construction of one or more staging areas and/or would require the building, improvement, or construction or replacement of any public facilities, including waterlines or roadways; and/or
- (xii) Would require the installation of any internal or external 3 phase or greater power supply or station, with or without transformers or cooling devices or towers; or high power or high tension power lines; and/or
- (xiii) Would use more than 250 kilowatts of power or electricity per day (or its equivalent in therms or other energy consumption equivalencies), whether so generated, used, or stored for future use; or which uses an equivalent amount of energy, electricity, or power through or by the use of generators, vehicles, or other machines and devices that utilize any substance or compound to generate electricity or power, or which convert any substance or compound to electricity or power, through the application or use of heat, conversion, pressure, or fossil fuels.

Injection Well - A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

Land Application Facility - A site where any Natural Gas Exploration And/Or Petroleum Production Wastes are applied to the soil surface or injected into the upper layer(s) of the soil.

Natural Gas - Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the Earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas And/Or Petroleum Exploration Activities - Geologic or geophysical activities related to the search for natural gas, petroleum, or other subsurface hydrocarbons, including prospecting and geophysical and geologic seismic surveying and sampling techniques, *but only to the extent* that such activities involve or employ core, rotary, or any other type of drilling, or otherwise involve the making of any

penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities - The digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, petroleum, or other subsurface hydrocarbons, including, without limitation, any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes - Any of the following in any form, and *whether or not* such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from any statutory or regulatory definitions of “industrial waste,” or “hazardous” or “toxic” substances, materials, or wastes, and whether or not such substances are generally characterized as waste: (a) Below-Regulatory Concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, and in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production, or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material); (e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing, or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing, or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production, or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). The definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes *does not include* (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility - Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, and/or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump - Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents, whether before or after treatment, are deposited, disposed, discharged, injected, placed, buried, or discarded, without any intention of further use.

Natural Gas And/Or Petroleum Support Activities - Shall mean and be any one or more of the following: (a) a Natural Gas Compression Facility; (b) a Natural Gas Processing Facility; (c) a Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d) a Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) a Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.

Natural Gas Compression Facility - Those facilities, or combinations of facilities, that move or transport natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility - Those facilities that separate and recover natural gas liquids, (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas; cooking and dehydration; residual refinement; treating or removing oil or condensate; removing water; separating NGLs; removing sulfur or carbon dioxide; fractionation of NGLs; and/or the capture of CO₂ separated from natural gas streams.

Non-Regulated Pipelines - Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements, and specifically including production lines and gathering lines.

Person - Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Pipeline - All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves, and other equipment and appurtenances attached to pipes, together with other appurtenant or related equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), whether or not laid in public or private easements or a private right of way within the Town. This includes, without limitation, gathering lines, production lines, and transmission lines.

Radioactive Material - Material in any form that emits radiation. This definition specifically includes NORM (naturally occurring radioactive material), but only if such naturally occurring material has been moved from its naturally occurring location through an industrial process. All such material is “radioactive material” for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

Radiation - The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

Subsurface - Below the surface of the Earth or of a body of water, as the context may require.

Town - The Town of Lansing, Tompkins County, New York.

Town Board - The Town Board of the Town.

Transmission Line - A pipeline that transports oil, gas, or water to end users as a public utility and which is subject to regulation either by: (a) the Federal Energy Regulatory Commission’s jurisdiction under § 1(b) of the Natural Gas Act; or (b) as a “Major utility transmission facility” under the Public Service Law of New York, Article 7, § 120(2)(b).

Underground Injection - Subsurface emplacement of Natural Gas And/OR Petroleum Extraction, Exploration Or Production Wastes, including emplacement by or into an Injection Well.

Underground Natural Gas Storage - Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including, without limitation, short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or

because of market conditions. Without limitation, this term includes compression and dehydration facilities, and associated pipelines.

Section 4. MORATORIUM AND PROHIBITION.

A. From and after the date of this Local Law, no application for a permit, building permit, special use permit, zoning variance (except as contemplated by Article 3, § 8 of this Local Law), site plan approval, subdivision approval, certificate of occupancy, or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for any High-Impact Industrial Use, including without limitation any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

B. From and after the effective date of this Local Law, no person shall use, cause, or permit to be used, any land (including all surface and subsurface lands), body of water, waterway (whether above or below ground), building, or other structure located within the Town for any High-Impact Industrial Use, including without limitation any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

C. The moratorium and prohibition set forth above in sub-sections A and B of this Article 3, § 4 are not intended, and shall not be construed, to: (i) prevent or prohibit the right to use roadways in lawful commerce or otherwise for lawful travel; (ii) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or (iii) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Town.

D. The term of this moratorium and prohibition shall beginning on the effective date of this Local Law and shall expire upon the earlier of (i) that date which is one year after said effective date, or (ii) the effective date of a duly enacted repeal of this Local Law.

Section 5. PENALTIES & ENFORCEMENT.

A. Failure to comply with any of the provisions or requirements of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and § 80.05 of the New York State Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000) or imprisonment for not more than 10 days, or both, for the first offense. Any subsequent offense within a one (1) year period shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000) or imprisonment for a period of not more than 30 days, or both. For purposes of this sub-Clause A, each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. In addition, an action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, and/or abate any violation of, or non-conformance with, any provision or requirement of this Local Law. Additionally, any action may be so commenced to declare the rights of the Town and of any other Persons relative to any justiciable controversy arising from, under, or in relation to this Local Law, whether pertaining to its interpretation, application, legality, or enforceability, or otherwise. No such action or proceeding shall be commenced by the Town without appropriate authorization from the Town Board. If equitable relief is requested by the Town in the form of a temporary restraining order, a temporary injunction, or an injunction, or by any other form of prohibition or similar relief, the Town shall not be required to post any bond

or undertaking as a condition or requirement for or of such relief, and the Town shall not be required to prove or show a lack of an adequate remedy at law. No right, remedy, or penalty specified in this Article 3, § 5 shall be the or an exclusive remedy of the Town, and each remedy or penalty specified in this Article 3, § 5 shall be in addition to, and not in substitution for or in limitation of, any other remedies or penalties specified in this Local Law or permitted by any applicable law, rule, order, regulation, or right in law or equity. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article 3, § 5.

C. In addition, any Enforcement Officer may issue stop work orders or compliance notices relative to any violation of this Local Law. The failure of any Person to comply with any such notice or order shall be and be deemed a violation of any other applicable law or ordinance, including, without limitation, the Town's Code Enforcement Local Law, and its related rules and regulations, and New York State Executive Law § 382; and, in each case, such non-compliance or violation may also be enforced as such.

D. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, that any responsibility or liability therefor, and the amount thereof, shall be determined by a Court or other tribunal of competent jurisdiction and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 6. 'GRANDFATHERING' OF LEGAL, PRE-EXISTING NON-CONFORMING USE(S).

A. Natural Gas And/Or Petroleum Extraction Activities - Notwithstanding any provision hereof the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

1. If, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including, without limitation, the possession of valid non-revoked permits for all matters for which permits are required, and including compliance with each, any, and any listed permit conditions as are or may be required by the New York State Department of Environmental Conservation ("DEC") and all other regulating local, state, and/or federal governments, bureaus, or agencies, then and only then such Activity shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions set forth below.

2. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law which do not qualify for treatment under the preceding sub-Clause A(1) of this Article 3, § 6 shall not be grandfathered (or be permitted to continue or deemed lawful pre-existing uses) and shall in all respects be prohibited as contemplated by Article 3, § 4 hereof.

3. Upon the depletion, closing, or reclamation of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of sub-Clause A(1) of this § 6, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities (otherwise grandfathered by virtue of sub-Clause A(1) of this § 6, or otherwise) for a period of more than twelve (12) months, then and in either or any such event the pre-existing and/or non-conforming use status (and any related "grandfathering rights") of or relating to such Activity shall terminate, and thereafter such Natural Gas And/Or Petroleum

Extraction Activities shall in all respects be prohibited as contemplated by Article 3, § 4 hereof.

4. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by sub-Clause A(1) of this Article 3, § 6 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Any expansion, or attempted or purported expansion, of such well, whether as to its production, depth, horizon(s), or otherwise, shall not be grandfathered under sub-Clause A(1) of this Article 3, § 6, and instead shall in all respects be prohibited as contemplated by Article 3, § 4 hereof. ‘Grandfathered’ and allowed lawful pre-existing uses neither have nor possess any right to expand such non-conforming use, whether above or below ground, and no such right shall be deemed, so construed, or implied.

B. Existing Commercial or Industrial Uses – existing lawful uses within business and related parks and zones, such as the AES Cayuga Plant, Cargill Deicing Technologies, and Borg Warner, and other existing business uses now located within the Town, be and hereby are permitted to exist, and to continue to exist and expand as their business plans and operations may indicate, but only so long as:

1. No such expansion or proposed use constitutes a change of business uses (and not necessarily a change of land use) as compared to the business uses of land as currently conducted by such Person, or as to the existing uses of land or any business related appurtenant uses, including uses and appurtenant uses of waterbodies, waterways, structures, and facilities within the Town; and

2. No such expansion or proposed use involves the introduction into the Town, or the use of any land, waterbody, waterway, structure, or facility in the Town, of any High-Impact Industrial Use that had not been lawfully conducted in accord with all laws, permits, requirements, regulations, and permit conditions as of the date of adoption of this Local Law, except such uses as are appurtenant to such lawful pre-existing uses for such pre-existing industry or its land uses.

Section 7. INVALIDITY OF ANY CONFLICTING APPROVALS OR PERMITS.

Except as contemplated by Article 3, § 8 of this Local Law, no permit or approval issued by the Town shall be deemed valid when or to the extent that such permit or approval purports to allow or permit any activity that would violate the moratorium and prohibition set forth at Article 3, § 4 of this Local Law.

Section 8. HARDSHIP USE VARIANCE.

A. The Board of Appeals is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirements of law and of this Local Law) requests for a Hardship Use Variance from the application of the provisions of this Local Law by persons aggrieved hereby.

B. No such Hardship Use Variance shall be granted by the Board of Appeals without a showing by the applicant that the application or enforcement of Article 3, § 4 of this Law, or any other provision or requirement of this Local Law, as applied to such applicant has caused “unnecessary hardship.” For purposes hereof, and in order to prove the existence of an unnecessary hardship, the applicant must prove each and all of the following four conditions to the Board of Appeals’ satisfaction: (i) that, unless the applicant is granted a Hardship Use Variance from the provisions of Article 3, § 4 of this Law, the applicant cannot realize a reasonable rate of return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the neighborhood or other area in the vicinity of the applicant’s property; (iii) that the alleged hardship has not been self-created; and (iv) that the requested Hardship Use Variance, if granted,

will not alter the essential character of the neighborhood or other area in the vicinity of the applicant's property in an adverse manner. For the purposes of interpreting and applying the above four standards, the following shall apply:

1. *Reasonable Rate of Return.* In evaluating whether the applicant can realize a reasonable rate of return for purposes hereof, the Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant (as opposed to only the site of the proposed project) are incapable of producing a reasonable rate of return. No Hardship Use Variance shall be granted unless, in addition to satisfying all other applicable provisions of this Local Law, the Board of Appeals finds that the applicant has clearly demonstrated, by detailed written "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) unless the applicant is granted a Hardship Use Variance from the provisions of Article 3, § 4 of this Law.

2. *Unique Hardship.* No Hardship Use Variance shall be granted unless, in addition to satisfying all other applicable provisions of this Local Law, the Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the neighborhood, or from other areas in the vicinity of the applicant's property. The applicant must demonstrate the unique nature of the parcel as a whole. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded, or in disrepair, or the fact that the property is then unimproved, shall not be deemed sufficient to make the plight of the property unique or to contribute thereto. Exceptional topography is an example of a factor demonstrating the unique nature of the property.

3. *Self-Created Hardship.* The Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board of Appeals finds, *inter alia*, that: (i) the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much for the property, or that such inability arises from a poor investment decision; (ii) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought, which condition did not either previously exist or previously apply to the parcel as a whole; or (iii) when the applicant purchased the property, the applicant knew or should have known that the property was subject to this Local Law.

4. *Adverse Alteration of Essential Character of the Neighborhood or Other Area in Vicinity.* In making its determination of whether the proposed project will adversely affect the essential character of the neighborhood or other area in the vicinity of the applicant's property, the Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town including, without limitation: (i) the rural, residential, agricultural, and historic character and resources of the area and the Town; (ii) the impacts to the Town's irreplaceable ecological, historic, recreational, scenic, and tourism sites; (iii) the extent and likelihood of the creation or exacerbation of any hazard to life, limb, or property that may result from the proposed project; (iv) public health impacts; (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation, and other nuisances; (vi) impacts upon property values; and (viii) whether the applicant will use a type or style of development that will result in degradation to the air quality, water quality, or to the historic, scenic, and natural resources of the Town. In order to find that the proposed project does not alter the essential character of the neighborhood or other area in the vicinity of the applicant's property, the Board of Appeals shall interpret the public interest in said essential character of the neighborhood or other area to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality, or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.

C. In addition to any other application requirements from time to time established pursuant to, or made applicable to, this Local Law, an application for any Hardship Use Variance shall contain a typewritten narrative explaining what the application is for and how the project meets or exceeds all of the required criteria for a Hardship Use Variance. In addition, such application shall also provide documentary evidence or a typewritten narrative addressing and/or explaining each and all of the following:

1. With respect to a claim that the applicant cannot realize a reasonable rate of return, the applicant shall provide written financial evidence containing reasonable specification of the nature and factual particulars of such claim, including, at a minimum (as to the entire parcel of which the proposed project is a part) and as applicable: (a) the date(s) of acquisition of the property; (b) the purchase price; (c) present value of the property; (d) the amount of real estate taxes; (e) the amount of mortgages or liens and other expenses; (f) the asking price for the property when it had been offered for sale; (g) the costs of demolishing any existing structures on the property; (h) efforts to market the property; (i) a schedule of all other property in common ownership at either the date of the enactment of this Law or thereafter; and (j) “dollars and cents proof” such as appraisals, economic studies, and any other such evidence supporting the applicant’s contention that the grant of a Hardship Use Variance is appropriate. For purposes hereof, “common ownership” means all other interests in property either located within the Town or contiguous to the Town that are held by any of the applicants (if more than one), whether such ownership is of a legal or equitable nature or interest, in whole or in part, contiguous or not, and whether such property or interest is held by any of the applicants through a legal or equitable interest in a(nother) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.

2. With respect to a claim that, if granted, the requested Hardship Use Variance will not adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant’s property, the applicant must demonstrate that the proposed project will not adversely affect such essential character with regard to the physical, economic, social, or environmental elements or characteristics of the applicable neighborhood or other area. Examples of adverse impacts to the essential character of the neighborhood or other area include (without limitation) decreased quality or increased quantity of stormwater runoff, increased soil erosion, increased traffic congestion, decreased road quality, impairment of the scenic or rural character of roads, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of the viewshed, creation of solid wastes, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative impacts to public infrastructure, decreased property values, and negative impacts on the health of area residents.

D. In addition to all other application requirements from time-to-time established pursuant to this Local Law, each application for a Hardship Use Variance may or shall also include one or more of the following enumerated reports, analyses, or supporting proofs or documents and the like, whenever not prohibited by applicable law and required by the Board of Appeals, whether in relation to this Local Law, any environmental review of such proposed action (such action being, as allowed or applicable, the proposed review and/or granting or denial of a Hardship Use Variance application), or otherwise, so as to assist the Board of Appeals in determining whether a grant of the requested Hardship Use Variance will adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant’s property and/or so as to assist the Board of Appeals in its determination of whether to deny, grant, or grant with conditions such application:

1. Environmental Assessment Form. A completed draft of a Long Form Environmental Assessment Form, Part I, regarding the proposed project. Any action in consideration of whether to deny, grant, or grant with conditions such application shall be and be deemed a Type I Action under SEQRA, including, without limitation, 6 NYCRR Part 617, § 617.4.

2. Description of Surrounding Uses. The approximate location of all neighboring residential, hamlet, park/recreational, and/or agricultural areas, all county-designated Unique Natural Areas and locally designated Critical Environmental Areas (if any), all wetlands, any intermittent, seasonal and other streams, rivers, and waterways, any significant natural communities, any mapped or existing endangered and threatened species and species of concern, and any historical or archeologically sensitive or mapped areas within a two (2) mile radius of the perimeter of the site of the proposed use.

3. Traffic Impact Report. A traffic impact report containing: (a) the proposed traffic circulation plan and the projected number of motor vehicle trips to enter or leave the site, as estimated for daily and peak hour traffic levels, if the Hardship Use Variance is granted; (b) existing and proposed daily and peak traffic hour levels as road capacity levels; (c) a determination of the areas of impact of traffic going to and departing from the proposed project site; (d) the proposed traffic routes to the nearest intersection with an arterial highway, including the gross weights and dimensions of vehicles; (e) the projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed project if the Hardship Use Variance is granted; (f) the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities; (g) a traffic impact analysis of the effects of the proposed project on the transportation network in the Town using passenger car equivalents if the Hardship Use Variance is granted; (h) an articulation of the effects and impacts of the proposed project on traffic based on existing conditions and projected future background traffic on the state, county, and Town road system if the Hardship Use Variance is granted; (i) an evaluation of whether the resulting traffic conditions are likely to hinder the passage of police, fire and emergency response vehicles, or degrade the quality of life, and/or otherwise contribute to hazardous traffic conditions if the Hardship Use Variance is granted; and (j) a determination of whether there is sufficient road geometry and frontage to allow vehicles to enter and depart from the site by only entering the lane of desired travel, and remaining solely in such lane of travel to the nearest intersection (along the proposed route of travel) with a County or State public highway.

4. Road Impact Report. An evaluation of: (a) appropriate roadway geometry, including required road widths, bridge widths, starting and stopping sight distances, intersection sight distances, and horizontal and vertical curves along the proposed traffic routes; (b) the adequacy of existing pavement and structures along the proposed traffic routes to accommodate the full weight load of any trucks and construction vehicles likely to be used in connection with the proposed project if the Hardship Use Variance is granted; and (c) impacts to the rural or scenic character of any roads along the proposed traffic route if the Hardship Use Variance is granted.

5. Transportation Plan. A description of ingress and egress to and through the proposed project site by which vehicles, equipment, and supplies will be delivered, including: (a) any temporary or permanent access routes or points provided, or to be provided, during and after construction if the Hardship Use Variance is granted; (b) an identification of any roads, streets, intersections, bridges, and other facilities along the proposed traffic route, including those that do not meet New York State Department of Transportation standards, and such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, any new road or access construction measures which will be taken to avoid damaging any public or private roads, highways, culverts, or other ways or appurtenances, and the measures that will be taken to restore damaged public or private roads, highways, culverts, or other ways or appurtenances following construction and during operations should the Hardship Use Variance be granted; and (c) all together with any measures proposed to be taken to maintain the scenic and/or rural characteristics of such roads or ways.

6. Noise Impact Report. A report that shall measure, project, factor, cover, and provide conclusions about, without limitation, low frequency, A-weighted, infrasound, pure tone, and repetitive/impulse noises containing the following information, studies, or descriptions and conclusions: (a) a description of the existing audible conditions at the project site to identify a baseline sound presence and pre-existing ambient noise, including seasonal variation; (b) a description and map of sound producing features of the proposed project from any noise generating equipment and noise generating operations that will be conducted in connection with the proposed project site if the Hardship Use Variance is granted, including noise impacts from vehicular traffic travelling within the Town to and from, or in support of, the use or proposed project site; (c) with respect to the noise to be generated by construction and uses of the proposed project site, the range of noise levels and the tonal and frequency characteristics expected, together with a written explanation for the bases for any such expectations or conclusions; (d) a description and map of the existing land uses and structures, including any sensitive area sound receptors (e.g., residences, hospitals, libraries, schools, places of worship, parks, and areas with outdoor workers, etc.) within one mile of the project parcel boundaries, which description shall include the location of the structure/land use, the distances from the proposed project, and the expected decibel readings for each such receptor; and (e) a description of the project's proposed noise-control features, including specific measures proposed to protect off-site workers and mitigate noise impacts for sensitive area receptors.

7. Visual Assessment. A visual presentation of how the site of the proposed project will relate to and be compatible with the adjacent and neighboring areas, within a two mile radius of the perimeter of the site of the proposed project, if the Hardship Use Variance is granted. This presentation shall include computerized photographic simulation showing the site during construction and fully developed which shows and/or demonstrates any visual impacts from at least four strategic vantage points within the said two mile radius. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components and any visual screening incorporated into the project that is intended to lessen visual prominence.

8. Report of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and Other Wastes. A report containing a description of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and other solid wastes, industrial wastes, hazardous wastes, toxic and/or poisonous substances and pollutants (whether or not any such substances enjoy exemption or definitional exceptions from state or federal laws otherwise intended to protect the public with respect to hazardous, toxic, or poisonous substances) expected to be produced, stored, injected, discarded, discharged, disposed, released, or maintained on the project site if the Hardship Use Variance is granted in relation to any natural gas or mining operations.

9. Compatible Uses Report. A discussion of characteristics of the proposed project that may decrease the Town's and/or the neighborhood's (or other area's) suitability for other uses such as residential, commercial, historical, cultural, tourism, recreational, environmental, or scenic uses if the Hardship Use Variance is granted.

10. Fiscal Impact Assessment. An assessment describing the adverse effects and impacts on Town revenue and costs necessitated by additional public facilities and service costs likely to be generated by the proposed project if the Hardship Use Variance is granted.

11. Fire Prevention, Equipment Failure and Emergency Response Report. A report containing: (a) description of the potential fire, equipment failures, and emergency scenarios associated with the proposed project that may require a response from fire, emergency medical services, police, or other emergency responders, if the Hardship Use Variance is granted; (b) an analysis of the worst

case disaster associated with the proposed project if the Hardship Use Variance is granted, together with an impact analysis of such a disaster upon the health, safety, and welfare of the inhabitants of the Town and their property; (c) an identification and designation of the specific agencies that would respond to potential fires, equipment failures, accidents, or other emergencies if the Hardship Use Variance is granted; (d) a description of all emergency response training and equipment needed to respond to a fire, accident, equipment failures, or other emergencies, including an assessment of the training and equipment resources available to local and potential responding agencies; and (e) the approximate or exact location of all fire, police, and emergency response service facilities within a five mile radius of the perimeter of the site of the proposed use.

12. Public Facilities and Services Assessment. An assessment describing: (a) whether current Town public facilities and services, including water supplies, fire protection, school services, recreation facilities, police protection, roads, and stormwater facilities are adequate for the proposed project (taking into account all other uses that have been permitted or are currently operating in the Town) if the Hardship Use Variance is granted; (b) a comparison of the capacity of the public services and facilities to the maximum projected demand that may result from the proposed project if the Hardship Use Variance is granted (in determining the effect and impact of the proposed project on fire, police, and emergency services, the review shall take into consideration response times, and the number and location of available apparatus and fire, police, and emergency service stations that are manned by full time professional service personnel; and where applicable, calculation of response times shall also include the time it takes volunteer emergency personnel to get to their stations); and (c) if the Hardship Use Variance is granted, a review of the impacts of the proposed project upon the safety of all children going to and from school by car, bus, bicycle, and walking during and outside of school zone hours, including an analysis of whether existing or proposed safety measures, such as signaled cross walks, elevated sidewalks, signage, traffic controls, traffic management or calming plans, and green space buffers for pedestrians or bicyclists, are adequate or sufficient to mitigate or help prevent accidents, together with an analysis of whether any walking or bicycle trails or routes overlap, cross, or run alongside intended traffic routes; each and all so as to mitigate or help prevent accidents.

13. Property Value Assessment. A property value analysis showing the impact upon adjoining property values, prepared by a licensed appraiser in accordance with industry standards, if the Hardship Use Variance is granted.

14. Health Impact Assessment. A human health impact assessment identifying ways in which the proposed project could adversely affect the health of Town residents if the Hardship Use Variance is granted; including a priority list of recommendations to minimize the potential health impacts of the proposed project. The health impact assessment shall, at a minimum, include: (a) a risk assessment of the possible impacts of chemical exposure on the health of residents, including the Chemical Abstract Service number of all chemicals proposed to be transported to, used, generated, or stored at the project site; (b) an assessment of possible health effects due to industrial operations in non-industrial areas or zones; and (c) an assessment of possible health effects due to community changes, including the presence of an industrial activity in a previously non-heavy industrial area, declining property values, impacts to the education system, and the impacts and effects of any sudden changes in population numbers, demographics, and customs (if any).

E. To the extent any of the information, data, studies, reports, and the like, referenced above in this Article 3, § 8 have been prepared or submitted to the State of New York (or other government or governmental department, agency, or authority), whether in relation to any permit application, unit or spacing authorization, or any related environmental review or otherwise, the Board of Appeals may accept such previously prepared materials in lieu of any of the above items which may be so requested or mandated. However, nothing shall prevent the Board of Appeals from

requiring updates, supplemental information, or site-specific analyses relative to such proposed use within the Town or such application for a Hardship Use Variance.

F. The purpose of this sub-section is to set forth those conditions and circumstances under which the Hardship Exemption application and submission requirements of may be modified or waived by the Town Board. Where the Town Board finds that, due to the special circumstances of a particular case, a waiver or modification of certain requirements or procedures is justified, a waiver or modification may be granted. In all cases, no waiver or modification shall be granted unless the Town Board finds and records in its minutes that: (1) granting the waiver or modification would be keeping with the intent and spirit of this Local Law, the information is not relevant to the application or the purposes of this Local Law, and a waiver or modification is in the best interests of the community; (2) there is or is expected to be no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment due to the granting of any such waiver or modification; (3) there are special circumstances involved in the particular case; (4) denying the modification or waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the modification or waiver, if granted, is the minimum necessary degree of variation from the requirements of this Local Law. All applications for any such modification or waivers of any such requirements pertaining to Hardship Exemptions shall be submitted in writing.

Section 9. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder hereof, even if, as to particular provisions and persons or circumstances a portion hereof is severed or declared invalid or unenforceable.

Section 10.SUPERSEDING INTENT AND EFFECT.

During the time this Local Law is in effect, it is the specific intent of the Town Board, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3) and § 22, to supersede: (a) any inconsistent provisions set forth in Town Law § 265-a; § 267; § 267-a, § 267-b, § 268; § 274-a, § 274-b; § 276, § 277, § 278, and § 279, but only to the extent expressly set forth herein; (b) any other inconsistent provisions set forth in Article 16 of the Town Law; (c) any inconsistent provisions of the Land Use Ordinance of the Town; and (d) to supersede any inconsistent provisions of any and all other local ordinances, local laws, or local resolutions or other legislation or policies of the Town.

Section 11.GENERAL PROVISIONS & CONSTRUCTION.

A. The Code Enforcement Officer of the Town is hereby designated as the enforcement officer for purposes of interpreting and enforcing this Local Law. The Town Board reserves the right to change or designate additional enforcement officers by resolution.

B. The section and other headings and titles to clauses and phrases in this Local Law are for convenience only and shall not be used or construed to limit or define the scope or application of the clauses and phrases so following such headings or titles. Each section of this Local Law, whether in the nature of a preamble or otherwise, is a material part of this Local Law.

C. In interpreting what is, or is not, a “High-Impact Industrial Use” the Code Enforcement Officer shall be guided by the following rules of construction:

1. Words used in definitions shall be given their ordinary meaning, unless expressly otherwise defined in or by this Local Law.

2. Where a use or application is not specifically listed, the Code Enforcement shall, in making his or her determination as to whether such use is allowed, whether such use is a High-Impact Industrial Use, or whether such use is prohibited or allowed only subject to the issuance of a Hardship Use Variance by the Board of Appeals, either: (i) make his or her determination based upon the general language of what is traditionally deemed or considered a heavy industry or heavy industrial use; and/or (ii) compare the proposed use or application to the lists of specifically listed and illustrative prohibited High-Impact Industrial Uses (see Article 3, § 3 Definitions of “High-Impact Industrial Use,” sub-sections 1 through 22, inclusive) and, where reasonable, select the closest applicable category and then make his or her determination; and/or (iii) utilize the factorial determination procedure set forth in the definition of “High-Impact Industrial Use,” at Article 3, § 3, sub-section 23.

3. Each such determination of the Code Enforcement Officer shall be detailed in writing and be reasonably and rationally supported by facts, findings, or observations. In taking into account potential impacts in classifying any proposed use or application, the Code Enforcement Officer may and should consider that land uses which, though conceivably operable (in the event of a perfect-world scenario where human error never occurs, where power outages, flooding and other natural disasters never occur, and where engineered materials and structures never experience stresses beyond those for which they were designed and in any event never fail) without polluting the environment or otherwise posing a risk to human health and safety or disturbing or interfering with reasonable community expectations regarding odors, noise, and traffic, nonetheless, by virtue of their nature or by virtue of the manner in which (or the conditions under which) they are typically conducted (and because in the real world human error does occur, power outages, flooding and other natural disasters do occur, and engineered materials and structures do experience stresses beyond those for which they were designed and in any event do fail at times), such uses have the potential to pollute the environment, to otherwise pose a risk to human health and safety, and/or to disturb or interfere with reasonable community expectations regarding odors, noise, and traffic.

4. Any person aggrieved by any determination of the Code Enforcement Officer, or who alleges error in the making of a determination under the above-classification rules, shall be required to timely appeal such determination, classification, or other ruling to the Board of Appeals in accord with Town Law § 267-a.

Section 12.EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

ARTICLE 5. TERM.

The moratorium imposed, as extended by this Local Law, shall be in effect for a period of one year from the effective date of this Local Law.

CONSIDER APPROVAL OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR THE PROPOSED AMENDED SPECIAL PERMIT FOR GRANTCHESTER YOUTH SOCCER CLUB – 1775 EAST SHORE DRIVE

DISCUSSION

There was no discussion.

RESOLUTION 13-85

RESOLUTION APPROVING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR THE PROPOSED AMENDED SPECIAL USE PERMIT FOR THE GRANTCHESTER YOUTH SOCCER FIELDS 1775 EAST SHORE DRIVE

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

WHEREAS, Applicants, Ithaca Youth Soccer Club, Inc., TC United Soccer, and John F. Young have requested the renewal of a Special Use Permit and modification of conditions of the previously approved Special Use Permit to allow for the continued operation of private not-for-profit soccer clubs upon an approximately 12.4 +/- acre parcel to be used as a non-commercial recreational facility in a R2 District located at 1775 East Shore Drive (part of Tax Parcel #37.1-6-2.2) pursuant to the Town of Lansing Land Use Ordinance; and

WHEREAS, the Town Board of the Town of Lansing approved the Special Use Permit in November 2009 for the youth soccer fields in Town Board Resolution 09-201 subject to conditions, including Condition #11, which states that the Special Use Permit shall expire in 3 years, being subject to renewal at that time; and

WHEREAS, the Special Use Permit did expire in November 2012; and

WHEREAS, the youth soccer club facility was constructed and includes two soccer fields, a mower storage building and an emergency access drive, located in the R2 District, and Section 503 Schedule I (B) of the Lansing Land Use Ordinance only permits a public or private club (except rod or gun) in the R2 District by special use permit, subject to site plan review, as set forth in the Lansing Land Use Ordinance Section 803.2.1; and

WHEREAS, pursuant to law, such proposal and project are subject to environmental review, and accordingly, the Town Board previously classified this action as an Unlisted Action under SEQRA and stated its intent to conduct its own independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation law – the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Applicants have completed and submitted a Short Environmental Assessment Form (EAF), Part I, to the Town Board; and

WHEREAS, the Town Board duly conducted a public hearing to consider the environmental impacts of the application to renew and modify the conditions of the special use permit for the Grantchester Youth Soccer Fields upon the 15th day of May, 2013, at 6:20 P.M. at the Lansing Town Hall, where the Short EAF Parts I and II was reviewed and potential impacts duly considered, and where at all testimony and evidence was had and heard concerning the matter; and

WHEREAS, the potential environmental impacts identified were: (i) noise generated during recreational activities on site, which impacts are and will be mitigated by the site plan conditions recommended by the Planning Board implemented as conditions upon the Special Use Permit, if approved and issued, and which are therefore deemed non-significant; and (ii) parking and traffic impacts which are deemed non-significant due to frontage upon a State Highway designed to support such traffic and parking access conditions referenced by the Site Plan as hereafter made conditions upon such Permit; and

WHEREAS, after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, and the Town Board having made a negative declaration of environmental impact; accordingly, it is hereby

RESOLVED AND DETERMINED, that the Town Board of the Town of Lansing, in performing its independent and uncoordinated environmental review, has made this declaration in accordance with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, and the Regulations promulgated there under, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the Short EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and the hearing held hereupon, and all testimony and evidence presented thereat, if any, (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 Short EAF, including the reasons noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“Negative Declaration”) in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement is therefore not required; and it is further

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

RESOLVED that the Town Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Lansing.
2. The Town Supervisor of the Town of Lansing.
3. Any person requesting a copy.

SEQRA: Unlisted Action.

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

Councilperson Katrina Binkewicz - Aye	Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye	Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

CONSIDER THE APPROVAL OF THE SPECIAL USE PERMIT FOR GRANTCHESTER YOUTH SOCCER CLUB

DISCUSSION

There was no discussion.

RESOLUTION 13-86

RESOLUTION APPROVING THE SPECIAL USE PERMIT FOR THE GRANTCHESTER YOUTH SOCCER FIELDS 1775 EAST SHORE DRIVE

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

WHEREAS, Applicants, Ithaca Youth Soccer Club, Inc., TC United Soccer, and John F. Young have requested the renewal of a Special Use Permit and modification of conditions of the previously approved Special Use Permit to allow for the continued operation of private not-for-profit soccer clubs upon an approximately 12.4 +/- acre parcel to be used as a non-commercial recreational facility in a R2 District located at 1775 East Shore Drive (part of Tax Parcel #37.1-6-2.2) pursuant to the Town of Lansing Land Use Ordinance; and

WHEREAS, the Town Board of the Town of Lansing approved the Special Use Permit in November 2009 for the youth soccer fields in Town Board Resolution 09-201 subject to conditions, including Condition #11, which states that the Special Use Permit shall expire in 3 years, being subject to renewal at that time; and

WHEREAS, the Special Use Permit did expire in November 2012; and

WHEREAS, the youth soccer club facility was constructed and includes two soccer fields, a mower storage building and an emergency access drive, located in the R2 District, and Section 503 Schedule I (B) of the Lansing Land Use Ordinance only permits a public or private club (except rod or gun) in the R2 District by special use permit, subject to site plan review, as set forth in the Lansing Land Use Ordinance Section 803.2.1; and

WHEREAS, Applicants are requesting modifications in the site plan to include a gate at the emergency access drive to control vehicular access and the addition of a small gravel parking area to provide easier access for the disabled; and

WHEREAS, Applicants are requesting a modification of Condition #4 in the previously approved Special Use Permit, which requires soccer players to be 18 years of age and under, to in addition, allow soccer players to be up to 22 years of age for a total not to exceed three times per year, thereby allowing previous youth soccer club members who are now college-age to play soccer on the fields for a limited number of times per year; and

WHEREAS, Applicants are requesting a modification of Condition #6 in the previously approved Special Use Permit, which requires all parking to be on the adjacent Community Recreational Center (CRC), to state that “all parking to be on the CRC site, except that up to two gravel parking spaces for the disabled shall be allowed on the soccer field site, as shown on the revised site plan”; and

WHEREAS, in accordance with the Lansing Land Use Ordinance, the applicant first submitted the information, site plan, and related project information to the Planning Board for consideration, review, and a recommendation to the Town Board regarding such application, and the Planning Board duly reviewed such application upon April 15, 2013, and forwarded its findings and recommendations to the Town Board for review, which findings and statements are hereby incorporated herein; and

WHEREAS, the recommendation of the Planning Board mainly pertains to mitigating potential impacts by, among other things, buffering, screening, prohibiting lighting, limiting hours of operation, prohibiting commercial activities, restricting usage to members and guests only, limiting and regulating traffic and parking locations, ensuring adequate emergency vehicle access, prohibiting public events at the site, allowing only seasonal use, minimum setbacks, and periodic review of the permit; and

WHEREAS, the Town Board duly noticed and conducted a public hearing to consider the special use permit application for the Grantchester Youth Soccer Fields respecting a 12.4 +/- acre parcel located at 1775 East Shore Drive in Zoning District R2, being more particularly identified as part of Town of Lansing Tax Parcel Number #37.1-6-2.2, upon the 15th day of May 2013, at 6:15 P.M. at the Lansing Town Hall, whereat all persons were heard and evidence taken; and

WHEREAS, the Town Board reviewed the environmental impacts of the proposed special use permit and duly issued a negative declaration of environmental impacts in accord with the requirements of SEQRA; and

WHEREAS, upon deliberation upon the foregoing and the matters presented, the Town Board of the Town of Lansing has hereby

RESOLVED, that the application of Ithaca Youth Soccer Club, Inc., TC United Soccer, and John F. Young for renewal of a Special Use Permit and modification of conditions of the previously approved Special Use Permit to allow for the continued operation of private not-for-profit soccer clubs upon an approximately 12.4 +/- acre parcel to be used as a non-commercial recreational facility in a R2 District located at 1775 East Shore Drive (part of Tax Parcel #37.1-6-2.2) be and hereby is granted, subject to the following conditions:

1. No lighting of any of the fields or facilities shall be permitted or allowed; nor shall scoreboards, PA systems, or loudspeakers be utilized at any time;
2. Buffering and screening for visual and sound limiting purposes shall be planted and maintained as shown upon the site plan dated 8/17/09 as drawn by T.G. Miller, entitled "SKETCH MAP SHOWING PROPOSED PARCEL FOR PROPOSED YOUTH SOCCER FIELDS" (herein, the "Site Plan");
3. Hours of operation shall be limited to between 9:00 am and sunset;
4. No commercial activities shall be permitted upon the site, and the use of the fields and facilities shall be restricted to club members and guests only, with such members, per club rules, being limited to, generally, soccer players age 18 and under. Notwithstanding the foregoing, soccer players older than 18 and up to 22 years of age shall be allowed to play on the Grantchester Youth Soccer Fields for a total not to exceed three times in any year, thereby allowing previous youth soccer club members who are now college-age to play soccer on the fields on a limited basis;
5. All traffic is to be routed to and through the adjacent Community Recreational Center ("CRC") site, with emergency access/entrances to be provided and maintained through the CRC property and to: (i) have "hammer head" turn-arounds for emergency vehicles, (ii) be constructed of a hard surface, such as compacted gravel, so as to provide for emergency vehicle access; both and each being in locations as shown upon the Site Plan, and (iii) as per the recommendation of the Code Enforcement Officer, an address and/or identification sign shall be placed at the emergency access entrance in order to make emergency responders more aware of how to access the soccer fields in the event of an emergency;
6. All parking to be on the CRC site per the Site Plan, except that up to two gravel parking spaces for the disabled shall be allowed on the soccer field site in the vicinity of the existing storage shed, as shown on the revised site plan, and in conjunction with the identification sign required in Condition #5, that such sign also include a reference to "handicap parking only" to make visitors aware of the limited handicap parking available on the site;
7. Pedestrian access shall be by means of foot path as shown on Site Plan, which foot path shall, at all times, be maintained in a safe condition;
8. No public events may be held at the site;
9. To the extent feasible, fields shall be sited at least 600' from existing adjacent residences, in the areas as approximately shown upon the Site Plan;

10. All improvements, screenings, and buffering to be built, planted, and/or installed, as applicable, pursuant to the Site Plan, and each and all of the same shall be continuously maintained and replaced as needed to help meet the goals of noise and sight buffering;

11. This Special Use Permit shall expire in 5 years, being subject to renewal at that time.

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

Councilperson Katrina Binkewicz - Aye Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

HIGHWAY DEPARTMENT REPORT

Highway Department Board Meeting 5/15/2013

- 1. Highway Department Hours 6:00am-4:30pm
Monday -Thursday**
- 2. County Roads 39.54 miles- Winter plowing and salting
2013- \$70,217.00
2014- 137,476.00**
- 3. Hauled gravel away from Salt Point**
- 4. Build new gate for Salt Point**
- 5. Brush Pick Up for the Town and Village**
There will be a large pile of woodchips available to Town and Village of Lansing Residents
- 6. Repair Water lines**
One in Ludlowville, two on North Tripphammer Road, one on Warren Road and East Shore Drive
- 7. Back lot extension water request on Sperry Lane by Mr. Straub.**
They have checked this out and everything looks okay. Peter from Bolton Point informed them that Well's barn wants to connect at the same time but they have not contacted Mr. French with the request. The next step would be to have the homeowner sign the Town of Lansing Consolidated Water District Outside User Agreement to take to Bolton Point.

PARK and RECREATION DEPARTMENT REPORT

Parks & Recreation Department 5/15/13 Town Board Meeting

RECREATION

- As of now all of our spring baseball and softball teams are in action and their games have started. We have had no weather cancellations so far. Should we run into bad weather we now have the flexibility of Friday evenings to make up games, as there is no Men's Softball League this year. The LBP and LSP season ends on Saturday June 8th.
- On Wednesday May 29th I will host the summer travel baseball and softball organizational meeting for players that are 10U and 12U years of age. We have

hosted this meeting for years and it is a very effective way to have any of the area towns with travel programs to get together and discuss expectations, rules and most importantly schedule games for the summer.

- We are currently taking registrations for the older level of baseball and softball. These programs start in mid June and conclude in early August. It is getting very difficult to find games/teams at this level as the other towns around us do not have the players or coaches or interest.
- Our Summer Recreation Program Booklet is done and went into the schools this week. There are over 30 different offerings. Registrations have already started to come in.
- The Art Show took place on May 3rd and was another success. The art will remain on display through mid-July.

PARKS

- I just met with Matt Warren regarding a memorial tree for his dad Cal. We plan to locate it near the "E" ballfield and with some luck possibly plant it today.
- There has been such a demand for kayak spaces that we are having 2 new racks built and plan to have them in the park soon. At that point we will number the spaces and rent them. We have nearly 40 requests and not sure if we will be able to accommodate that many.
- The Health Department completed their annual inspection last week and the camp area opened for the season. By the end of June we will be EXTREMELY busy and most weekends sold out.
- The new gate for Salt Point is completed and should be in place by the weekend. This will finally finish the plan to block motorized vehicles from driving out to the west point. There is still access to drive to the north shore.
- Pathway notes.....

CONSIDER RESOLUTION APPROVING GHD CONTRACT FOR SPECIALIZED ENGINEERING SERVICES IN RELATION TO THE SEWER IMPROVEMENT AREA AND THE SEQRA REVIEW

DISCUSSION

There was no discussion.

RESOLUTION 13-87

RESOLUTION APPROVING GHD CONTRACT FOR SPECIALIZED ENGINEERING SERVICES IN RELATION TO THE SEWER IMPROVEMENT AREA AND THE SEQRA REVIEW THEREOF

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

WHEREAS, the Town is undertaking an environmental review of the sewer project and has need for specialized GEIS and engineering services in relation thereto; and

WHEREAS, the Town has a long and successful history of contracting with GHD for such services, and upon a review of the proposed GHD contract with the Town, and upon due consideration thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that such contract be and hereby is approved, and that the Supervisor and Deputy Supervisor be and each is hereby independently authorized to execute such contract, by, for, on behalf of, and in the name of the Town of Lansing

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

Councilperson Katrina Binkewicz - Aye Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

CONSIDER ADOPTING RESOLUTION ACCEPTING DISSOLUTION PLAN FOR WARREN ROAD SEWER DISTRICT EXTENSION AND CHERRY ROAD SEWER DISTRICT AND SCHEDULE PUBLIC HEARING

DISCUSSION

Councilperson Edward LaVigne asked Counsel Guy Krogh what the timetable was once the process was started. Counsel Guy Krogh explained General Municipal Law Article 17A sets forth the timetable and information in a dissolution plan. The dissolution will not take effect until such time that the Sewer District is approved which will require the affirmative vote of town residents and the approval of the New York State Comptroller.

RESOLUTION 13-88

RESOLUTION ACCEPTING DISSOLUTION PLAN FOR WARREN ROAD SEWER DISTRICT EXTENSION AND CHERRY ROAD SEWER DISTRICT AND SCHEDULING PUBLIC HEARING THEREUPON

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

WHEREAS, the Town, as part of the proposed Article 12-C Sewer Benefit Area and the South Lansing Sewer Improvement Area, is creating an Article 12-C sewer benefit area encompassing the whole of the Town outside the Village of Lansing, and as part of the same the Town is required to dissolve the Cherry Road Sewer District (“CRSD”) (an Article 12 district) and the Warren Road Sewer District Extension (“WRSDE”) (an Article 12-A district); and

WHEREAS, the Town has prepared and reviewed a dissolution plan that complies with General Municipal Law (“GML”) Article 17-A, including a descriptive summary a dissolution plan outlining the costs, savings, and all other required elements for such a plan is set forth in the GML; and

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

RESOLVED, that the Dissolution Plan for the CRSD and WRSDE be and hereby is adopted; and it is further

RESOLVED, that in accord with GML §§ 775 and 776, and within 5 days hereof, the Town Clerk shall:

- (i) post a copy of such plan on the Town’s website;
- (ii) publish a notice of dissolution, which notice shall re-state in full the descriptive summary of such Dissolution Plan and provide notice as to the locations where the full

plan may be reviewed, which notice must be published at least once per week for four consecutive weeks in the Town's official newspaper; and

(iii) not less than 10 days, but not more than 20 days, before the public hearing, publish and post a notice of public hearing concerning the dissolution plan; and

WHEREAS, a public hearing is hereby scheduled upon the Dissolution Plan for July 17, 2013, at 6:05 pm at the Town Hall, at 29 Auburn Road, Lansing, New York 14882, whereat the public is invited to provide input, comments, and evidence upon such Dissolution Plan, 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.

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

Councilperson Katrina Binkewicz - Aye
Councilperson Edward LaVigne - Aye

Councilperson Ruth Hopkins - Aye
Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

NOTICE OF DISSOLUTION OF SEWER DISTRICTS & DESCRIPTIVE SUMMARY THEREOF:

The Cherry Road Sewer District was formed in 1988 and is a service area surrounding higher density residential areas along Cherry Road in the Town of Lansing, and the Warren Road Sewer District Extension was formed in 2009 and mainly services residences, businesses, business parks, and higher density residential areas along Warren Road in the Town of Lansing (the said sewer districts being herein referred to individually as a "District" or individually, severally, or jointly as the "Districts," as the context thereof may admit or require). The Cherry Road Sewer District was formed under Town Law Article 12 and the Warren Road Sewer District Extension was formed under Town Law Article 12-A, and both are serviced by the Cayuga Heights Sewer Treatment Plant pursuant to an intermunicipal agreement with the Village of Cayuga Heights and the Village of Lansing for the transportation and treatment of sewer flows (the "IMA"). Both such Districts have the Town Board of the Town of Lansing acting as their District commissioners. The Town Board of the Town of Lansing thus has certain management and oversight responsibilities, including operation, maintenance, debt management, and the approval of all operations, agreements, and borrowing on behalf of the Districts.

The Town has no public works board or commission and no separate sewer District employees. Yet, in consideration of the formation of the new sewer improvement area in the Town, centered mainly along State Routes 34 and 34-A, running through the Town Center and Lansing Central School District property areas, the Town will shortly have need of sewer employees. Since, in New York State, the provision of sewer services is not a town function, but can be made a function of town government pursuant to Town Law Article 12-C, the Town Board believes it is in the best interests of the Town to have such future sewer personnel manage the above Districts and to have a town sewer improvement area as opposed to Districts. This reduces redundancies in services and costs, reduces administrative costs and burdens, and makes the provision, management, operation, and expansion of sewer services a town function.

In the past there were provisions under the Town Law (§ 209-r) to dissolve districts into improvement areas, but as part of a state-wide plan to reduce the number of governmental and taxing authorities, the NYS Legislature repealed Town Law § 209-r and enacted General Municipal Law ("GML") Article 17-C to govern both the consolidation and dissolution of governments and governmental entities and authorities, in recognition that simplifying government and the number of governmental agencies will produce savings. Thus, while the Town 12-C sewer improvement area is being formed, the Town will also take the required steps under GML Article 17-C to dissolve the above-referenced Districts and make each such District's service area part of the 12-C sewer improvement

area of the Town. Thus, these separate 12 and 12-A districts will become unnecessary once a 12-C improvement area is formed, in part, as the 12-C improvement area will take over responsibility for the operation and maintenance of the facilities of the said Districts, including the future costs of maintenance and capital improvements.

Pursuant to law and following dissolution of the Districts, the property owners in the improvement area would become responsible for the payment of debt service on the existing debt of the Districts to be dissolved, and for the operation and maintenance of the facilities of the former Districts, which payments shall be collected as special assessments on the property within the improvement area (appearing upon tax bills) and through usage fees for sewer services (appearing on water and/or sewer bills). If a new sewer improvement area is formed, the costs of any future capital improvements would also be assessed against the property owners in the improvement area pursuant to Town Law Article 17-C. If the improvement area is not formed, any costs would be assessable only to the property owners within the District(s), regardless of whether due for replacement, repair, expansion, or needed or mandated upgrades and capital improvements.

As a result of the dissolution of the said Districts, it is anticipated that there will be annual savings of approximately \$30,000 per year and approximately \$296,000 over a 10-year period. Such savings estimates were calculated by determining the percentage of time particular employees spend on an annual basis addressing the separate costs related to improvement districts and the specialized funding and accounting requirements for such part-town stand-alone tax authorities. Also considered were the costs of legal and engineering fees attributable to these special proceedings, including the costs of engineering studies and reports, and legal costs - from the drafting Article 12-A resolutions, public interest orders and hearing notices to environmental review and bond costs. Staff and payroll savings per year were estimated at \$7,400 as based upon the number of hours devoted to Article 12 and 12-A districts in a typical year. Further, substantial miscellaneous employee indirect time is expended upon such matters, including by the Town and Planning Boards. There is also approximately \$2,000 in savings generated per year by not needing complex analysis of finances and operations when the provision of sewer services becomes a general Town function, and this change in operations affects financing, bonding, reserve accounts, and the number of public hearings, referendums, and applications to New York State that would be required annually. There is also about \$8,700 average savings per year as based upon the number of historical and potential proceedings needed under Town Law Article 12-A to effect repairs, upgrades, or any expansion to the existing districts as, under Article 12-C for improvement areas where the provision of sewer services is a general town function, the procedures are simplified, and the number of formal proceedings requiring bonding or state approvals operates upon different formulae and will reduce the costs of providing sewer services generally. In all, and also factoring in saved paper, mailings, and general office expenses using an industry standard cost figure based upon gross payroll, savings over a 10-year period, and taking into account the age of the existing districts, there is a gross savings calculated of approximately \$296,000. Such savings are realized through and comprised of the efficiencies of centralized sewer management and reporting through a single sewer improvement area that manages all services, taxes and billing, and all infrastructure management and improvements, including trunk and collector lines. More information about overall costs for the sewer improvement area are set forth in the final Map, Plan and Report for the Town of Lansing Sewer Improvement Area, dated (the "MPR"), a copy of which is attached as Exhibit A, and copies of which are also available at the Town Clerk's Office.

It is proposed that the dissolution take effect immediately upon the filing of the Final Order of formation of the Article 12-C improvement area.

A public hearing upon the Dissolution Plan will be held on July 17, 2013, at 6:05 pm, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882. Full copies of the whole of the Dissolution Plan are available on the Town of Lansing website (<http://www.lansingtown.com>), at the Town Clerk's Office, and at the Lansing Community Library circulation desk.

CONSIDER RESOLUTION MAKING A DETERMINATION OF SIGNIFICANCE RE ARTICLE 12-C SEWER IMPROVEMENTS – A POSITIVE DECLARATION AND DIRECTING SCOPING AND PREPARATION OF GENERIC ENVIRONMENTAL IMPACT STATEMENT

DISCUSSION

There was no discussion.

RESOLUTION 13–89

RESOLUTION MAKING A DETERMINATION OF SIGNIFICANCE RE ARTICLE 12-C SEWER IMPROVEMENTS – A POSITIVE DECLARATION - AND DIRECTING SCOPING AND PREPARATION OF GENERIC ENVIRONMENTAL IMPACT STATEMENT

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

WHEREAS, the Town of Lansing has prepared a Map, Plan & Report for a town-wide sewer improvement area (excluding lands within the Village of Lansing), and the Lansing Town Board is thus undertaking consideration of formation of the Town of Lansing Sewer Benefit Area. This action would consist of a review and approval of a final Map, Plan & Report (“MPR”) under Town Law Article 12-C of the Town-wide Benefit Area, plans for creating the South Lansing Sewer Improvement Area, and dissolving existing sewer districts within such Sewer Benefit Area. Included in the proposed plans for the South Lansing Sewer Improvement Area are a conventional gravity collection system for the majority of the parcels, grinder pumps and force mains for a limited number of parcels, and a Sequencing Batch Reactor (SBR) wastewater treatment system. The SBR facility is proposed to be located upon part of tax map parcel 36.-1-1 just south of the NYSEG electrical substation. This site is within several hundred feet of Cayuga Lake, into which an 18” diameter treatment plant outfall pipe will be located as based upon approved designs and permits from NYSDEC, and others; and

WHEREAS, pursuant to section 617.6 of the regulations implementing the State Environmental Quality Review Act (“SEQRA”), and upon February 20, 2013, the Town Board classified the action as a Type I Action, identified involved and interested agencies, and issued a Notice of Intent to act as lead agency for environmental review; and

WHEREAS, no agency has requested lead agency status or objected to the Town Board acting as lead agent, and more than 30 days has passed since said Notice of Intent was duly delivered; and

WHEREAS, the Town Board duly prepared and reviewed an environmental assessment form to identify potential impacts from the said sewer improvement area project, which FEAF is incorporated herein by reference, and the Town Board also received correspondence from the neighboring municipalities and involved and interested agencies concerning lead agency status and potential environmental impacts and, as a result of the foregoing, the potential impacts are identified as land impacts (development within 3’ of water table and bedrock and construction that will take over 1 year), water impacts (sites contain protected water bodies, dredging of over 100yd³ of materials, and wetlands impacts), groundwater impacts (a SPDES permit is required), historic and archeological impacts (historic building in initial improvement area and marked archeo-sensitive areas), noise and odor impacts (due to construction and SBR plant), impacts to growth and the character of the community (the potential to require additional services, the setting of future development precedents, the potential for increased density of development, and the creation or elimination of employment), as well as the potential for controversy surrounding the project; and

WHEREAS, a notice of a public hearing regarding the proposed Project was duly posted on the Town Clerk's signboard and was duly published, and the public hearing was duly held upon May 15, 2013 whereat all members of the public were permitted to speak and/or submit evidence; and

WHEREAS, the Town Board, in relation to such and other identified impacts, analyzed and duly considered the same 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 considering the information from the FEAF and the public hearing, and after weighing the above and all other potential impacts arising from or in connection with the sewer project, 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 cause some potential impacts to be or be likely to become significant (see above list); and

WHEREAS, and after due deliberation upon this matter and a review and analysis of each and all potential environmental impacts, the Town Board as Lead Agency hereby makes a positive declaration of environmental impacts, and it is thus determined, pursuant to section 617.8 of the regulations implementing the State Environmental Quality Review Act, that the proposed Project is likely to have a significant effect upon the environment by causing substantial environmental impacts, and therefore the Town Board is required to prepare an Environmental Impact Statement; and

WHEREAS, as the Town Board found that the proposed Project could have a significant adverse impact on the environment, the Town has elected to perform scoping and to conduct a GEIS review of the proposed project; and

WHEREAS, upon due consideration thereupon, 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 it is further

RESOLVED, that after consideration of the above impacts, and other impacts required under 6 NYCRR Part 617, Section 617.7(c), the Lead Agency finds that the proposed action will have potentially non-mitigated significant adverse environmental consequences; and it is further

RESOLVED AND DETERMINED, that this declaration is made in accord with Article 8 of the Environmental Conservation Law of the State of New York and the New York SEQRA Act, 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 positive determination of environmental significance ("Positive Declaration") in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement is therefore required; and it is further

RESOLVED, that the Town Engineer(s) and Planning Department are hereby directed to prepare a draft scope pursuant to the provisions of section 617.8 of said regulations, and thereafter in due course a Draft Generic Environmental Impact Statement pursuant to the provisions of section 617.9 and 617.10 of said regulations; 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, as required, the determination of significance, confirming the foregoing Positive Declaration, which fully completed and signed FEAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED AND ORDERED, that the Town Engineer(s) and Town Clerk file a copy of this Positive Declaration with the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 (or file the same electronically).

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

Councilperson Katrina Binkewicz - Aye	Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye	Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

APPOINT STORM WATER MANAGEMENT OFFICERS

DISCUSSION

There was not discussion.

RESOLUTION 13-90

RESOLUTION APPOINTING HIGHWAY SUPERINTENDENT AND DEPUTY HIGHWAY SUPERINTENDENT AS STORM WATER MANAGEMENT OFFICERS

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

WHEREAS, the Town Board of the Town of Lansing previously passed Resolution 13-57 designating Lynn Day as Storm Water Management Officer; and

WHEREAS, the Town Board now wishes to amend said appointment as Storm Water Management Officer; and

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

RESOLVED, that the Highway Superintendent and Deputy Highway Superintendent are hereby designated as Storm Water Management Officers.

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

Councilperson Katrina Binkewicz - Aye	Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye	Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

SCHEDULE PUBLIC HEARING FOR ANNUAL STORM WATER REPORT

DISCUSSION

There was no discussion.

RESOLUTION 13-91

**RESOLUTION ESTABLISHING PUBLIC HEARING
FOR REVIEW OF ANNUAL STORM WATER REPORT**

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

WHEREAS, the Town’s Annual Storm Water Report is prepared and due for the required annual review pursuant to Local and State Laws and related regulations; and

WHEREAS, a copy thereof is or will be timely filed in the Office of the Town Clerk for public review; and

WHEREAS, upon due deliberation, 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 19th day of June, 2013, at 6:05 o’clock P.M., to consider the Annual Storm Water Report, 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 copy of this 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.

SEQRA: Type II

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

Councilperson Katrina Binkewicz - Aye Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

CONSIDER RESOLUTION APPROVING TOWN LAND LEASE RENEWAL

DISCUSSION

Councilperson Edward LaVigne asked if the rate had increased. Supervisor Kathy Miller stated that it did not increase due to the fact that this years’ harvest is limited and is basically a six month lease.

RESOLUTION 13-92

RESOLUTION APPROVING TOWN LAND LEASE RENEWAL

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

WHEREAS, the Town has had an annual written lease of excess town-owned land with Ray Sill, which lease is up for renewal for calendar year 2013, whereby the Town proposes to lease approximately 76 acres (as shown upon the map at the Supervisor’s Office and as described as part of Tax Parcel #31.-1-16.2) to Raymond Sill for such period at the rate of \$15.00 per acre, subject to the terms of a standard farm lease to be approved by the Supervisor and Town Counsel; and;

WHEREAS, this lease will end on December 31, 2013, and prohibits the planting of any crop that is or may be harvestable after such date; and

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

RESOLVED and DETERMINED, that such 76 acres are excess property that the Town does not currently need for any operations or existing or proposed public use; and it is further

RESOLVED, that the form of the said lease as presented to this meeting is approved subject to (i) the execution of the final form of the lease with terms and language as approved by the Supervisor and Town Counsel, and (ii) a permissive referendum as required by Town Law § 64(3) and Town Law Article 7.

RESOLVED, that the Town Supervisor and Deputy Town Supervisor be, and each is hereby, authorized to execute such lease by, for, on behalf of, and in the name of the Town of Lansing.

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

Councilperson Katrina Binkewicz - Aye	Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye	Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

CONSIDER RESOLUTION ADOPTING TEMPORARY MORATORIUM UPON COMMERCIAL SIGNAGE IN THE TOWN OF LANSING BY AND THROUGH LOCAL LAW #2 OF 2013

DISCUSSION

Councilperson Ruth Hopkins read the following:

While I have received legal advice that I do not have a Conflict of Interest as defined by General Municipal Law, Article 18, nevertheless, allegations of a conflict of interest have arisen.

I am not convinced that my proximity to and concern with one sign impairs my ability to consider a moratorium or sign law generally.

Still I believe it is important to avoid any appearance of conflict and will recuse myself from tonight's vote.

RESOLUTION 13-93

**RESOLUTION ADOPTING TEMPORARY MORATORIUM
UPON COMMERCIAL SIGNAGE IN THE TOWN OF LANSING
BY AND THROUGH LOCAL LAW #2 OF 2013**

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

WHEREAS, the lack of effective sign regulations has the potential to adversely impact and affect public safety and land uses and values, and this moratorium enacted by local law proposes to prohibit the erection, enlargement, placement, replacement, or alteration of certain commercial and business signage and signs in the Town of Lansing to allow the Town of Lansing time to implement a sign local law and/or to amend its zoning ordinance regarding the regulation of signage; and

WHEREAS, since a Moratorium is a Type II Action under SEQRA, no environmental review is required; and the required review by the Tompkins County Planning

Department was received and noted no negative county-wide or inter-community impacts; and

WHEREAS, a Public Hearing was duly 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., whereat all persons interested in the subject matter hereof were permitted to provide testimony or give evidence; and

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

RESOLVED, that Local Law Number 2 of 2013 be and hereby is approved and adopted in the form as presented to this meeting, and in such form "be it so enacted"; and it is further

RESOLVED, that in accord with §21 of the Municipal Home Rule Law, the final adopted version of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said §21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231).

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

Councilperson Katrina Binkewicz - Aye Councilperson Edward LaVigne - Nay
Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was not approved.

CONSIDER RESOLUTION HIRING A TEMPORARY INDEPENDENT PLANNER:

DISCUSSION

Supervisor Kathy Miller stated that the Intern Planner will help Jonathan Kanter work on the Comprehensive Plan. There are three candidates that Mr. Kanter will be interviewing.

Councilperson Edward LaVigne asked if within the twelve weeks Mr. Kanter felt confident that he could hire someone to help with the fundamental things. Mr. Kanter stated that this would help with the Comprehensive Plan Work that he has not been able to complete such as Demographic Updates, Data Analysis and Research.

RESOLUTION 13-94

**RESOLUTION HIRING A
TEMPORARY INTERN INDEPENDENT PLANNER**

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

WHEREAS, the Town of Lansing has a need for a Temporary Intern Independent Planner to assist Jonathan Kanter; and

WHEREAS, said Planner will be consulted on a per diem basis; and

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

RESOLVED, that the position of a Temporary Intern Independent Planner on a per diem basis for the Town of Lansing not to exceed \$5,000.00 up to 12 weeks commencing June 3, 2013 is hereby approved.

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

Councilperson Katrina Binkewicz - Aye
Councilperson Edward LaVigne - Aye

Councilperson Ruth Hopkins - Aye
Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried and duly adopted on May 15, 2013.

SCHEDULE PUBLIC HEARING FOR LOCAL LAW #4 OF 2013

DISCUSSION

NOTE: WITHOUT THE PASSAGE OF PROPOSED LOCAL LAW #2 OF 2013, PROPOSED LOCAL LAW #3 BECAME #2 AND PROPOSED LOCAL LAW #4 NOW BECOMES #3 OF 2013

Further discussion followed before the Roll Call was taken.

RESOLUTION 13-95

RESOLUTION SCHEDULING PUBLIC HEARING FOR LOCAL LAW #3 OF 2013 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

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

WHEREAS, the Town Board of the Town of Lansing is hereby authorized to adopt a budget for the fiscal year 2014; and

WHEREAS, said proposed Local Law proposes: (1) to override the limit on the amount of real property taxes that may be levied by the Town of Lansing, County of Tompkins pursuant to General Municipal Law §3-C (2) pursuant to Town Law Article 12-C, governed by the Town Board for the fiscal year beginning January 1, 2014 and ending December 31, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-C; and

WHEREAS, this proposed Local Law if adopted pursuant to subdivision 5 of General Municipal Law §3-C which expressly authorizes the Town Board to override the tax levy limit by the adoption of a Local Law approved by a vote of at least sixty percent (60%) of the Town Board; and

WHEREAS, and upon deliberation 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 19th day of June at 6:10 o'clock P.M., 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 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.

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

Councilperson Katrina Binkewicz - Aye Councilperson Ruth Hopkins - Aye
Councilperson Edward LaVigne - Aye Supervisor Kathy Miller - Aye

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 15, 2013.

The following discussion followed before the Roll Call vote was taken.

Former Councilperson Connie Wilcox stated that this is just a formality. She thought it was important for people to understand that this does not mean that the town is going to automatically override the two percent. She stated that it is in all good business that the town should do this.

Supervisor Kathy Miller stated that credit rating for bonding is looked at very favorably when such resolution is passed even though there is no intent of overriding the tax cap.

Councilperson Edward LaVigne pointed out that the tax levy does not mean you need to increase taxes. If you have an increase in assessments with more businesses coming in and more revenue then the rates go down.

Deputy Highway Superintendent, Cricket Purcell asked if Tompkins County had passed the same Resolution. Tompkins County Representative, Pat Pryor stated that the County has not passed the Resolution yet. She expected they would for the same reasons that Supervisor Kathy Miller stated.

APPROVE AUDIT

RESOLUTION 13-96

Councilperson Edward LaVigne moved that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications.

CONSOLIDATED ABSTRACT # 005
DATED 05/15/13

AUDITED VOUCHER #'s	<u>373 - 489</u>
PREPAY VOUCHER #'s	<u>373 - 379</u>
AUDITED T & A VOUCHER #'s	<u>30 - 34</u>
PREPAY T & A VOUCHER #'s	<u>30 - 31</u>

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND (A&B)	\$ <u>159,137.63</u>
HIGHWAY FUND (DA&DB)	\$ <u>124,178.91</u>
LANSING LIGHTING (SL1, 2 &3)	\$ <u>1,625.43</u>
LANSING WATER DISTRICTS (SW)	\$ <u>154,031.88</u>
TRUST & AGENCY (TA)	\$ <u>35,372.22</u>

WARREN RD SEWER-CAPITAL PROJ	\$	<u>0.00</u>
LANSING SEWER DISTRICTS (SS1, SS3)	\$	<u>4,237.78</u>
DEBT SERVICE (V)	\$	<u>0.00</u>

Supervisor Kathy Miller seconded the motion and it was carried by the following roll call vote:

Councilperson Katrina Binkewicz - Aye
Councilperson Edward LaVigne - Aye

Councilperson Ruth Hopkins - Aye
Supervisor Kathy Miller - Aye

BOARD MEMBER REPORTS:

Katrina Binkewicz:

Friends of the Lansing Library Book Sale
May 18th from 9:00 a.m. – 4:00 p.m.

Candace Cornell

Ms. Cornell has been at Salt Point taking pictures of the osprey and intends to write a book. She is Chair of the Cayuga Bird Club who intends to donate and set up nest boxes for different types of birds. Help will be needed with the installation and cleaning them out in the early spring to get them ready for next season.

Handicapped Accessible at Salt Point:

Tompkins County Representative, Pat Pryor asked that the Town Board consider access to Salt Point where the osprey nests are located to the people who are not able to walk that far. She asked to consider the ADA requirements for people with disabilities.

Supervisor Kathy Miller stated that the Town Board will take this under consideration.

Ed LaVigne:

Seniors

They are currently using the LOAP Van to take them to the Food Pantry

Woodsedge Elevator

There is a shortfall of \$15,000.00 needed to complete the elevator project at Woodsedge.

Connie Wilcox stated they are going to do a solicitation and campaign to help obtain the \$15,000.00. The new elevator will be able to fit a stretcher for ambulance service. There will be a celebration and ribbon and cutting when the project is complete.

Deputy Supervisor, Sharon Bowman asked that something be sent to the town to be included on the Town Website along with being included in the June issue of the Town's Newsletter. Connie Wilcox stated that she would have Charla Hayes send this to her.

Ruth Hopkins:

Financial Leadership Seminar

She attended the seminar in Rochester which included funding applications along with tips for the self audit. The seminar also included information on multi year planning.

Sharon Bowman:

Sue Munson, a Lansing resident had been filling in for the Clerk in her absence in the Code Office. Now she has moved into the Supervisor's Office and Sharon invited everyone to come greet her.

Kathy Miller:

Monthly Report:

The Supervisor submitted her monthly report for the month of April 2013 to all Board Members and to the Town Clerk.

GHD

On Wednesday the 22nd at 6:00 pm, GHD will be here to explain the SEQRA and Scoping Document for Sewer.

TOWN COUNSEL REPORT:

No report at this time.

MOTION TO ENTER EXECUTIVE SESSION:

Councilperson Kathy Miller moved to **ENTER EXECUTIVE SESSION TO DISCUSS A LEGAL MATTER AT 7:38 PM.** Councilperson Katrina Binkewicz seconded the motion.

All in Favor - Aye Those Opposed - 0

MOTION TO EXIT EXECUTIVE SESSION:

Supervisor Kathy Miller moved to **EXIT EXECUTIVE SESSION AT 8:48 PM.**

Councilperson Ruth Hopkins seconded the motion.

All In Favor - Aye 4 Those Opposed - 0

MOTION TO ADJOURN MEETING:

Supervisor Kathy Miller moved to **ADJOURN THE MAY 15, 2013 TOWN BOARD MEETING AT 8:49 PM.** Councilperson Ruth Hopkins seconded the motion.

All in Favor – Aye Those Opposed - 0

Minutes taken and executed by the Town Clerk.

Respectfully submitted,

Debbie S. Crandall