

November 18, 2009

The Lansing Town Board met in Regular Session at 6:00 p.m. at the Lansing Town Hall Boardroom with Supervisor Pinney presiding.

The Supervisor called the meeting to order and had the clerk take the Roll Call.

ROLL CALL

A. Scott Pinney	Supervisor	Present
Matt Besemer	Councilperson	Present
Marty Christopher	Councilperson	Absent
Bud Shattuck	Councilperson	Present
Connie Wilcox	Councilperson	Present
Bonny Boles	Town Clerk	Present
Guy Krogh	Town Attorney	Present

Visitors: Jeff Overstrom (7:00), Steve Colt, Jack French, Kathy Miller, Brian Flannigan, Jeff Walters, David Dittman, David Dubin, Brent Zifchock, Dan Veaner, Jack Young, Mairi Cardone, Sandy Dhimitri, Nicholas Dhimitri, Elliott Smith, Dan Konowalow, Dennis Read, David Parkins, Robert Cree and a couple other residents.

The Supervisor led all present in the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR:

Kathy Miller (speaking for Mr. and Mrs. James Mason):

Mrs. Miller stated that she received an e-mail from Stephanie and James Mason regarding the gas drilling and also regarding the resolutions that have been passed by almost every Town in Tompkins County. She gave the Board copies of the resolutions to look over.

She stated that the Mason's were very interested in the Town passing a resolution by December 30, 2009.

She then read a comment she received from a real estate agent as follows:

I hope everyone is educating themselves on the gas drilling issue. My personal opinion is that it is of the beauty of this area and enjoy the quality of life you need to be concerned.

Dave Parkins:

Mr. Parkins stated that historically, the mining of any sort in this Country has resulted in unexpected, unanticipated types of debris, toxic materials, and such. He hopes the community will look very carefully at the long term financial and other burdens on the community that can occur with gas drilling.

Water Resource Committee:

Mr. Pinney stated that he was looking for a representative to be on the Water Resource Council. Mrs. Wilcox asked Mr. Shattuck if he would be interested. He stated that he would not. Mr. Pinney stated that if anyone was interested, to contact his office.

Land Appraisal on Town Property:

The Board is still working on having a new appraisal done on the property. Mr. Krogh has a call in to an appraiser and will keep the Board posted.

Advisory Committee on Gas Drilling:

Mr. Pinney asked all present if anyone was interested in being on the committee to contact him. Mrs. Miller stated that Mr. James Mason would be interested.

Open Public Hearing for a Special Use Permit for Proposed Soccer Field:

RESOLUTION 09 - 196

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Shattuck:

RESOLVED, that the Public Hearing on the Special Use Permit for the proposed soccer field is hereby opened at 6:10 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Pinney and Mr. Krogh gave an overview of the proposed project along with the eleven proposed special conditions. The following comments and concerns were made:

David Dittman:

Mr. Dittman stated that he is on the ZBA Board and that said Board has looked at this project twice and turned down a use variance twice. He stated that many neighbors showed up to the Public Hearings that were against the project.

It has come to Mr. Dittman's attention that there is already an existing soccer field just north of East Shore Circle. He asked why the Zoning Officer did not bring it to the attention of the ZBA Board. He stated that it did not have a special use permit and was not granted a use variance. He asked what was different about that soccer field. He asked if we have Zoning Laws, and do we need to ask for a special use permit , or do we not have Zoning Laws and we don't need to ask for present approval? He stated that he believes in open and fair discussions about any government, he felt there should be an open and fair discussion about this matter.

He has nothing against soccer or the soccer club but felt the Town either has Zoning Laws that are going to be enforced or we don't have Zoning Laws and we are not going to enforce them. He felt if they are there, they should be enforced.

Dan Konowalow:

Mr. Konowalow who is also a member of the ZBA stated that he agreed with Mr. Dittman. He stated that the neighbors had serious concerns in regard to crowds and

noise. He said you can always change a Zoning Law but don not use this to do what is effectively spot zoning.

Sandy Dhimitri:

She is a parent of a soccer player and is in support of the special use permit. She stated that this request is permitted and there is nothing shady going on. She stated that they would be utilizing the parking and facilities that are already present which is adjacent to the property. It will not create more access to the roads. It would be 2 to 3 people per child attending the events and yes, they will generate some noise but no more than if the fields were filled with houses and children.

She felt it is an opportunity to use land in a positive way to benefit the community. She understood the concerns of the neighbors and did not expect lights, score boards, PA systems, etc.

Elliott Smith:

Mr. Smith is the President of the Ithaca Youth Soccer Club. He read the following statement:

Tompkins County needs high quality outdoor fields that are dedicated for use by youth club soccer. The existing fields in the County are either shared with adult soccer and other sports which leads to over use of the turf and potentially dangerous playing conditions, or the fields are controlled by municipalities that are increasingly reluctant to allow club soccer teams to use those fields either through liability concerns or their own needs for those field. The area behind the Community Recreation Center presents a unique opportunity to address this particular need. There is no other space that we found in Tompkins County that is suitable for this purpose. Through the generosity of John Young who is the landowner, the land becomes affordable for us. The Club has, over the years saved money through their fees and other things from townships throughout the County. They have raised funds for this specific purpose, to build dedicated club soccer fields. They still do not have enough to purchase the land and then build the fields so through Jack's generosity; the land becomes affordable for them. The location is next to the premier location for indoor soccer in the County. The Club would not need to build any facilities as the parking lot, bathrooms and concession stand is already there. In terms of affordability, environmental impact and neighborhood character, there is no other place in Tompkins County as well suited for these fields as the land behind the Community Recreation Center.

He stated that the noise issue confused him and the property is located behind the Rod and Gun Club where you can hear weapons being fired every weekend.

Dennis Read:

The proposed field will butt up against Mr. Read's property and his concerns are access, specifically about people parking on East Shore Drive and walking across his property to get to the fields. He was also concerned about soccer balls coming into his yard. He stated that you only hear noise from the Rod and Gun Club when there is a strong wind out of the south.

He is concerned about noise to some extent but felt if the provisions that were talked about earlier were put in, he felt fairly comfortable with those. Big crowds and loud speakers were a concern and would feel better if there was a provision for bleachers to be allowed or if no bleachers were allowed.

He stated that he would offer his qualified support if the conditions are right.

David Parkins:

Mr. Parkins has a 14 year old daughter that has played soccer for the past six or seven years.

He felt the location was good. He stated that there are only two to four people per child. He felt they have pretty modest requirements. They only need a relatively flat field set back from the road. He felt this would be closer to the Rink than the road. He felt reasonable restrictions could be put in place to make people feel comfortable.

Dan Konowalow:

He stated that the eleven conditions seem to be quite reasonable to help with a lot of the concerns. He felt one more restriction stating there will be no grandstands would keep the crowds down.

Close Public Hearing for a Special Use Permit for Proposed Soccer Field

RESOLUTION 09 - 197

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Besemer:

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing on the Special Use Permit for the proposed soccer field is hereby closed at 6:35 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Open Public Hearing for a Negative Declaration (SEQR) for a Proposed Soccer Field:

RESOLUTION 09 - 198

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Besemer:

RESOLVED, that the Public Hearing for a Negative Declaration (SEQR) for the proposed soccer field is hereby opened at 6:36 p.m.

- Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Mr. Shattuck stated that when a short form SEQR is done, the whole report is usually read but with a long form, it is never read in its entirety. Comments are usually made on any negative statements or conditions that are within the long form. After looking it over Mr. Shattuck stated that he finds none.

Close Public Hearing for a Negative Declaration (SEQR) for Proposed Soccer Field:

RESOLUTION 09 - 199

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Shattuck:

RESOLVED, that all persons desiring to be heard, having been heard, the Public Hearing on the proposed is hereby closed at 6:39 p.m.

Vote of Town Board . . . (Aye) Matt Besemer, Councilperson
Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Board Comments:

Mr. Shattuck stated that the only reason this matter went before the ZBA is because the past Code Officer made a poor decision in stating what should have happened. He did not feel the applicants should have had to go through the process of going to the ZBA Board either time. He felt the ZBA did the right thing but at the same time, it is a moot point when it is finally decided that it is by right you can have these with conditions.

He felt the former Code Officer made an error.

He felt with the restrictions, it is a great thing to do and will be a good application of the property.

Mr. Pinney agreed with Mr. Shattuck. He also felt that being next to and with the help of the Rink, it will be a great location.

Mrs. Wilcox stated that at first, she was not sure but after getting recommendations from the Planning Board with the conditions that they have put forward, she feels it will not affect the immediate neighbors as much as people thought it would.

She also stated that the special permits expire after three years and it could be looked at again at that time.

Mr. Besemer felt it should be the responsibility of the club to make sure the traffic and parking goes smoothly.

Approve Negative Declaration for Soccer Club:

RESOLUTION 09-200

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS RELATIVE TO SOCCER CLUB APPLICATION FOR SPECIAL USE PERMIT

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and the following motion for a Resolution was duly made by motion of Mr. Shattuck, and was duly seconded by Mrs. Wilcox; and the vote was as follows: A.

Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, Applicant, Ithaca Youth Soccer Club, Inc. has requested the issuance of a Special Use Permit to allow for the operation of a private not-for-profit soccer club upon an approximately 12.1 acre non-commercial recreational facility in a R2 District along East Shore Drive (part of Tax Parcel #37.1-6-2.2) pursuant to the Town of Lansing Land Use Ordinance, and the proposed soccer club is to have two soccer fields to be 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 the Town Board previously classified the action and issued a Notice of Intent to all interested and Involved Agencies; and

WHEREAS, the Town Board hereby is once again declared as the lead agency for such environmental review and duly conducted a public hearing to consider the environmental impacts of the special use permit application of the Ithaca Youth Soccer Club Inc. upon the 18th day of November, 2009, at 6:11 P.M. at the Lansing Town Hall, where at the LEAF was reviewed and impacts duly identified, and where at all testimony and evidence was had and heard concerning the matter; and

WHEREAS, the environmental impacts identified were: (i) the noise, erosion and dust potentially created during construction, which potential impacts are and will be mitigated by storm water review, on site controls, and limitations of hours of operation, and which impacts are therefore deemed non-significant; and (ii) 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 Permit, if approved and issued, and which are therefore deemed non-significant; and (iii) 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 input from each and all Involved and Interested Agencies, and the Lead Agency having made a negative declaration of environmental impact; accordingly, it is hereby

RESOLVED, that the Town Board of the Town of Lansing be and hereby is declared to be the Lead Agency; 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 there under, and accordingly, the Town Board of the Town of Lansing, based upon (i) its thorough review of the LEAF, 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, and the comments of Involved and Interested Agencies, 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 LEAF, including the findings 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 LEAF 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. All Involved and Interested Agencies.
4. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12, upon the forms as required by the New York State DEC.

SEQRA: Type I Action.

Approve Special Permit for Soccer Club:

RESOLUTION 09- 201

RESOLUTION APPROVING THE SPECIAL USE PERMIT FOR SOCCER CLUB

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Besemer; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, Applicant, Ithaca Youth Soccer Club Inc. has requested the issuance of a Special Use Permit to allow for the operation of a not-for-profit soccer club upon an approximately 12.1 acre parcel to be used as a non-commercial recreational facility in a R2 District along East Shore Drive (part of Tax Parcel #37.1-6-2.2), pursuant to the Town of Lansing Land Use Ordinance, and the proposed soccer club is to have two soccer fields to be 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 a rod or gun club) 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, in accordance with such 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 September 14, 2009, 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 of the Ithaca Youth Soccer Club Inc. respecting a 12.1 acre parcel located along 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 18th day of November, 2009, at 6:10 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 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 Special Use Permit application of Ithaca Youth Soccer Club Inc., to allow for the operation of a not-for-profit soccer club upon an approximately 12.1 acre parcel to be used as a non-commercial recreational facility in a R2 District along 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 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;
5. All traffic is to be routed to and through the adjacent Community Recreational Center ("CRC") site, with emergency access/entrances to be provided through the CRC property and to: (i) have "hammer head" turn-arounds for emergency vehicles, and (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;

6. All parking to be on the CRC site per the Site Plan;
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 3 years, being subject to renewal at that time.

No Smoking:

Mr. Shattuck stated that he was not in favor of passing this for employees only but would be in favor if it included the public; therefore the following resolution was offered:

Set Public Hearing for Local Law Banning Smoking:

RESOLUTION 09- 202

RESOLUTION ESTABLISHING PUBLIC HEARING FOR PROPOSED LOCAL LAW NUMBER 9 OF 2009 RE SMOKING UPON CERTAIN TOWN PROPERTY

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and the following motion for a Resolution was duly made by motion of Francis Shattuck, and was duly seconded by Matt Besemer; and the vote was as follows: A. Scott Pinney - aye; Francis Shattuck – aye; Connie Wilcox – aye; and Matthew Besemer - aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, the Town Board desires to implement a no smoking policy upon certain town-owned lands consistent with the requirements of the employee handbook provisions under consideration, and such action, being regulatory in nature, requires the adoption of a local law; and

WHEREAS, such local law proposes to prohibit smoking in each and all of the following areas: (1) the Town Hall and the campus area upon which the same is situate, including all outside, parking, and lawn areas; (2) the Town Community Center, and the area upon which the same is situate, including all outside, parking, and lawn areas; (3) the Town Library Building, located upon the Town Hall Campus as leased to the library, and the lands upon which the same is situate, including all outside, parking, and lawn areas;

(4) all Highway Department Facilities, and all areas upon which the same are situate, including all outside, parking, and lawn areas; and (5) all Town Ball Fields, including all parking, and lawn areas (including the “main fields” near the Town Hall, and the Highway facility fields adjacent to the Town Highway Facility campus); with such

restrictions to also prohibit smoking within any private vehicle or other enclosure upon any such property; and

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27), and therefore no environmental review is required; and

WHEREAS, upon due deliberation thereon, the Town Board of the Town of Lansing, in its capacity as governing body 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 16th day of December, 2009, at 6:05 o'clock P.M., to consider the aforesaid Local Law, and to hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, 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 hereof on the Town signboard maintained by the Town Clerk, in accord with law.

SEQRA: Type II Action.

Resolution to Amend Employee Handbook:

RESOLUTION 09 - 203

RESOLUTION AMENDING EMPLOYEE HANDBOOK SECTION 908

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and the following motion for a Resolution was duly made by motion of Mr. Shattuck, and was duly seconded by Mr. Besemer; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, the Town Board has considered Section 517 of the Employee handbook and its effect of implementing Section 908 pertaining to Town smoking policies and the NYS Clean Indoor Air Act; and

WHEREAS, upon consideration of these policies and the need to update the same, section 908 of the Employee Handbook be and hereby is amended to read as follows:

908 SMOKING

POLICY STATEMENT – Smoking is prohibited in any Town building, facility, or vehicle, and in each and all of the following areas:

1. The Town Hall and the campus area upon which the same is situate, including all outside, parking, and lawn areas;
2. The Town Community Center, and the area upon which the same is situate, including all outside, parking, and lawn areas;
3. The Town Library Building, located upon the Town Hall Campus as leased to the library, and the lands upon which the same is situate, including all outside, parking, and lawn areas;
4. All Highway Department Facilities, and all areas upon which the same are situate, including all outside, parking, and lawn areas;
5. All Town Ball Fields, including all parking, and lawn areas (including the “main fields” near the Town Hall, and the Highway facility fields adjacent to the Town Highway Facility campus).

Smoking within a private vehicle or other enclosure upon any such site shall be a violation of this policy.

This amendment to the policy will become effective January 1, 2010.

SEQRA: Type II Action.

Set Public Hearing for Approval of PDA for Transonic Systems:

Mr. Krogh explained a proposed PDA change and the following Public Hearing was set:

RESOLUTION 09 – 204

RESOLUTION RE NOTICE OF PUBLIC HEARING FOR ENVIRONMENTAL REVIEW OF AMENDMENT TO WARREN ROAD BUSINESS PARK PDA FOR TRANSONIC SYSTEMS, INC.’S PLANT AND FACILITY EXPANSION

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson; Francis Shattuck, Councilperson; and Matthew Besemer, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and the following motion for a Resolution was duly made by motion of Mrs. Wilcox, and was duly seconded by Mr. Shattuck; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; Matthew Besemer - Aye; and the following Resolution therefore passed 4-0, and was duly adopted:

WHEREAS, Applicant Transonic Systems, Inc. has requested Town Board approval of a PDA Application respecting the Warren Road Business Park PDA modification and a 28,375 square foot expansion of its existing facility located at 34 Dutch Mill Road, Town of Lansing, Tax Map Parcel #39.-1-50.10; and

WHEREAS, in or about 1988 the Town Board approved the creation of the Warren Road Business Park PDA in the Town of Lansing, said PDA which is now zoned within the Lansing IR District and Applicant, Transonic Systems, Inc., is located within said PDA; and

WHEREAS, Transonic Systems, Inc., one of the owners of property in the Warren Road Business Park is seeking an expansion of its facility which will require a variance from the original Warren Road Business Park covenants which provide, among other things,

that Lot 9 shall be used as open space/park, though such open space has never been dedicated to such use nor ever used for such purposes, and the Applicant now seeks to utilize Lot 9 in the drainage configuration of its proposed expansion; and

WHEREAS, all of the owners of properties within the Warren Road Business Park have given their written consent to the Applicant's requested change of use to the Warren Road Business Park PDA and have submitted letters approving said proposed development and use of Lot 9 as requested by the Applicant, and all other requirements of the Warren Road Business Park covenants and restrictions have been met; and

WHEREAS, on November 9, 2009, the Planning Board, pursuant to Lansing Land Use Ordinance Section 706.5, underwent site plan review of the proposed PDA modification and the proposed expansion of the Transonic Systems, Inc. building and parking facilities, and considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man made features upon and surrounding the area of the proposed Site Plan, and did also consider storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, the Planning Board approved the Transonic Site Plan and recommended to the Town Board that the Town Board approve the Transonic Systems, Inc. application respecting the Warren Road Business Park PDA change of use modification and the expansion of the Transonic Systems, Inc. facility; and

WHEREAS, the action proposed is an Unlisted Action under SEQRA and an environmental review is thus required; therefore, the Town Board of the Town of Lansing has hereby

RESOLVED AND DETERMINED, that

1. This action is classified as an Unlisted Action pursuant to 6 NYCRR Part 617.2(ak);
2. The Town Board of the Town of Lansing proposes to be the Lead Agency for environmental review, subject to consent or any requests of coordinated or independent review by any Involved or Interested Agency, as applicable;
3. The Involved Agencies are determined to be the Tompkins County Department of Planning, the Tompkins County Department of Health, and the NYS Department of Environmental Conservation; and
4. There Interested Agencies are the Lansing Planning Board, the Southern Cayuga Lake Intermunicipal Water Commission, the Village of Lansing, and the Village of Cayuga Heights; and it is further;

RESOLVED, that the Town Clerk issue a Notice of Intent to each and all of the Involved Agencies and Interested Agencies, including therewith a copy of the proposed Site Plan, the Planning Board Resolution of referral, and the SEAF; and it is further

RESOLVED, that a public hearing to consider the environmental impacts of the proposed action be and is hereby scheduled for the 16th day of December, 2009, at 6:10 P.M. at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, and to

thereat hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to (i) cause a Notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law, and (ii) to issue to the Tompkins County Planning Department the above materials by referral under General Municipal Law §239-l and –m.

SEQRA: Type I.

Planning and Engineering Department Report:

Mr. Overstrom went over the following with all present:

Code Office Monthly Activity Report **October, 2009**

Planning Board – October, 2009

- **October 12, 2009 Holiday-Town Offices Closed- No Meeting**
- **October 26, 2009 Chairperson Cancelled Working Meeting**

Zoning Board of Appeals- October 20, 2009

- **Area Variance – Bed & Breakfast, Applicant: Rutherford- GRANTED**
- **Approval of July 27, 2009 Minutes**
-

Fire Safety Inspections & Re-Inspections

Total: 6

Construction Inspections

Total: Approximately: 78

Operating Permits Issued

October 0 Year to Date Total: 2

New Addresses Issued

Total: 2

Notice of Fire

October: 1 Year to Date: Total: 8

Expired Permit Notices

First Notices: 11

Second Notices: 5

Renewed Permits 2 Renewed Permits YTD – 50

Mr. Overstrom went over some Building Permit changes that he would like to see changed.

After some discussion, Mr. Krogh stated that part of the annual organizational minutes should routinely review and approve the fees schedules for various activities such as park usage, boat slip rentals, building permit fee, etc. He felt this would be the way to do it and they would become effective January 1st.

Mr. Overstrom stated that January 1st would be fine.

Mr. Overstrom has also been working with Mr. French to reconstruct about 300 lineal feet of the marina wall. They have the DEC backing to take care of this matter during the winter months.

Mrs. Wilcox asked why the Planning Board Meeting had been canceled. Mr. Overstrom stated that they are trying to have one regular monthly meeting and one working meeting.

She stated that she was concerned about the land use ordinance as many people worked hard on this and put in a lot of hours and came up with a lot of recommendations which need to be addressed. She asked what the status of this was. Mr. Overstrom will look into this. He felt everyone needs to get on the same page in order to move forward.

Highway Department Report:

Salt and Sand:

The salt and sand storage building is completely full. There is about 2100 ton in it right now.

Myers Park:

Highway guys are in the process of remodeling the concession stand and another crew is building new parking lots.

Warren Road Culvert:

The 18"x120' culvert has been installed on Warren Road and is ready for the sewer line which will hopefully go out to bid the early part of next year.

Water Main Breaks:

There have been two breaks, one on East Shore Drive by the Rink and one on Portland Point Road by the scale house. Both have been repaired

Mr. Pinney commended Mr. French and his crew on the Warren Road project. He stated that they did a difficult job in three days and they did a top notch job and it was impressive.

Mr. Pinney stated that he met with Cargill and they have a station there where Mr. French could take a truck down and have it filled. Cargill will mix the brine to the correct amount. This would be free for at least the first year. Mr. French can do this at any time also.

Mrs. Wilcox thanked Mr. French and his crew for working with the Recreation Department.

Mr. Besemer left at 7:20 p.m.

Park and Recreation Department Report:

Mr. Colt handed out the following report:

Parks & Recreation Department

11/18/09

Town Board Meeting

RECREATION

- **Fall program equipment reconditioning** is now taking place and will then be packed away. This is an important process for us, as it keeps the equipment safe, clean and creates the space we need to start laying out and packing the spring program bags.
- **I will be sending out 12 football helmets for advanced reconditioning** and safety checking tomorrow. This process is done by Riddell and these helmets will be like new and certified when they are returned. I try to send out 12 per year when needed. This cost averages around \$16 per helmet and extends the use life of the helmet.
- **I have taken inventory of our equipment** and will be completing our annual purchase of equipment for many of our programs next week. Purchasing at this time of the year always allows us to buy at discount and closeout pricing.
- **Our Youth Bowling, Gymnastics, Karate and Basketball** programs have all started and include over 180 participants between them. Youth **Wrestling** will start at the end of this month. The Karate program has been great, and continues to grow with classes that are in session throughout the year. Many parents also participate along with their children.
- **Adult programs that are ongoing include**, Men's Basketball, Women's Basketball, Women's Volleyball, COED Volleyball, Adult Open Swim, Step Cardio, Strength & Stretch classes and a new Yoga program set to start in January.

PARKS

- **All of our Parks and Ballfields** have been cleaned up and prepared for spring which includes core plugging to decompress the playing fields, fertilizing and over-seeding. These steps keep the grounds safe, healthy and looking good. Our Park crew ended their season last week and will not return to work until late March or April.
- **Scott Weaver and Doug Milliman** continue to work on the Myers Park concession building and are doing a GREAT job! They have repaired or replaced electric issues, windows, siding, roofing and have enclosed an open area to create more storage area.
- **Matt Besemer and I met briefly on November 4th to review the bridge design** choices for the Cornell student engineer's project. I have forwarded our selection on to the class and they will now start on the next phase of their project. We are hoping for a full project presentation by late spring.
- **The Tops Market in Lansing** has kicked off the playground fundraising project and is off to a great start. They are using a "Buy-A-Brick" plan to build the Playground at a dollar per brick. Customers have the ability to do this at check out time. We are planning to at least replace the swing sets this spring and also hope to include the large ribbon climbing wall. We intend to "chip away" at the master plan as we raise the money to do so.

- **The “Family Tree” planting** program for our parks is still active. We have a memorial tree planting already scheduled for spring that was planned yesterday and will be given to a family member as Christmas gift, what a neat idea!

Approve Minutes:

RESOLUTION 09 – 205

A copy of the minutes of November 4, 2009, having been furnished to the Board Members beforehand, the Supervisor asked for a motion to make corrections or to accept the same as submitted.

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Shattuck:

RESOLVED, that the minutes of November 4, 2009 are hereby approved as submitted.

- Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
- Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
- Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Approve Audit:

RESOLUTION 09 – 206

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Pinney:

RESOLVED, that the Bookkeeper is hereby authorized to pay the following bills and to make the following budget modifications:

CONSOLIDATED ABSTRACT # 011

DATED 11/18/09

AUDITED VOUCHER #'s 1044 - 1135

PREPAY VOUCHER #'s 1044 -1048

AUDITED TA VOUCHER #'s 90 – 96

PREPAY TA VOUCHER #'s _____

<u>FUND</u>	<u>TOTAL APPROPRIATIONS</u>
GENERAL FUND	\$ <u>78,690.88</u>
HIGHWAY FUND	\$ <u>23,271.94</u>
LANSING LIGHTING	\$ <u>1,296.04</u>
LANSING WATER DISTRICTS	\$ <u>78,177.40</u>

CHERRY ROAD SEWER	\$	<u>0.00</u>
TRUST & AGENCY	\$	<u>44,063.78</u>
CWD EXTENSION #1	\$	<u>0.00</u>
CWD EXTENSION #2	\$	<u>0.00</u>

**BUDGET MODIFICATIONS
GENERAL FUND A
November 18, 2009
Board Meeting**

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
A2650	A7110.200	From Auction Proceeds to Parks Equipment	9,990.00
A7110.400	A7110.200	From Parks Cont to Parks Equipment	664.39
A7140.100	A7110.200	From Rec Personal Srvc to Parks Equipment	7,375.00
A7180.100	A7110.200	From Beach & Pool Personal Srvc to Parks Equip	2,096.99
A7180.200	A7110.200	From Beach & Pool Equip to Parks Equip	1,253.46

WATER FUND SW

<u>FROM</u>	<u>TO</u>	<u>FOR</u>	<u>AMOUNT</u>
SW1990.400	SW8320.400	From Contingency to Src of Sup Cont	3,533.42
SW1990.400	SW8320.401	From Contingency to Src of Sup Lnsg Sta	1,507.14
SW1990.400	SW8320.402	From Contingency to Src of Sup Drake Rd	105.95

Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

BOARD MEMBER REPORTS:

Bud Shattuck:

Nothing to report.

Connie Wilcox:

Aq Land Protection Grant:

It is coming along well but they may need a one or two month extension.

Technology Committee:

The Committee met with three vendors for copy machines. After looking into all the machines, the committee recommended the Xerox machine.

A. Scott Pinney:

Monthly Report:

The Supervisor submitted his monthly report for the month of October to all Board Members and to the Town Clerk.

Set Public Hearing for Local Law No. 8 of 2009:

RESOLUTION 09 - 207

RESOLUTION ESTABLISHING PUBLIC HEARING FOR PROPOSED LOCAL LAW NUMBER 8 OF 2009, AMENDING LOCAL LAW 6 OF 2006 (CODE ENFORCEMENT) REGARDING ELECTRICAL INSPECTIONS

At a Regular Meeting of the Town Board of the Town of Lansing held in and for the Town of Lansing at the Lansing Town Hall on 18th day of November, 2009, the following members being present: A. Scott Pinney, Supervisor; Connie Wilcox, Councilperson and Francis Shattuck, Councilperson; and the following members being absent: Martin Christopher, Councilperson; and Matthew Besemer, Councilperson; the following motion for a Resolution was duly made by motion of Mr. Pinney and was duly seconded by Mr. Shattuck; and the vote was as follows: A. Scott Pinney - Aye; Francis Shattuck – Aye; Connie Wilcox – Aye; and the following Resolution therefore passed 3 - 0, and was duly adopted:

WHEREAS, the Town eliminated the Electrical Inspector position and now needs to assure that its laws duly reference the need for affected residents and individuals to obtain electrical inspections, when required, from qualified inspectors, by adding electrical inspections to the list of matters necessary to obtain certificates of compliance and occupancy, and also by defining who is a qualified electrical inspector; and

WHEREAS, this action is a Type II SEQRA Action pursuant to 6 NYCRR Parts 617.5(c)(20) and 617.5(c)(27), and therefore no environmental review is required; and

WHEREAS, upon due deliberation thereon, the Town Board of the Town of Lansing, in its capacity as governing body 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 16th day of December, 2009, at 6:20 o'clock P.M., to consider the aforesaid Local Law, and to hear all persons interested in the subject thereof, and concerning the same, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, 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 hereof on the Town signboard maintained by the Town Clerk, in accord with law.

SEQRA: Type II Action.

Town Counsel Report:

Nothing to report.

Executive Session:

RESOLUTION 09 – 208

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Pinney:

RESOLVED, that the Regular Meeting is adjourned to go into Executive Session at 7:28 p.m. to discuss the particular employment history of a certain employee. Mrs. Wilcox asked Mr. Colt to attend the Executive Session.

Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Terminate Executive Session:

RESOLUTION 09 - 209

RESOLUTION, offered by Mrs. Wilcox and seconded by Mr. Shattuck:

RESOLVED, that the Executive Session is hereby terminated and the Regular Meeting reconvened at 7:43 p.m.

Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Adjourn Meeting:

RESOLUTION 09 – 210

RESOLUTION, offered by Mr. Shattuck and seconded by Mrs. Wilcox:

RESOLVED, that the meeting is hereby adjourned at the call of the Supervisor at 7:45 p.m.

Vote of Town Board . . . (Aye) Bud Shattuck, Councilperson
Vote of Town Board . . . (Aye) Connie Wilcox, Councilperson
Vote of Town Board . . . (Aye) A. Scott Pinney, Supervisor

Minutes taken and executed by the Town Clerk.