RESOLUTION PB 15 -

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING CAYUGA FARMS TOWNHOMES SITE PLAN

WHEREAS, an application was made by Timothy Buhl, PE on behalf of W.B. Asset Management, L.L.C. (herein, the "Developer") for site plan approval for the proposed construction of (102 Dwelling Unit) Residential Complex, located on the west side of North Triphammer Road, Lansing, New York and otherwise known as Tax Parcel #37.1-6-3.362, R2 Moderate Density Residential Zone; and

WHEREAS, the proposal is to construct 21 separate buildings each containing between 4 to 6 residential dwelling units each constructed in phases that ultimately result in 102 residential 2-3 bedroom rental apartments; and

WHEREAS, the proposal is a permitted use in the R2 Moderate Density Residential Zone subject to obtaining site plan approval from the Planning Board; and

WHEREAS, the Town has considered and carefully reviewed the requirements of the Town's Laws relative to 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 the Town has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, this is considered a "Type 1 Action" under the State Environmental Quality Review (SEQR) Act which requires environmental review; and

WHEREAS, the Town of Lansing Planning Board is involved as the "Lead Agency" pursuant to State Law governing local environmental review for this project; and

WHEREAS, the Town of Lansing Planning Board has the primary responsibility for approving or carrying out the action and is conducting an uncoordinated environmental review of this action pursuant to State Law governing local environmental review; and

WHEREAS, General Municipal Law County Planning referrals 239-l and 239-m (of Article 12-B) were sent to the Tompkins County Planning Department by the Town of Lansing Planning Department, and the Tompkins County Planning Department in a letter dated October 16, 2014 determined that the proposed action may have negative inter-community or county-wide impacts and recommends the following;

- All roadway and bus pull-off areas in the County Highway Right of Way need to be constructed and paved per County Highway Division requirements.

- Internal pedestrian paths should also be required within the project site to allow for freedom of safe, non-vehicular movement within the development of North Triphammer Road.

- Recreational facilities such as playground should be provided on-site.

- A walkway should also be provided along Triphammer Road to allow for pedestrians to access adjacent properties and the current bus route a quarter mile north of the site; and

WHEREAS, the first three of the County's recommendations have been or are hereby incorporated into the site planning requirements for the project, as set forth below, but the fourth listed item addresses a walkway or sidewalk to run a long distance to an off-site intersection, and while a future right to effect such an installation has been hereby

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reserved strict adherence to such recommendation has not been met as (i) the Town has no authority or jurisdiction to require such off-site improvement, particularly where it would be a single, non-connected, and allegorically named "pathway to nowhere," (ii) the bus route in question is a rural route such that passengers may flag the bus at any point along its route and do not necessarily have to travel to such designated bus stop(s) to board the bus, (iii) the Town envisions a future bus stop at this site, in accord with the first requirement and recommendation of the County, and (iv) the Town feels it might actually be more dangerous to have pedestrians walking alongside a high-speed connecting route like Triphammer Road that it would be to simply boarding the bus on site, and accordingly the Planning Board, not having acceded to all of the requests of the County, hereby adopts these resolutions and this approval by super majority and designates this resolution as the reply required under the General Municipal Law; and

WHEREAS, The New York State Department of Environmental Conservation (DEC) has responded in a letter dated May 6, 2015 that DEC will review and consider innovative technology review in Section H of the 2014 Design Standards and that the "burden of proof is on the licensed professional engineer to demonstrate that the demonstrate that a given process, or system of unit processes and equipment, will provide adequate, reliable and long-term treatment that complies with the permit requirements, without excessive energy consumption or operator attention, and

WHEREAS, the NYS DEC will require that the developer submit and be approved for a NYS DEC Permit to operate this Waste Water Treatment On-site Facility according to the current NYSDEC requirements, and

WHEREAS, on January 12, 2015, the Planning Board reviewed and considered the aforementioned site plan application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and on January 12, 2015 held public hearing that remained open until July 13, 2015 on the site plan application and on the State Environmental Quality Review (SEQR) review on this action; and

WHEREAS, on July 13, 2015, this Board, acting on an coordinated environmental review of the proposed action, reviewed and accepted as adequate a Full Environmental Assessment Form ("FEAF") Part I, submitted by the Applicant, the comments (if any, of the Town Engineer, the Tompkins County Department of Planning County 239-l and -m review and other application materials, and the Lansing Planning Board completed Part II of the FEAF; and

WHEREAS, by Resolution adopted on July 13, 2015, the Town of Lansing Planning Board has determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed construction of 21 buildings with 4-6 dwelling units included together with site improvements, roadways, parking lots, landscape plantings, an on-site Sanitary Waste Disposal System as indicated on the plans and drawings dated June 5, 2015 as prepared by Timothy Buhl, P.E. will result in no significant impact on the environment and has issued a Negative Declaration of environmental significance for purposes of Article 8 of the Environmental Conservation Law; and

WHEREAS, the Planning Board has duly considered the proposed site plan in accordance with the provisions of the Town of Lansing Land Use Ordinance Section 701.4 *et seq.*, including consideration of site characteristics, site lighting, nearby residences, landscaping, parking, and screening, and any potential on and off site environmental impacts; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, ***now therefore be it***

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RESOLVED: that the Town of Lansing Planning Board grant Conditional Final Site Plan Approval for the proposed construction of 102 residential dwelling units known as Cayuga Farms Townhomes as shown on the submitted site plan and materials, located at N. Triphammer Road, Lansing, New York and otherwise known as Tax Parcel #37.1-6-3.362, R2 Moderate Density Zoning Zone, and this approval is conditioned on the following issues to be incorporated into the final Site Plan and completed as follows:

1. Prior to the issuance of a building permit or any on site construction to take place -Receiving written formal approval from New York State Department of Environmental Conservation (DEC) and the State of New York and Tompkins County Health Departments (DOH) for the proposed sanitary sewer system considered during the SEQR and site plan review process, namely, an Orenco Effluent Sewer System with an AdvanTex Treatment Facility, duly designed to meet the multi-staged hydraulic design parameters and water treatment and water quality standards as set forth in the December 3, 2014 Design Report, as hereafter improved or updated due to the review and approval parameters imposed by the DEC or DOH, any SPDES or operation permits, the requirements of any wastewater management district hereafter created, whichever is most stringent. Despite any permits or approvals granted, in no circumstance may design parameters and water treatment quality standards be reduced below those set forth in such December 3, 2014 Design Report, which parameters and standards shall be deemed absolute minimums. The obtaining of final approvals and permits for such sewer system shall be a requirement of this site plan approval and accordingly: (i) no building permits, roadway excavation or construction permits, or other permits or approvals from the Town (or from Tompkins County) shall be sought or issued until such permits and approvals are duly obtained; and (ii) no excavations, land disturbances, or construction of any type shall be commenced until such permits and approvals are duly obtained; and (iii) no certificates of occupancy or compliance shall be applied for or issued until such permits and approvals are duly obtained, and such system is tested, up, running and operational.

2. Approval from the Southern Cayuga Lake Intermunicipal Water Commission (SCLIWC or Bolton Point) for the installation of two Master Water Meters for the entire complex, to be located at points selected by Bolton Point substantially adjacent to Triphammer Road (per Town Board Resolution 15-40, of February 18, 2015). The Developer and owner will be responsible for the installation and maintenance of the complete water system throughout the entire parcel, services to the individual buildings, all maintenance of such water lines and appurtenances, including fire hydrants, and for the payment of all water bills. The obtaining of final approvals and permits from Bolton Point and the final testing and approval of all water lines, hydrants, and systems shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such permits and approvals are duly obtained, and such system is tested, up, running and operational.

3. The construction, inspection, dedication, acceptance, and approval of "Public Road A" as noted on the proposed site plan, adjacent to Michaleen's Florist and Garden Center upon a pre-existing dedicated easement, and extending westerly therefrom a total distance of approximately 600', and including its turnaround (part of which will be located upon "Private Road C"), which roadway shall be built to Town of Lansing Highway Specifications and, where required, County Highway specifications (areas within the County right-of-way). Such roadway shall be dedicated to the Town after inspections and upon approval and acceptance thereof by the Town Board, and upon dedication the Town Board shall name such roadway. The dedication of such public roadway, in fee as to its length (unless title is not held or fee dedication is not obtained, then by easement) shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied

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for or delivered until such roadway is duly constructed and dedicated in a form as approved by the Town Board and counsel for the Town.

4. Construction of no more than, but up to, 21 buildings of 4-6 dwelling units each for a total maximum of 102 dwelling units as per the revised site plan drawing packages dated June 5, 2015 as prepared by Timothy Buhl, P.E..

5. Review and approval of the overall stormwater plans, retention basins, and drainage systems as included within the final site plan drawings dated June 5, 2015, including specific approvals as follows: (i) all stormwater calculations and designs shall be approved by the Town Engineer; (ii) the final SWPPP shall be duly approved by the Town Engineer and the Town's SMO; (iii) all permanent stormwater practices shall be subject to adequate easements and a stormwater operation, management, and reporting agreement (SOMRA) to ensure the long-term viability of stormwater practices and improvements, as well as mandated reporting per EPA Phase II Stormwater Rules and the requirements of DEC and the Town's Stormwater Local Law, with the form of such easements and SOMRA to be approved by the Town Engineer and the Attorney for the Town. The execution and filing of such SOMRA, and emplacement of such easements, shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such SOMRA and any such easements are duly executed, dedicated or accepted, and filed in the Tompkins County Clerk's Office (at Developer's sole expense).

6. That trails be located upon the final site plan for Cayuga Farms in the following locations: (i) along and running upon the old railroad bed; (ii) a connecting pathway on the north end thereof; and (iii) a connecting pathway on the south end thereof; with such north and south end connectors being intended to provide pedestrian access for recreational and travel uses to and from the railroad bed trail. Each of such trails shall have a suitable plan, as approved by the Planning and Town Boards, for the improvement, maintenance, and management of such trail, including by or through such contracts, special districts, homeowners' or condominium owners' agreements or by-laws, or proffers of dedication as may in the future be agreed upon and approved by the Lansing Town Board, upon the advice and consent of its counsel. It is not hereby anticipated or required that the Developer pay for such trials to be developed, but it is hereby required that the Developer provide access for trail use and improvements to be made by the Town and the Lansing recreational Pathway Committee, acting in conjunction with the Town's Department of Parks and recreation.

7. The Developer shall execute such consents as may hereafter be required by the Town Board, in a form as approved by its counsel, that give the Town the right to emplace future sidewalks along Triphammer Road, with connecting routes into the development, if it is ever in the future determined by the Town Board that a future sidewalk is needed for pedestrian or bus stop access along Triphammer Road. An example of such a future Town determination might be, for example, the creation of a sidewalk district or the development of a transportation and pedestrian master plan.

8. The creation of a wastewater management district structured "underneath" the Developer's planned sewer system to ensure that the cost of such services is tied only to the properties benefitted by such system. This shall include such easements and authorities as the Town Board may determine after preparation and a review of the proposed district's Map, Plan & Report. A Final Order establishing such district shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such Final Order is duly filed, such district formed, and all required easements are provided to the Town or such district

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as are needed to make such district fully functional for its intended purposes should the Developer, or its successors or assigns, ever fail to upgrade, maintain, manage, or replace, as needed, such private package-plant sewer system (as more specifically described above).

9. The Developer shall pay for and support the extension of the Town's Consolidated Water District (CWD) to cover the whole parcel being developed, whether by an Article 12-A district extension or boundary amendment, and such extension shall be paid for and all improvements made and installed by and at the expense of the Developer. A Final Order establishing such district or extension shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such Final Order is duly filed and such district formed or extended. Notwithstanding such extension, the CWD shall not own any water lines, mains, distribution systems, meters, or appurtenances located beyond the master meters referred to above unless such system is built or upgraded to Town specifications and offered and accepted for dedication.

10. The Developer shall assure proper building labelling and that, if required under Local Law # 4 of 2006, lockboxes are duly installed in accord with such local law, with input and approval from the applicable Lansing fire department(s).

11. The Developer shall put into place such covenants and restrictions, in a form as reasonably approved by the Town and its counsel, to ensure that all future buildings and improvements meet the architectural designs and renderings disclosed in Developer building profiles and samples as delivered to the Planning Board, and that such buildings and improvements meet other designated site plan criteria as approved, including down cast or Dark Sky lighting elements, the protection and maintenance of stream buffers, pathways, bus stops of pull-offs, playground locations and improvements, plantings and buffer characteristics (including plant specifications and maintenance protocols), and such other guidelines as set forth in the site plan or as proposed through the site planning and SWPPP processes. The development, approval, and filing of such covenants and restrictions in the Tompkins County Clerk's Office shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such documents are approved by the Town and duly so filed.

12. The approval by the Tompkins County Highway Division of all intersections at and curb cuts upon Triphammer Road, at the locations depicted upon the site plans, and similar approvals for all roadway intersection and grades, geometries, and construction methodologies as may be required by such County Department for connecting roadways within and without the County Highway right-of-way; and be it

FURTHER RESOLVED AND ORDERED, that a copy of this Resolution be delivered to County Planning as a report upon final action and an explanation as to the Town's decisions relative to the GML § 239 recommendations, both as required by GML § 239-m(d)(6).

July 13, 2015

Motioned by:
Seconded by:

VOTE AS FOLLOWS:

Thomas Ellis -
Lin Davidson -
Gerald Caward -

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Al Fiorille –
Richard Prybyl –
Larry Sharpsteen –
Deborah Trumbull -

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