

RESOLUTION PB 15-

TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING PRELIMINARY PLAT FOR ANTHONY & JULIANA EISENHUT SUBDIVISION, ISSUING A SITE PLAN APPROVAL FOR A FLAG LOT THEREIN, AND ISSUING WAIVERS FOR FLAG LOT AND SHARED DRIVEWAY REQUIREMENTS AND ISSUEING A FINAL PLAT APPROVAL FOR 15 DANDYVIEW HEIGHTS

WHEREAS, Andy Sciarabba on behalf of Anthony and Juliana Eisenhut has requested Preliminary Plat and other approvals for the proposed one (1) Flag Lot Subdivision, and the Town of Lansing Planning Board duly noticed and held a Public Hearing on this proposed preliminary and final plat and the requested approvals on September 14, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and others; and

WHEREAS, the Town of Lansing Planning Board had considered this project under SEQRA and duly issued a negative declaration of environmental significance; and

WHEREAS, the Town of Lansing Planning Board finds that the parcel is currently within the Agricultural District, however agricultural or farm operations will not be impacted by the project because there are no current or planned farm operations on the project site; and

WHEREAS, the proposals under consideration, are to: (i) to consider, with or without conditions, approving the Preliminary Plat; (ii) to waive flag lot requirements pertaining to the length of the flag lot and shared driveways pursuant to Article 9 of the Subdivision Local Law; and (iii) consider approval of a site plan for such flag lot; and if each of items (i) through (iii) are duly approved, then to waive Final Plat review for the proposed Preliminary Plat and issue a Final Plat approval; and

WHEREAS, the Town's Subdivision Local Law at §§ 606(E) and 702(N) recites that flag lots may not have a driveway over 500' long and that shared driveways are not permitted, and under and pursuant to § 900, and pursuant to specific standards, the Planning Board is authorized to waive these requirements; and

WHEREAS, the parcel is located within the R2 - Residential - Moderate Density Zone which meets the Flag Lots minimum existing area and setback requirements; and

WHEREAS, the Town Planning Board has considered and carefully reviewed the requirements of the Town's local laws and Land Use Ordinance 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 the Town Planning Board has further considered the processes and procedures for subdivision review and the requirements for preliminary and final plat approvals; and

WHEREAS, General Municipal Law §§ 239-l and 239-m referrals are not required for this one-lot subdivision; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, and after consideration of any comments or information submitted by the owner(s) or the public at the public hearing, the Planning Board did adopt the following resolutions.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board has evaluated the requests and hereby waives the requirements of § 606(E) and §702(N) and will allow a flag lot driveway to be over 500' long and to be a shared driveway, and pursuant to §§ 900 and 901, which authorize such waivers, the Planning Board expressly finds as follows: (i) granting the waiver would be keeping with the intent and spirit of the Subdivision Local Law as a full review has occurred, the emplacement of 2 lots on a 41+ acre parcel is not problematic, the location and type of home proposed and lot size is consistent with what exists in such area and neighborhoods in the Town, and the topography of the area is unique due to the lake, gorges, and the shape of the existing lot which requires a long driveway, and the Planning Board finds that using an existing driveway as opposed to encouraging land disturbance adjacent to a steep slope abutting Cayuga Lake is a positive goal; and (ii) the Planning Board has examined and found no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; and (iii) the Planning Board has examined and found that there are special circumstances involved in the particular case; and (iv) the Planning Board has found and determined that denying the waiver would result in undue hardship, mainly due to the shape and topography of the lot, and the Planning Board further finds that such hardship has not been self-imposed; and (v) the Planning Board finds that these two waivers, with the conditions stated below, are and constitute the minimum necessary degree of variation from the requirements of the Subdivision Local Law as are needed to alleviate this particular hardship and problem.

2. The Town of Lansing Planning Board does hereby further grant final site plan approval as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, and adopts as its site plan conditions the conditions stated below for the Final Plat approval.

3. The Planning Board waives requirements for a Final Plat review under § 900 and as this is a one-lot subdivision for which accelerated review is expressly allowed per § 503, and hereby also issues a Final Plat approval.

4. The Preliminary Plat for 15 Dandyview Heights be and hereby is approved, subject to the following conditions being addressed or satisfied at or before the time the Final Plat is submitted for endorsement, sealing and filing:

i. A driveway access agreement and easement shall be noted as required upon the Final Plat as follows: "Approval of Building Permit and Final Subdivision Plat conditioned upon and subject to the recordation of a suitable joint use driveway agreement and easement, in a form as reasonably approved by the Town, to ensure continued rights of access to both parcels along the existing driveway shown upon the Final Plat."

ii. A condition shall be stated upon the Final Plat noting that: "The Deed conveying the newly created lot shall be subject to a right of reversion as to its driveway area as set forth in the Planning Board resolution approving the Final Plat." Such condition is as follows: that the Deed transferring title to the newly created lot shall contain a right of reversion affecting the driveway portion of the flag lot, in a form as reasonably approved by the Town, to recite that, in the event that a suitable public or private road is ever built in and along the approximate location of the existing driveway, then and in such event the title to the entirety of the 60' strip (the "flagpole") shall revert to Eisenhut, or their successors or assigns, for such roadway purposes and the new subdivided lot shall relocate its driveway to directly access such new public or private road. In all cases such public or private road, to trigger a right of reversion, shall meet the minimum requirements of Town Law § 280-a.

iii. The Final Plat shall show compliance frontage, dimensional, and bulk requirements of the Town's Land Use Ordinance, including a minimum of 30' of road frontage for each parcel, 60,000 ft² parcel sizes, and proper front yard set-backs for all lots.

4. The plat map as submitted to this meeting be and hereby is approved and upon formal presentment of a Final Plat conforming to these resolutions the Planning Board Chairperson may certify and seal the Final Plat in accord with law, and thereafter the Developer shall file such Final Plat with the Tompkins County Assessment Department and Clerk's Offices and cause a copy thereof, with the County Clerk's Filing Receipts attached, to be returned to the Town.

Dated: September 14, 2015

VOTE AS FOLLOWS:

**Gerald Caward, Jr. -
Sandra Dennis Conlon -
Norman L. Davidson -
Al Fiorille -
Larry Sharpsteen -
Richard Prybyl -
Deborah Trumbull -
Thomas Ellis -**