

## RESOLUTION PB 15-

### TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING FINAL PLAT FOR ASBURY HILL SUBDIVISION (f/k/a WHISPERING PINES PHASE VI) AND ISSUING A FLAG LOT SITE PLAN APPROVAL FOR LOT #28 THEREIN

WHEREAS, Developer Richard Thaler, including through his engineer, has requested final plat and other approvals for the proposed 28-lot Asbury Hill Subdivision (f/k/a Whispering Pines Subdivision, Phase VI), and the Town of Lansing Planning Board duly noticed and held a public hearing on the preliminary plat and the then related approvals on May 11, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and others; and

WHEREAS, On said May 11, the preliminary plat was approved with conditions, and a section of such plat (denominated as Section 1-A) was approved as a final plat subject to conditions, and the developer has substantially addressed such conditions and made changes to the plat such that a final plat review is now both sought and appropriate; and

WHEREAS, to avoid confusion, Lot 7 shall be re-reviewed and considered along and together with the remainder of the subdivision such that there will hereafter be one unified final plat approval for the entire subdivision; and

WHEREAS, the developer's engineer has completed a SWPPP for the entire subdivision, which requires the dedication of drainage and stormwater easements that will be recorded as required by the Town and the SWPPP, which easements shall be applicable to and cover the whole of the subdivision, regardless of the date of transfer of any particular lot; and

WHEREAS, the Town of Lansing Planning Board had previously considered this project under SEQRA as a Type I Action and duly issued a negative declaration of environmental significance on May 11, 2015, and as there have been no significant proposed changes in land uses, as there remain no farm operations on the site, as no roadway locations have changed, and as no other facts or factors have arisen, and no other substantial changes have been made to the land, the development plans, or the plat, no additional or supplemental SEQRA review is required or mandate for this final plat review; and

WHEREAS, the Planning Board finds that the final plat is substantially in accord with the approved preliminary plat(s) such that no additional or supplemental public hearing is required; and

WHEREAS, the proposals now under consideration in relation to the final plat are to: (i) to consider approval of a site plan for Lot #28 as it is a flag lot, which also requires a variance from the Zoning Board of Appeals due to having a 20' wide access (through its "flagpole"); and if so approved, then (ii) to consider an approval of a final plat for the subdivision as a whole; 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 final plat approvals; and

WHEREAS, General Municipal Law §§ 239-1 and 239-m referrals were sent to the Tompkins County Planning Department by the Town of Lansing Planning Department, and the Tompkins County Planning Department, by letter dated April 24, 2015, recommended that the Town require the designation and maintenance of a 100' riparian buffer as measured from the edge of the stream banks on both sides of Gulf Creek and, other than stormwater facilities, this recommendation has been met; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Planning Board does hereby grant final site plan approval for Lot #28, as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, subject to the following condition:

i. The Town of Lansing Zoning Board of Appeals (ZBA) granting of an area variance for the proposed 20' wide flag lot driveway, which will also act as a shared access with the Town of Lansing for maintenance of the stormwater retention ponds; and

2. The Final Plat for the whole of the Asbury Hill Subdivision 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 final verification, endorsement, and sealing:

i. The area variance required by item #1, above, be duly granted thereby making Lot 28 a conforming lot;

ii. The approval by the Town of the final "Full SWPPP" for the entire subdivision, which Full SWPPP and which Final Plat shall each show and grant permanent stormwater drainage easements over Lots #24, #25, #27 and #28, and otherwise provide for adequate access to all stormwater facilities, in manners as are approved by the Town's engineer;

iii. A Basic SWPPP shall be submitted and approved by the Stormwater Management Officer for the development of each lot in the subdivision, including all acts that disturb soils upon any lot, and such Basic SWPPP shall be required and approved prior to the issuance of any building permits for each such lot.

iv. The Final Plat shall show the following buffering and no-build zones around the riparian areas of Gulf Creek: (a) a 50' linear no build zone, as measured from the now existing creek bank line on both sides of Gulf Creek, wherein no buildings, structures, or ground disturbances shall be permitted; and (b) an additional 50' buffer zone, out to 100' as similarly measured from the creek bank, wherein no buildings or septic systems or impermeable surfaces are allowed, but within which stormwater facilities with permeable surfaces are permitted.

v. The Final Plat shall show and cause compliance with frontage, dimensional, and bulk requirements of the Town's Land Use Ordinance, including to maintain a minimum of 150' of road frontage, 40,000 ft<sup>2</sup> parcel sizes, and proper front yard setbacks for all lots, including the double-frontage corner lot.

vi. Each of the above conditions numbered ii through v, shall be printed and listed as conditions upon the final plat.

vii. That a drainage district public interest order be duly adopted forming a drainage district for the subdivision to manage stormwater practices and facilities.

viii. That the declarations, covenants, and restrictions proposed to be filed are duly filed in a form and manner as is acceptable to the attorney for the Town, including by giving the Town and the proposed drainage district sufficient access to on-site lot-based individual stormwater practices as is sufficient for the Town to fulfill the mandates of Phase II Stormwater Regulation, as mandated by the EPA and DEC.

ix. No building permits may issue, except for Lot 7, until such time as conditions numbered vi through viii have been satisfied.

3. The Planning Board finds that it has adhered to County Planning recommendations that a 100' buffer zone around Gulf Creek be mandated as a condition for the final plat, but the Planning Board applied such condition to the specific land in question and determined, due to slopes, the lack of riparian corridors in many areas along such creek, and the need to provide for proper stormwater planning and creek protection, that: (i) certain stormwater practices could and should be located within such 100' buffer if they are permeable, not expected to be inundated by creek waters during storm events, and not within 50' of the creek banks, including because it is a best practice to have the individual lot-based stormwater facilities located upon the downslope side of each lot. Accordingly, while the Planning Board believes it has materially complied with the recommendations of County Planning, the Planning Board none-the-less required and obtained a super majority vote as "strict and absolute compliance" with a 100' blanket-rule buffer was not adopted due to the need to protect the creek and properly manage stormwater on this particular site. This explanation is therefore considered a material finding and part of these Resolutions, this explanation shall suffice as a reply to County Planning as required by the General Municipal Law, and the Town Planning Department is respectfully requested to supply a copy of this resolution to County Planning in respect thereof and as a reply with respect to the implementation of County Planning recommendations.

Dated: December 14, 2015

**VOTE AS FOLLOWS:**

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