

## RESOLUTION PB16-\_\_

### TOWN OF LANSING PLANNING BOARD RESOLUTION CONDITIONALLY APPROVING PRELIMINARY PLAT FOR SUN PATH SUBDIVISION, PHASE 1

WHEREAS, on March 10, 2014, the Lansing Planning Board conducted a sketch plan review of the proposed Sun Path Subdivision, and at such time there was recognition that this was to be considered as a two-phase project, with the initial development being near and along the Village of Lansing boundary line, but that some overall site layout was none-the-less required for stormwater, to develop the roadway plan, to cause planned roadway interconnections to the south and north, to protect the creek, and to assure adequate planning foresight and oversight given the history of the area and the existing subdivision controls of the Town; and

WHEREAS, and while the subdivision was originally classified as a 3-lot minor subdivision, the addition of a fourth and fifth lots, the planned future development, the prior development of 2 adjacent lots in the Village, the related overall common plan of development, and even the developer's own narrative, together with the need for overall planning, resulted in this matter being later re-classified as a major subdivision; and

WHEREAS, the Planning Board and Town Board have had joint meetings concerning this project and subdivision, including upon October 6, 2014 and again in February, 2016, whereat the roadway infrastructure needs and improvements, and related development issues, were discussed in detail; and

WHEREAS, on March 28, 2016, the Planning Board conducted a public hearing upon the preliminary subdivision plat and the environmental review thereof, where at all residents and members of the public were permitted to speak or submit such documents and evidence as they thought relevant or appropriate; and

WHEREAS, between stormwater and other impacts, this preliminary plat, in various configurations, has been under review for over two years, and the preliminary plat being reviewed hereby consists of: (i) 5 lots, consisting of 4 building lots and one remaining lot that may or will become further subdivided in Phase II; (ii) a connecting road with turnaround to the south adjacent to the westerly line of Lot 4; (iii) a creek line with a demarked buffer zone; and (iv) existing roadways layouts that are sometimes located outside of the existing ROW for Sun Path, all as shown upon a survey map entitled "PRELIMINARY SUBDIVISION PLAT SHOWING LANDS OF WESTVIEW PARTNERS, LLC, SUN PATH ROAD SUBDIVISION - PHASE I, TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK," as dated February 28, 2016 and drawn by T.G. Miller P.C. (the "Preliminary Plat Map"), being approximately in total 4.53 acres of a larger 12.14 acre parcel commonly known as TPN 42.-1-2.25; and

WHEREAS, the Planning Board took all comments and discussions under consideration to develop appropriate conditions given the several issues presented, and the Planning Board has more thoroughly considered the environmental review of this proposed action on April 11, 2016, including by reviewing an updated EAF and FEAF; and

WHEREAS, the requisite General Municipal Law § 239 referrals were duly made, and the reply and recommendations of County Planning are reflected in their letters dated February 20, 2015, as later updated on March 30, 2015, which letter noted only that a 50-foot riparian buffer be maintained on both sides of the intermittent stream located upon Lots 2, 3, and 4, with such buffer to be measured from the edge of the streambed; 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 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 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 subdivision and the lot subject to site plan review, 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 plat approvals; and

WHEREAS, T.G. Miller P.C., as the Town Engineer, has reviewed the Stormwater Pollution Prevention Plan ("SWPPP") and offered comments throughout the past 2 years, and an updated SWPPP has been submitted by Phillip Erik Whitney, P.E., bearing a date of January 13, 2016, which revised SWPPP has been the subject of further comment and follow-up from the Town Engineer; 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 developer or the public at the public hearing, the Town of Lansing Planning Board duly determines as follows, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Preliminary Plat for Phase I of the Sun Path 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 review:

a. A Full SWPPP shall be submitted for Phase I and the same shall be approved by the Town Engineer and reviewed and accepted by the Town's Stormwater Management Officer prior to any Final Plat being eligible for review or approval. Such Full SWPPP shall also: (i) describe a specific system for ensuring the future reporting upon, and future inspection, maintenance, replacement, and improvement of, all common or individual lot-based stormwater practices; (ii) include appropriate or required dedications of land or easements are now or hereafter necessary to effect the future long-term maintenance and improvement of common or lot-based stormwater facilities; (iii) include a mechanism, to be duly noted upon the final plat and recorded in the deeds in a form as approved by the Planning Board, making Lots 1-4 bound to approve and accept any future drainage district formed to manage stormwater facilities for the benefit of all lots and landowners in the subdivision when Phase II is approved; and (iv) the Final Plat approval is further conditioned upon the Final Plat depicting and showing the areas and grants of permanent stormwater drainage easements, and the Final Plat plan shall provide adequate access to all stormwater facilities in a form as approved by the Planning Board;

b. A Basic SWPPP shall be submitted to 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. This condition shall also be listed upon the Final Plat;

c. The Final Plat shall show a 60' wide no-build, no disturbance area around the intermittent creek mapped on the plat (federal waterway 898-245, Class C), being located 30' on each side of the centerline thereof, allowing only culverts and driveways to cross over such creek, with such culverts to be buried as required by the Town Engineer to assure the continuation of the stream ecosystem. The final plat shall also sketch an equivalent area around such creek as it wends through Phase II lots now identified as Lots 5, 6, 7, and 8;

d. Final Plat approval is further conditioned upon the approval by the Town of any proposed restrictions, covenants and conditions common to the subdivision (if any), mainly to ensure compliance with subdivision approvals and the proper creation and dedication of easements or other rights to the Town to inspect and maintain, or require the maintenance of, individual lot-based stormwater practices;

e. The Final Plat shall continue to depict the proposed future plan for the proposed Phase II, and such plan, whether to be continued as drawn or to be amended, shall be subject to future review as a single major subdivision (only one additional phase is allowed, and all of the land depicted on this Preliminary Plat Map shall be part of such major subdivision review).

f. The roadway extensions depicted on the Final Plat shall each be separately and uniquely labelled in a manner using names or symbols as approved by the Planning Board, and notations and conditions shall be emplaced upon the Final Plat substantially as follows:

(i) The roadway adjacent to Lot 4 running south to the lands of Mahool (RO) shall be included as part of Phase I and dedicated by easement for a future roadway, but it shall not be required to be built until Phase II and it shall be constructed and dedicated to the Town prior to the issuance of any building permits for such future Phase II;

(ii) The southerly extension at the terminus of the main arterial of Sun Path Road, which runs along the westerly lines of Lots 8 and 9 in Phase II (and easterly along Virginia Watts Irrevocable Trust (RO) and Harrison (RO), and southerly to Butler (RO)), shall be constructed and dedicated to the Town prior to the issuance of any building permits being issued for such future Phase II Lots 8 and 9 (or their future equivalents); and

(iii) The northerly extension at the terminus of the main arterial of Sun Path Road, which runs within an existing roadway reservation and easement area to the southerly line of the East Lake PDA to the north, shall be constructed and dedicated to the Town prior to the issuance of any building permits for any parcels, lots, or land of or in Phase II;

g. The existing roadway surface of Sun Path Road shall be improved and relocated, as necessary, to place the whole of the same within the bounds of lands dedicated for such highway use, including areas near C7, C10, and C11 as shown upon the Preliminary Plat Map; and

h. No building permits shall be issued for any portion or parcel in what is considered Phase II, whether demarked as Lots 5-10 on the Preliminary Plat Map or hereafter combined into a single fifth lot for the Final Plat, until such time as subdivision of such lands in Phase II is duly approved and the roadways built, corrected, improved, and dedicated as set forth above.

4. As County Planning requested a 50' buffer on either side of the intermittent creek to protect such creek from impervious surfaces, buildings, and septic systems, making in all a 100' wide buffer, and as the Planning Board reduced the same to 60', this approval requires a supermajority approval under the general municipal law. The reasons the recommendations of the County were not adopted are that: (i) such a large swath of land made too much area within the building the lots essentially unusable; (ii) there is no way to avoid disturbances as culverts and driving surfaces must cross the creek to make development of this land viable; (iii) the intermittent creek already serves as a drainage way for floodwaters and flows from the uphill areas to the east, and the gully and creek bed areas are already quite steep, such that the loss of 20' of area per side does not meaningfully affect any infiltration or erosion protection a wider protective area might have provided; (v) the smaller buffer area is offset by stricter no build-no disturbance requirements than as advocated by the County; and (v) the SWPPP and related stormwater calculations and facilities, as well as permitting terms and conditions, including under the SPDES permits required, already show protection and proper use of the intermittent stream in a manner as does not damage its current function and riparian character.

5. A copy of this resolution shall be delivered to County Planning in satisfaction of the requirements of the General Municipal Law.

Dated: April 11, 2016.

**VOTE AS FOLLOWS:**

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