RESOLUTION PB 16-__

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

WHEREAS, on March 10, 2014, the Lansing Planning Board conducted a sketch plan review of the Sun Path Subdivision, then and later considered and proposed as a two-phase project, with the initial development being near and along the Village of Lansing boundary line, with some overall site layout to address overall subdivision impacts, such as stormwater, transportation and roadway planning, protect the creek and any other sensitive areas, and to help assure adequate planning foresight and oversight given the history of the area, the need for north-south roadway connections, and the existing subdivision controls of the Town; and

WHEREAS, on March 28, 2016, the Planning Board conducted a public hearing upon the Sun Path Subdivision Preliminary Plat, Phase I, and the environmental review thereof, whereat all residents and members of the public were permitted to speak or submit such documents and evidence as they thought relevant or appropriate, and said Preliminary Plat for Phase I was duly approved with conditions and a Final Plat for Phase I has been prepared and submitted for consideration and approval; and

WHEREAS, the proposed Final Plat, Phase I, to be considered herein consists of: (i) 6 lots, consisting of 4 building lots, one roadway lot required to be dedicated as hereafter provided (said roadway being the connecting road with turnaround to the south adjacent to the westerly line of Lot 4), and one remaining large lot that is known as Phase II (demarked as lots 5 through 10, with additional roadway segments, as mapped); (ii) a creek line with a demarked buffer zone; and (iii) existing roadways layouts that are sometimes located outside of the existing ROW for Sun Path Road, all as show upon a survey map entitled "FINAL SUBDIVSION PLAT SHOWING LANDS OF WESTVIEW PARTNERS, LLC, SUN PATH ROAD SUBDIVISION – PHASE I, TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK," as dated April 12, 2016 and drawn by T.G. Miller P.C. (the "Final Plat Map"), being approximately 4.53 acres of a larger 12.14 acre parcel commonly known as TPN 42.-1-2.25; and

WHEREAS, the Planning Board considered this project under SEQRA and duly issued a negative declaration of environmental significance, duly referred and acted upon the recommendations of County Planning under GML § 239, determined that no agricultural or farm operations would be impacted, and duly issued a Preliminary Plat approval, with conditions, upon April 11, 2016; 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 deemed final and sufficient, subject to the conditions listed below; and

WHEREAS, there have been no significant changes to the project or the Preliminary Plat as require further public hearings, and no changes as would require any supplemental environmental review, and thus, upon due consideration and deliberation the Town of Lansing Planning Board duly determines as follows, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Final Plat for Phase I of the Sun Path Subdivision be and hereby is approved, subject to the following conditions:

1. Any proposed restrictions, covenants and conditions common to the subdivision (if any) shall require approval by the Town before filing.

2. (a) A final 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 the endorsement or sealing of the Final Plat, and (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 submitted and approved prior to the issuance of any building permits for each lot.

3. A blanket access easement, or subdivision-wide covenants and restrictions of similar import and effect, shall be provided to the Town prior to the endorsement or sealing of the Final Plat, in a form acceptable to and approved by the Town, to:

(a) Allow the Town access to all future stormwater facilities and improvements; and

(b) Mandate that developer and any owner (and all subsequent heirs and assigns) be bound to approve and accept any future drainage district (when formed) to manage stormwater facilities for the benefit of all lots and landowners in the subdivision.

4. The 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 (the "Creek Buffer"), shall not be improved or disturbed except for culverts and driveways to cross over such creek that meet the following requirements:

(a) Culverts shall be buried as required by the Town Engineer to assure the continuation of the stream ecosystem;

(b) Driveways within or crossing over or through the Creek Buffer shall be of permeable surfaces only in such segment(s); and

(c) Driveways and supporting structures, including the culverts, shall not exceed 12′ in width within the Creek Buffer (excluding any required flanging of the culvert).

5. The future roadways depicted on the Final Plat shall be dedicated or dedicated and constructed as follows:

(a) The roadway adjacent to Lot 4 running south to the lands of Mahool (RO) shall be included as part of Phase I and noted as dedicated to and for such future highway use. Such roadway shall not be required to be built and dedicated in fee until the occurrence of any development within any parcel, lot, or land within Phase II, including the subdivision or other review of such Phase II;

(b) 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)), may 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

(c) 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 any subdivision or land development approvals or permits, including building permits, anywhere within or for such future Phase II.

6. The following gores of land shall be dedicated by deed for highway and roadway improvement purposes prior to the endorsement of sealing of the Final Plat:

(a) The area to the south of Lot 1 adjacent to the existing roadway parcel as shown upon the Final Plat Map as a potential roadway realignment gore;

(b) To the extent reasonably obtainable from Chung Yuen Hi, *et al.* (RO), the area to the south of such lot adjacent to the roadway parcel as shown upon the Final Plat Map as a potential roadway realignment gore;

(c) To the extent reasonably obtainable from Banfield (RO), the area to the south of such lot adjacent to the roadway parcel as shown upon the Final Plat Map as a potential roadway realignment gore; and

(d) The area to the north of Lots 5 and 6, and the roadway parcel westerly of Lot 4, as is adjacent to the dedicated roadway parcel as shown upon the Final Plat Map as a potential roadway realignment gore.

For the above purposes, "reasonably obtainable" shall mean and require a showing of reasonable attempts to obtain such rights and a refusal or rejection thereof by the landowner, but it shall not require the payment of substantial consideration in cash or other form, and in all cases the discretion of the Town, reasonably exercised, shall solely determine what is "reasonable"). However, upon approval thereof by the Town, existing town-owned land no longer necessary for highway purposes upon any such realignment may be "swapped" for such future dedications to help compensate landowners and to help emplace the existing roadway surface, and related areas of land managed for travel upon such highway, within such now existing or future dedicated highway bounds.

Dated: April 25, 2016.

VOTE AS FOLLOWS:

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