

RESOLUTION PB 16-

RESOLUTION APPROVING WITH CONDITIONS MIRABITO ENERGY PRODUCTS SITE PLAN FOR A LP GAS STORAGE FACILITY AND RELATED SITE IMPROVEMENTS ON TOWN BARN ROAD

WHEREAS, an application was made by Wayne Davis of Mirabito Energy Products for site plan approval for the proposed construction of a 30,000 gallon Liquid Propane (LP) storage tank, distribution facility, and related site improvements, located at 15 Town Barn Road, Lansing, New York and otherwise known as a portion of TPN 30.-1-16.22, being 3.06± acres and located in the B2 Commercial Zone, and such use is deemed an allowed use per a prior § 501 classification by the Code Enforcement Officer under similar use rules of the Land Use Ordinance given existing B2 allowed uses of Schedule I, §§ 503(C)(37), (D)(1) and (D)(6); and

WHEREAS, the owner will construct a multi-phased project for a 30,000 gallon LP tank and petroleum distribution facility, with phase one to include the tank and refueling station, a gravel access drive constructed of crusher-run stone, with related parking areas, fencing, landscaping and buffering improvements, creating in all approximately 2.3 acres of site disturbance and thus also including as part of said phase one certain stormwater improvements, grading plans, and drainage improvements, and the owner will thus be required to complete and have a “Full SWPPP” for the entire site approved, with such SWPPP to include impacts from and upon adjacent parcels and to portray a properly sized, designed, and approved stormwater retention practice site(s) and facilities; and

WHEREAS, a Negative Declaration of adverse environmental impacts was duly issued under SEQRA upon May 9, 2016; and

WHEREAS, General Municipal Law Article 12-B, §§ 239-l and -m referrals were duly sent to the Tompkins County Planning Department and such Department, by letter dated February 8, 2016, “has determined that the proposed action has no negative inter-community or county-wide impacts”; and

WHEREAS, on October 26, 2015, the Planning Board Meeting had held an informal developer’s discussion of the sketch plan of the phased plan to seek information and to provide planning input to the Developer with respect to the Planning Board concerns regarding the proposed development and site, and the Planning Board also duly later conducted a public hearing upon February 8, 2016 to consider this site plan and its environmental review, whereat all comments and evidence, if any, were duly recorded and considered; and

WHEREAS, a letter dated May 2, 2016, by T.G. Miller, Engineers for the Town of Lansing, presented the results of an engineering review of the proposed SWPPP and stormwater plans as submitted by Wayne Matteson, Jr., P.E., and such letter made specific recommendations as to the site plan, the SWPPP, and related project conditions, each and all of which are incorporated herein; 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 concerns addressing site drainage, lighting, nearby residences, landscaping, parking, and buffering/screening, driveways, and potential on and off site environmental impacts; and the Town has considered and carefully reviewed the requirements of the Town’s laws relative to zoning, site plan review standards, 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, upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it*

RESOLVED, that the Town of Lansing Planning Board does hereby grant Final Site Plan Approval for the Mirabito Energy Products LP Facility, Phase One, and its related improvements, as submitted and proposed to be located at said 15 Town Barn Road, Lansing, New York, including all details as shown on a site plan map entitled "Post-Development Drainage Map," as drawn by Wayne Matteson, Jr. Engineers, submitted by the applicant, in all cases such approval being *subject to the following conditions*:

1. Construction of phase one to be limited to include the overall driveway system and a new 30,000 gallon LP Storage Tank Facility, with related improvements such as driveways, parking areas, fencing, buffers, landscaping, guardrails and LP fueling station improvements.

2. Approval of a final Full SWPPP and required stormwater improvements and practices shall be required prior to the issuance of any building permits, and such SWPPP shall take into consideration the entire site drainage, together with the drainage and site conditions for all adjacent parcels and buildings, as well as the following additional conditions and considerations:

i. The final Full SWPPP shall be submitted for phase one and be approved by the Town Engineer and the Town's Stormwater Management Officer prior to the issuance of any building permits, certificates of compliance, or certificates of occupancy. Updates needed for the SWPPP are duly noted in the Town Engineer's Letter dated April 29, 2016 (as so incorporated herein).

ii. A blanket access easement shall be provided to the Town in a form as approved by Town Counsel, prior to the issuance of any certificates of compliance or certificates of occupancy, so as to allow the Town access to all proposed and future stormwater facilities and improvements. Such easement or stormwater operation, maintenance, and reporting agreement ("SOMRA") shall mandate future stormwater compliance, maintenance, and reporting as required by law and the Town's Stormwater Local Law.

iii. The Site Plan shall be amended to specifically note that the SWPPP is (or will be) approved only for phase one, and that additional work, improvements, or disturbances shall be further reviewed by the Town and the NYSDEC, as required.

iv. A copy of the phase one archaeological survey, if completed, and the SHPO letter of acknowledgement, shall be provided and show compliance with SHPO requirements before the issuance of any building permits, certificates of compliance, or certificates of occupancy.

3. All new construction and improvements must meet the requirements of:

i. New York State Building and Fire Codes.

ii. Applicable NFPA rules and standards.

iii. NYSDEC regulations as may apply to phase one or any related future phases, improvements, construction, or disturbances, including bulk storage containment and secondary containment systems and requirements.

iv. All NYSDEC Permit conditions – and all required NYSDEC permits must be issued prior to construction or the issuance of any certificates of compliance or certificates of occupancy, as applicable.

v. The excavation and construction requirements, permits of, and permit conditions issued by the Town or the Lansing Highway Department for any roadway improvements, drainage, culverts, and like facilities in or affecting any roadways.

4. Any and all Inspection reports (if any) completed by any and all agencies of the LP Gas Distribution Facility including but not limited to annual NYS DEC, Insurance Company inspections, etc. shall be provided to the Town of Lansing - Code Enforcement Office.

5. Buffering and landscaping is required as follows:

i. Install additional new plant materials and protect and maintain all the existing site vegetation and trees in a 40-foot buffer strip as shown on the site plan.

ii. Plant additional new White Pines conifer trees at minimum of 6 foot height spaced 25 feet on center along the “Lansing Market” line and all areas as indicated on the site plan.

iii. All existing or required vegetative buffers shall be maintained as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering. Emphasis shall be placed upon solid cover barriers, such as hedges and offset rows of evergreen trees, or densely placed deciduous trees with variable heights and interspersed with evergreens or other plants as provide for such cover. Existing and any new Buffers shall be properly maintained and any dead, diseased, or dying trees or plants shall be promptly replaced, and any tree or plants that, whether singularly or in combination, due to lack of growth, death, recession, disease or other cause, cease to function as buffers shall be replaced in a manner as promotes the goal of such buffer as stated in this site plan approval.

May 9, 2016

VOTE AS FOLLOWS:

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