

## RESOLUTION PB 16-

### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING NOVALANE MAJOR SUBDIVISION FINAL PLAT WITH CONDITIONS

**WHEREAS**, an application was made by John Young for approval for the Novalane subdivision, consisting of 8 lots (six for new residential building, stormwater lot and one remaining portion of the parent lot) on certain land located on 1714 East Shore Drive with access to the sites by Smuggler's Path, Lansing, New York and otherwise known as Tax Parcel #36.-1-17.40, consisting of a total of 32.71± acres in the R-1 Residential Low Density Zone; and

**WHEREAS**, the proposed subdivision, as shown on a "Final Plat Novalane Subdivision Lots 1-6, located at 1714 East Shore Drive, Town of Lansing, Tompkins County, New York," dated 8/17/2016, would consist of Lot 1 (3.1 +/- acres), Lot 2 (1.74± acres), Lot 3 (1.63± acres), Lot 4 (1.26± acres), Lot 5 (1.62± acres), Lot 6 (3.51 acres), with the remaining parent parcel and storm water lot to include 18.81± acres; and

**WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to subdivisions 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 Town has also considered the Town's Comprehensive Plan and compliance therewith; and

**WHEREAS**, on April 28, 2014, the Planning Board determined that the proposed subdivision meets the definition and classification requirements as a major subdivision in that there is certain infrastructure required and the subdivision has more than 8 lots, including a proposed road extension for Smuggler's Path; and

**WHEREAS**, the Town of Lansing Board reviewed the preliminary Smuggler's Path extension road at the Town Board Meeting January 21, 2015 and approved Resolution 15-37 Issuing Preliminary Approval of Proposed Locations and Specifications for Roadways and Infrastructure Potentially to be Dedicated to the Town of Lansing in and for the Novalane subdivision, and

**WHEREAS**, this action has been reviewed under the State Environmental Quality Review Act ("SEQRA") and a negative declaration was duly issued; and

**WHEREAS**, the Town of Lansing Zoning Board of Appeals (ZBA) approved a minor frontage area variance for Lot #1 such that it is now a conforming lot as a matter of law; and

**WHEREAS**, this action has been reviewed under the General Municipal Law § 239-1 *et seq.* referral requirements, and formal letter from Edward C. Marx, AICP Commissioner of Planning for Tompkins County, dated December 11, 2014 was reaffirmed July 25, 2016 was duly received and considered, and County Planning noted that the western edge of the subdivision is located in the UNA # 64 area, being basically a sloped and wooded area, and the developer had hired a specialist Terrestrial Environmental Specialist, Inc. to twice look at the vegetation and the site conditions, and the developer has provided a report dated November 26, 2013 and impact mitigation plan that the Planning Board determined satisfies the County's 239 concerns; and

**WHEREAS**, on January 26, 2015, the Planning Board reviewed and considered the aforementioned preliminary plat subdivision application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882, and thereafter a public hearing was duly held upon such preliminary plat and its environmental and potential environmental impacts upon February 9, 2015, and again on August 8, 2016 and all members of the public were invited to attend and all comments and evidence were duly considered, and the public hearing remained open for several months thereafter and various matters in respect of this preliminary plat were regularly reviewed and the public hearing then duly closed; and

**WHEREAS**, since such date no material change in the subdivision plan has occurred and a second Public Hearing was held August 8, 2016 or any supplemental review; the delay instead being caused by the need to design and obtain approval for the proposed interconnecting roadway, a portion of which is the responsibility of the Town; and

**WHEREAS**, the Town is adhering to the intent of the recommendations from County Planning, but not strictly to the letter of such determination, and the sensitive area known and identified as "UNA #64 - Lake Cliffs, South of Portland Point" is and will hereby be protected by the conditions as set forth below, but based upon mapping and testing the actual boundary of the steep slopes and the woods contained therein vary from the county's location or the county's "no disturbance" line, and the actual line as mapped by Terrestrial Environmental Specialists, Inc., Phoenix, New York is the line and location chosen by the Town Planning Board to demark the protected area, and a formal easement is not herein required, such that it is the intent of the Planning Board that this resolution suffices as a response to the GML § 239, this resolution will be adopted by supermajority, and the Planning Board shall cause a copy of this resolution to be delivered to County Planning in fulfillment of the Town's § 239 obligations; and it is further

**WHEREAS**, the Planning Board has duly considered the proposed subdivision in accordance with the provisions of the Subdivision Regulations of the Town of Lansing including existing development in the surrounding area, public facilities and services available, the Town's Comprehensive Plan and Land Use Ordinance, site characteristics and issues, and any potential on and off site environmental impacts; 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 grants Preliminary Plat Approval of the Application for a major eight (8) lot residential subdivision of certain land located at 1714 East Shore Drive, Lansing, New York with access from Smugglers Path and otherwise known as Novalane Subdivision (Tax Parcel #36.1-7-17.40), consisting of a total of 32.71± acres, as shown on a "Preliminary Novalane Subdivision Lots 1-7, located at 1714 East Shore Drive, Town of Lansing, Tompkins County, New York," dated 7/15/2015, prepared by John Anderson, P.E. consisting of Lot 1 (3.1± acres), Lot 2 (1.74± acres), Lot 3 (1.63± acres), Lot 4 (1.26± acres), Lot 5 (1.62± acres), Lot 6 (3.51± acres), with the remaining parent parcel and stormwater lot to include 18.81± acres; *subject to the following conditions being fulfilled prior to the issuance of any building permits on any of the subdivided parcels:*

- (1) Presentation, review, approval, and proper filing and delivery of a Final Plat, with all required endorsements and seals as required by the Town Law Article 16 and the Town's Subdivision Local Law, within 180 days of the date of approval of the preliminary plat (unless extended as allowed in such local law).
- (2) That a drainage district be formed for such subdivision by the developer, with the facilities and infrastructure to be designed and built per NYS permit requirements and the Town of Lansing Stormwater Local Law, and once so built and inspected the same shall be dedicated to the Town, acting by and on behalf of said drainage district prior to the issuance of any building permits; and
- (3) Development of the subdivision will be limited to the six approved building lots identified on the plat, the storm water lot and the balance of undeveloped land (the parent parcel remnant) shall not be further subdivided, developed, or improved until such time as a subsequent major subdivision application is approved.
- (4) The developer obtaining the necessary curb-cut/work permits from the Town of Lansing Highway Department for any driveways connecting with Smugglers Path and for any culverts that are to be installed in conjunction with such driveways.

- (5) The construction and dedication of the proposed extension of Smugglers Path through the subdivision of the site, which proposed location may be slightly modified, if and as needed, to ensure a connection to any future extensions to Eastlake Road as proposed in the 2006 Comprehensive Plan, mainly to interconnect the north south routes of the adjacent subdivisions as originally envisioned by this project and the Town's prior and existing Comprehensive Plans and encourage the Town of Lansing to facilitate the extension to Eastlake Road PDA as described on the original PDA Eastlake Road survey.
- (6) The obtaining of approvals and seals from the Tompkins County Health Department for the installation of any septic systems on the 6 approved building lots, together with the submission of a plot plan each such approved lot for approval by the Code Enforcement Officer showing the proposed layout and dimensions of any proposed buildings, driveways, and other improvements, as well as a drainage plan with details sufficient to demonstrate that adequate drainage facilities can be provided to protect houses from flooding, standing water, or other potential drainage problems (including to comply with the project SWPPP).
- (7) No landscape plantings other than lawn shall be permitted within the front yard setback areas along lots 3, 4, 5 and 6 (i.e., within 30 feet of the road right-of-way) so that visibility along the curve of the road is not restricted. This condition shall be stated on the Final Plat and indexed to the affected parcels.
- (8) The extension of Consolidated Water District ("CWD") infrastructure, including water mains, along such roadways to service each of the 6 building parcels, in a manner as approved by the Town Board and Bolton Point, and including the dedication of such facilities and improvements to the CWD in a manner as approved the Town Board prior to issuance of a building permit.
- (9) The extension of other required utilities by underground connections in areas adjacent to the roadways depicted in the preliminary plat as approved by the Highway Superintendent, unless above-ground facilities are otherwise approved by the Planning Board or the Highway Superintendent in writing.
- (10) Other than approved stormwater facilities and drainage ways, no land disturbances, tree removals (other than pursuant to town-approved forestry plans), or improvements shall be constructed upon the westerly edge of the subdivision (elevations of 610' or less) in any area where the slopes exceed 15% or westerly of the no-disturbance line that shall hereafter be demarked upon the Final Plat in the location as noted by Terrestrial Environmental Specialists, Inc., Phoenix, New York. This condition shall be stated upon the final plat and indexed to each affected parcel, with the affected areas within each parcel clearly marked on such final plat.

August 22, 2016

Motion by:

Seconded by:

**VOTE AS FOLLOWS:**

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