

## RESOLUTION PB 16

### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING WITH CONDITIONS KOFOID MINOR 2 LOT SUBDIVISION, 29 FRANKLYN DRIVE

**WHEREAS**, an application was made by Lori Kofoid for a two-lot subdivision approval, thus creating one new residential building lot as the other lot is improved with the applicant's home at 29 Franklyn Drive, Lansing, New York, and otherwise known as Tax Parcel #37.1-3-26 consisting of a total of 1.9 +/- acres, in the (R1) Residential Low Density Zone; and

**WHEREAS**, the proposed subdivision, shown on a "Survey Map No. 29 Franklyn Drive, Town of Lansing, Tompkins County, New York," dated April 28, 2016, would consist of Parcel A and Parcel B, each being 0.95 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 August 8, 2016, the Planning Board determined that the proposed subdivision meets the definition and requirements for a minor subdivision in that the subdivision is only for 2 lots and there are no roads or infrastructure proposed to be developed; and

**WHEREAS**, a negative declaration of environmental impacts was duly issued under the State Environmental Quality Review Act (SEQRA) respect of this action, and it is further noted that this is exempt from the General Municipal Law County Planning referral requirements of 239-l, 239-m, and 239-n (of Article 12-B) through an Inter-governmental Agreement between the Tompkins County Planning Department and the Town of Lansing, dated December 17, 2003, as "residential subdivisions of fewer than 5 lots all of which comply with local zoning standards and Tompkins County Sanitary Code requirements, and do not involve new local roads or streets directly accessing a State or county road" are excluded from the General Municipal Law referral requirements; and

**WHEREAS**, on August 8, 2016, the Planning Board reviewed and considered the aforementioned subdivision application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and resolved to classify this action as a minor subdivision and hold public hearing on August 22, 2016 for the Minor subdivision application or its SEQRA review; and

**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 requirement of a public hearing under § 6(f) is hereby waived, and in accord with § 12 of Local Law No. 3 of 2016, the Planning Board finds special circumstances that here result in the waiver of a need for a public hearing as: (i) granting the waiver would be keeping with the intent and spirit of the subdivision law as it effects no change in the character of the neighborhood and this application merely re-subdivides previously separate lots and thus, in keeping the lots and homes uniform in the area no negative impact on the community is expected; (ii) there is no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (iii) there are special circumstances involved in the particular case, here being specifically a simple subdivision that would have been exempt but for the fact that the lots are 0.95 acres and not 1 acre, and this variation is held to be *de minimus*; (iv) denying the waiver would result in undue hardship in terms of

imposing extra time and expense upon a citizen when no impact to the land or this approval would be accomplished by strict compliance, and it is expressly found that this hardship has not been self-imposed; and (v) the waiver is the minimum necessary degree of variation from the requirements of this Local Law; and it is further

**RESOLVED**, that the Town of Lansing Planning Board grants Final Plat Approval of the Application for a two lot subdivision of certain land located at 29 Franklyn Drive, Lansing, New York, and that the afore-described survey map shall suffice as a Final Plat when so amended in accordance with the following conditions:

1. The Survey Map shall be re-labelled as a "Minor Subdivision Final Plat" and all other plat requirements, for good cause as shown, shall be waived in connection with such final plat, including the various requirements of Local Law #3 of 2016, § 6(B) in that the location and prior history of the lot and the land development area in which situate results in the lots being in conformance with all other nearby lots.
2. The sealing and endorsement of such Minor Subdivision Final Plat by the Planning Board Chair, thereafter presenting and obtaining the signing of the plat by Tompkins County Assessment Department stamp followed by filing in the Tompkins County Clerk's Office, followed by provision of proof of such filing within the time limit requirements with the Town of Lansing Code Enforcement Office.
3. Obtaining the necessary curb-cut/work permits from the appropriate State or local Highway Department(s) for any driveways connecting with Armstrong Road, as well as for any culverts that are to be installed in conjunction with such driveways.
4. Submission of a plot plan for each approved lot when any building permits are sought, to show a 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.

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 -**