

RESOLUTION PB 17-

**RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD
APPROVING PHASE I OF MILTON MEADOWS APARTMENTS
SITE PLAN AND SUBDIVISION APPLICATION**

WHEREAS, Rochester's Cornerstone Group ("Applicant") has submitted for consideration and approval a combined site plan and subdivision application for Phase I approval of Milton Meadows, a proposed 72-unit apartment complex with a community center building, comprising 10 buildings total, to be located upon 13.5 acres of Parcel C in the Town Center, on the north side of Auburn Road (SR 34), Lansing, New York, and otherwise known as P/O Tax Map # 37.1-2-16.2 within the B1 Commercial Mixed Use Zoning District (the "Project"); and

WHEREAS, such 72 units are part of a potential larger Project consisting of up to 128 units, dominated as Phase I (72 units) and Phase II (56 units); and for purposes of land use planning Phase I is within allowed density and is being considered as a site plan, and Phase II, if it ever happens, is 3-5 years distance and contingent on land use approvals, financing, future rental demands, land subdivision, real property closings, Town Board approvals, NYS permits, and a myriad of other factors that make it speculative and too remote for approval or consideration for land use approval at this stage (but for which an environmental review was still undertaken); and

WHEREAS, the proposal and Project are for a permitted use in the B1 Commercial Mixed Use Zone, subject to obtaining site plan approval from the Planning Board and subdivision approval for the lot to be carved off as part of Parcel C from the Town's Town Center lands, and the Town has considered and carefully reviewed the subdivision and site plan review requirements of the Project, 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 Project, and the Town has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, a Negative Declaration was duly issued by the Planning Board pursuant to SEQRA; and

WHEREAS, General Municipal Law § 239 County Planning referrals were sent to Tompkins County and by letter dated August 28, 2017 County Planning determined that the proposed action may have negative inter-community or county-wide impacts and recommended the following; (1) that the applicant document that they have considered various energy alternatives; (2) that, in order to help facilitate the safe crossing of State Rt. 34 to Town facilities such as the ball fields, Town Hall and the Library, appropriate signage, crosswalks and other measures be implemented; and (3)

while not part of an official comment, the County offer additional suggested changes to the 100 foot setback, connection of pathways, and reducing the number of parking spaces; and

WHEREAS, the first two of the County's recommendations have been discussed, became the topic of extensive submissions by the Project developer demonstrating existing compliance with such recommendations, which acceptance and incorporation of County Planning recommendations are further demonstrated by the site planning requirements for the project as set forth below, and this approval is none-the-less adopted by a super majority given the subjective nature of the requests and uncertainty as to whether they required proof or implementation or compliance with the county recommendations for residential energy and building construction requirements, even if not preempted by NYS Building Codes; and

WHEREAS, informal recommendations do not require a response but the Town notes that the 100' setback is a matter of local zoning, such land is required and desired for stormwater management, pathways, and open space and setbacks, and the reduction of parking spaces is not deemed appropriate given the need for visitor spaces and the historical reality that TCAT has not altered its bus routes to accommodate local development, thereby reducing the likelihood that mode-share transportation may reduce the parking needs for this Project; and

WHEREAS, on September 25, 2017, the Planning Board reviewed and considered the aforementioned site plan application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and on August 28, 2017 held public hearings on the Project, the application and the environmental impacts thereof, which public hearing was continued on said September 25, and all comments and evidence submitted at each thereof was duly considered; 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 consideration of site characteristics, site lighting, nearby residences, landscaping, parking, and screening, and any potential on and off site environmental impacts, as well as under the Town Subdivision Local Law and related provisions of Town Law, and upon due consideration and deliberation by the Town of Lansing Planning Board, *now therefore be it DETERMINED AND RESOLVED AS FOLLOWS:*

1. The final subdivision of one lot from the Town Center land, as shown upon a survey map entitled "Subdivision Plan Lansing Trails" dated August 2017, as drawn by Passero Associates (the "Map"), be and hereby is approved subject to the following conditions:

- a. The Map be finally updated and labeled as a "Final Plat."
- b. The Map be updated to show the final delineated wetlands areas, and such areas and a 50' buffer around the same to be hatched and labelled as a no build, no disturbance zone, except for trails and stormwater facilities specifically approved in the site plan approval below.
- c. The existing Town Center Trail be specifically marked and noted as being required to remain in such locations unless approval shall be obtained to relocate, remove, or change such trail by resolution of the Town Board.

2. Conditional Final Site Plan Approval be and hereby is granted for the Project, Phase I, for 72 units and a community center, all to be located within 10 buildings in the layout and with the landscaping and amenities as submitted in the final site plan materials, all subject to the following specifications and conditions:

- a. Receiving approval from New York State Department of Environmental Conservation ("DEC") and the State and Tompkins County Health Departments (together, the "DOH") for the proposed sanitary sewer treatment package plant system, including an effluent sewer system with treatment facilities duly designed to meet the multi-staged hydraulic design parameters and water treatment and water quality standards as set forth in the Design Report, as hereafter improved or updated due to the review and approval parameters imposed by the DEC or DOH, any SPDES or operation permits, the requirements of any wastewater management district hereafter created, whichever is most stringent. Despite any permits or approvals granted, in no circumstance may design parameters and water treatment quality standards be reduced below those set forth in such Design Report, which parameters and standards shall be deemed absolute minimums. The obtaining of final approvals and permits for such sewer system shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such permits and approvals are duly obtained, and such system is tested, up, running and operational.

- b. Approval from the Southern Cayuga Lake Intermunicipal Water Commission (Bolton Point") for the installation of one or more master water meters located at points selected by Bolton Point and substantially adjacent to the public highways upon such Map. The Developer and owner will be responsible for the installation and maintenance of the complete water system throughout the Project, including fire hydrants and the payment of all water bills. The obtaining of final approvals and permits from Bolton Point and the final testing and approval of all water lines, hydrants, and systems shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such

permits and approvals are duly obtained, and such system is tested, up, running and operational.

c. The construction, inspection, dedication, acceptance, and approval of all public highways depicted or noted on the proposed site plan, including as follows:

i. Adjacent to and extending from Auburn Road to the northerly boundary of the Project site, including a turnaround in form as approved by the Town Highway Superintendent.

ii. Approval by the New York State Department of Transportation ("DOT") of all intersections at and curb cuts upon Auburn Road, at the location depicted upon the site plans, and similar approvals for all roadway intersection and grades, geometries, and construction methodologies as may be required by such for connecting roadways within and without the DOT right-of-way, and developer shall be responsible to obtain all permits and approvals, and to abide by the conditions and requirements thereof.

iii. All town roadways and private roads within the Project shall be reviewed and approved by the Town of Lansing Highway Superintendent. Public roads shall be designed to town highway specifications and dedicated to the Town after inspections and upon approval and acceptance thereof by the Town Board. Upon dedication the Town Board shall name such roadway. The dedication of such public roadway in fee shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such roadway is duly constructed and dedicated in a form as approved by the Town Board and counsel for the Town.

iv. Developer shall install all required or desired signage, signals, and surface markings in and about such roads and intersections.

d. Construction of no more than, but up to, 1 Community Building plus 9 buildings of 8 dwelling units each for a total maximum of 72 dwelling units as per the revised site plan drawing packages dated August 2017.

e. Review and approval of the overall stormwater plans, retention basins, and drainage systems as included within the final site plan drawings dated August 2017, including specific approvals as follows: (i) all stormwater calculations and designs shall be approved by the Town Engineer; (ii) the final SWPPP shall be duly approved by the Town Engineer and the Town's SMO; (iii) all permanent stormwater practices shall be subject to adequate easements and a stormwater operation, management, and reporting agreement ("SOMRA") to ensure the long-term viability of stormwater practices and improvements, as well as mandated

reporting per EPA Phase II Stormwater Rules and the requirements of DEC and the Town's Stormwater Local Law, with the form of such easements and SOMRA to be approved by the Town Engineer and the Attorney for the Town. The execution of such SOMRA and emplacement of such easements shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such SOMRA and any such easements are duly executed, dedicated or accepted, and filed in the Tompkins County Clerk's Office (at Developer's sole expense).

f. That trails be located upon the final site plan for Milton Meadows Apartments in the following locations: (i) along and running upon the old railroad bed; (ii) a connecting pathway on the north end thereof; and (iii) a connecting pathway on the south end thereof; with such north and south end connectors being intended to provide pedestrian access for recreational and travel uses to and from the trail. Each of such trails shall have a suitable plan, as approved by the Town Department of Parks & Recreation for the improvement, maintenance, and management of such trail, including by or through such contracts, special districts, homeowners' or condominium owners' agreements or by-laws, or proffers of dedication as may in the future be agreed upon and approved by the Lansing Town Board, upon the advice and consent of its counsel.

g. The Developer shall execute such consents as may hereafter be required by the Town Board, in a form as approved by its counsel, that give the Town the right to emplace future sidewalks along NYS Rt. 34 Auburn Road, with connecting routes into the development, if it is ever in the future determined by the Town Board that a future sidewalk is needed or desirable for pedestrian or bus stop access along any highway or in conjunction with any TCAT Park and Ride lot.

h. The creation of a wastewater management district structured "underneath" the Developer's planned sewer system to ensure that the cost of such services is tied only to the properties benefitted by such system. This shall include such easements and authorities as the Town Board may determine after preparation and a review of the proposed district's Map, Plan & Report. A Final Order establishing such district shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such Final Order is duly filed, such district formed, and all required easements are provided to the Town or such district as are needed to make such district fully functional for its intended purposes should the Developer, or its successors or assigns, ever fail to upgrade, maintain, manage, or replace, as needed, such private package-plant sewer system (as more specifically described above).

i. The Developer shall pay for and support the extension of the Town's Consolidated Water District (CWD) to cover the whole parcel being developed,

whether by an Article 12-A district extension or boundary amendment, and such extension shall be paid for and all improvements made and installed by and at the expense of the Developer. A Final Order establishing such district or extension shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such Final Order is duly filed and such district formed or extended. Notwithstanding such extension, the CWD shall not own any water lines, mains, distribution systems, meters, or appurtenances located beyond the master meters referred to above unless such system is built or upgraded to Town specifications and offered and accepted for dedication.

j. The Developer shall assure proper building labelling and that, if required under Local Law # 4 of 2006, lockboxes are duly installed in accord with such local law, with input and approval from the applicable Lansing fire department(s).

k. The Developer shall put into place such covenants and restrictions, in a form as reasonably approved by the Town and its counsel, to ensure that all future buildings and improvements meet the architectural designs and renderings disclosed in Developer building profiles and samples as delivered to the Planning Board, and that such buildings and improvements meet other designated site plan criteria as approved, including down cast or Dark Sky lighting elements, the protection and maintenance of stream buffers, pathways, bus stops of pull-offs, playground locations and improvements, plantings and buffer characteristics (including plant specifications and maintenance protocols), and such other guidelines as set forth in the site plan or as proposed through the site planning and SWPPP processes. The development, approval, and filing of such covenants and restrictions in the Tompkins County Clerk's Office shall be a requirement of this site plan approval and no certificates of compliance or occupancy shall be applied for or delivered until such documents are approved by the Town and duly so filed.

3. That a copy of this Resolution be delivered to County Planning as a report upon final action and an explanation as to the Town's decisions relative to the GML § 239 recommendations, both as required by GML § 239-m(d)(6).

September 25, 2017

Motioned by:

Seconded by:

VOTE AS FOLLOWS:

**Thomas Ellis -
Lin Davidson -
Gerald Caward -**

**Sandra Dennis-Conlon -
Al Fiorille -
Larry Sharpsteen -
Debbie Trumbull -**