

RESOLUTION PB 17-

RESOLUTION CONDITIONALLY APPROVING CARGILL INCORPORATED - SHAFT #4 SITE PLAN IMPROVEMENTS

WHEREAS, an application was made by Edward G. Davidson, of Spectra Environmental Group, Inc. for owner Cargill Incorporated, for surface site plan improvements at 1001Ridge Road NYS Route 34B, Lansing, New York, TPN 23.-1-6.2, zoned Rural Agriculture (RA), for a site plan approval for construction of site improvements for an Administration Building, Maintenance Building, Elevator Hoist House Building, Driveway and Parking, Stormwater and site improvement; and

WHEREAS, the Planning Board held a sketch plan review meeting on September 11, 2017, whereat site planning input was duly provided upon a pre-application basis, such input having mainly been focused upon stormwater, buffering, traffic, and related issues, and the developer has since then amended the site and project plans several times and had submitted a completed site plan application that was deemed complete, such that a public hearing thereupon was duly scheduled; and

WHEREAS, the owner will complete a "Full SWPPP" for the proposed development and develop a properly sized stormwater retention practice and treatment site and, in furtherance thereof, the developer's engineer has designed the on-site stormwater retention management practices for this site; and

WHEREAS, the proposed building and land uses are a permitted use under the Land Use Ordinance in the Rural Agricultural; (RA) Zone, subject to obtaining site plan approval from the Planning Board and a Special Use Permit from the Lansing Town Board; and

WHEREAS, the Town has considered and carefully reviewed the requirements of the Town's Laws relative to site plan review 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, New York State Department of Environmental Conservation (DEC) as "Lead Agency" completed a "Negative Declaration on the shaft #4 modification to the existing Cargill Salt Mine Permit and the Town of Lansing participated in this process as an the State Environmental Quality Review Act ("SEQRA") and, as an involved agency, the Planning Board had conducted an coordinated review and duly issued a negative declaration of moderate or significant potential negative environmental impacts arising from this project; and

WHEREAS, General Municipal Law § 239 referrals were duly delivered to the Tompkins County Planning Department and such Department responded by letter dated **September 29, 2017**, which "as submitted, and has determined that it has no negative inter-community, or county wide impacts"; and

WHEREAS, a public hearing was duly held upon October 16, 2017, and the public was duly allowed to speak upon and address the Cargill Shaft #4 surface improvements site plan and environmental issues pertaining to this project, and whereafter the Planning Board considered approval of the subdivision and site plan, including in accordance with the provisions of the Town's Subdivision Local Law, including as this is a one-lot subdivision that requires no roadways or other significant permanent infrastructure (other than the usual stormwater facilities and improvements), and further including consideration of site planning requirements contained in the Town of Lansing Land Use Ordinance, § 701.4 *et seq.*, including concerns addressing site drainage, lighting, nearby

residences, landscaping, parking, and buffering/screening, driveway 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 as follows:*

1. Final Site Plan approval be and hereby is issued for this project for the proposed site area improvements, located upon the afore-described 57.95± acre parcel, TPN 23.-1-6.2, as shown in and on: (i) the Site Plan Sheets #C-1, C-7, C-8 and Architectural Drawings A1-16 by Barton and Loguidice Engineers, which also show proposed building elevations and shaft tower enclosure buildings, dated November 2015 and February 2016, *subject to the following conditions:*
 - i. Compliance with the approved final Stormwater Pollution Prevention Plan (SWPPP) for the developed site, and proper completion of all stormwater reports, permits, and facilities in a form and manner as approved by the Town and NYSDEC, prior to the issuance of any certificate of occupancy or compliance for the project.
 - ii. Obtaining a Permanent Curb Cut Highway Access Permit from New York State Department of Transportation (DOT) for the driveway entrance from NYS Rt. 34B in a form as does not materially impair any of the stormwater or site planning features herein approved; further noting that if, at any time, the Planning Board deems NYSDOT conditions or approvals as potentially and negatively impacting the approvals or impact mitigation features of the approvals and conditions herein provided and stated, then and in such event the Planning Board may revoke, amend, or otherwise review the project site plan and the SEQRA, upon a *de novo* or supplemental basis, mainly, but not exclusively, to reconsider this matter and ensure that the impact mitigation features of the site plan and approval are preserved to the maximum extent then possible.
 - iii. A septic system as approved by the Tompkins County Health Department, with a permit therefor to be issued and approved prior to the issuance of any certificate of occupancy or compliance.
 - iv. A water connection permit approved through the Southern Cayuga Lake Intermunicipal Water Commission (Bolton Point), with all final inspections and approvals completed and issued prior to the issuance of any certificate of occupancy or compliance.
 - v. All new construction must meet the current requirements of the New York State Building Codes.
 - vi. Completion of the site plan improvements as shown upon the site plans (maps and pages C1-C8 and A1-14), including compliance with the drawings and visualization material as submitted for the Planning Board review, specifically including the installation of vegetative buffering as meets the goals of subparagraph (a) below, and the maintenance and other goals and requirements of subparagraph (b) below:
 - (a) Buffering shall be designed to provide both visual cover buffering and sound baffling features, and thus emphasis shall be placed upon solid cover barriers, such as hedges and offset rows of evergreen trees, or large or densely placed deciduous trees with variable heights and interspersed with evergreens or other plants as provide for such cover and buffering.

(b) Developer and landowner(s), as an express condition of site plan approval (the violation of which shall be a violation of the Land Use Ordinance and Town Law § 135, and enforceable as such), shall hereafter and at all times: (i) properly protect and maintain such trees and other vegetative buffers as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering; (ii) promptly remove and replace any dead, diseased, or dying trees or plants; (iii) promptly replace, supplement, enhance, or otherwise effect changes in buffers whenever such buffers, or any plants therein, whether singularly or in combination due to lack of growth, death, recession, disease or other cause, cease to function as buffers as afore-required; and (iv) effect such maintenance in a manner as promotes the goals of such buffers as stated in this site plan approval.

vii. All signs shall comply with the Town's signage local law unless variances shall be issued therefor, but in all cases site plan approval is conditioned upon the following signage conditions: (i) all on-structure and freestanding signs shall be placed where indicated in the approved site plan; signs shall not be lighted during closed business hours, except the half-hour before opening and after closing.

viii. Any fill material brought to the site shall require fill compaction testing, and verification of proper completion of compaction and compaction testing shall be delivered to the Town's Code Enforcement Officer prior to the close-out of any building permit(s).

3. These resolutions shall be and be deemed the formal response to the recommendations of County Planning as required by the General Municipal Law: (i) the recommendation of detailed landscaping plans was addressed by the Planning Board at the sketch plan conference, even before the referral under § 239, and again addressed thereafter, such that the Developer has been required to submit detailed site plans, and conditions have been stated requiring compliance with such buffering and landscaping requirements, such that the first recommendation has been substantially and materially met; and, NYSDOT approved the design and traffic safety plans designed by the developer's engineer site than commercial traffic and large trucks.

4. A copy of this resolution shall be sent to County Planning per General Municipal Law § 239-1, *et seq.*

5. The construction access entrance indicated on NYS Route 34B on the original drawings label "Soil Erosion and Sediment Control Plan".

Dated: October 16, 2017

VOTE AS FOLLOWS:

**Gerald Caward, Jr. -
Sandra Dennis Conlon -
Norman L. Davidson -
Al Fiorille -
Larry Sharpsteen -
Deborah Trumbull -
Thomas Ellis -**