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# Town of Lansing

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Monday, May 11, 2015 6:30 PM

PLANNING BOARD MEETING

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## PLANNING BOARD MEMBERS

(\*Denotes present)

- \* Tom Ellis, Chairman
- \* Norman (Lin) Davidson, Vice-Chairman
- \* Larry Sharpsteen  
Richard Prybyl
- \* Al Fiorille
- \* Gerald Caward
- \* Deborah Trumbull
- \* Guy Krogh, Esq.

### Other Staff

Michael Long, Planning Consultant  
Doug Dake, Town Board Member  
David Herrick, P.E., Town Engineer

### Public Present

Richard Thaler      Rebecca Shindler  
Sonia Thaler      Mary Lou Bailey-Smith  
Larry Fabbroni Sr.      Katrina Thaler-Medeiros  
Larry Fabbroni Jr.      David Bravo-Cullen  
David Moore      Tina Eastman  
Ms. Andres

### Other Business

Thomas Ellis called the Planning Board Meeting to order at 6:30 PM.

### Public Comments/Concerns other than Agenda Items

Thomas Ellis, Chairman inquired if there were any comments from the Public. There were none.

### Approval/Denial of April 27, 2015 Minutes

Deborah Trumbull: Pg. 1 remove the title of Alternate next to her listed name

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Pg. 11: 3<sup>rd</sup> paragraph, Larry Sharpsteen states what the Town Engineer is saying is to make sure the temporary SWPPP is something that doesn't have to be redone when erecting the other building.

Lin Davidson: Pg. 1, 3<sup>rd</sup> sentence: Sharpsteen's thought, Formed- Based Codes

Thomas Ellis: Pg. 11, 4<sup>th</sup> paragraph, included to include

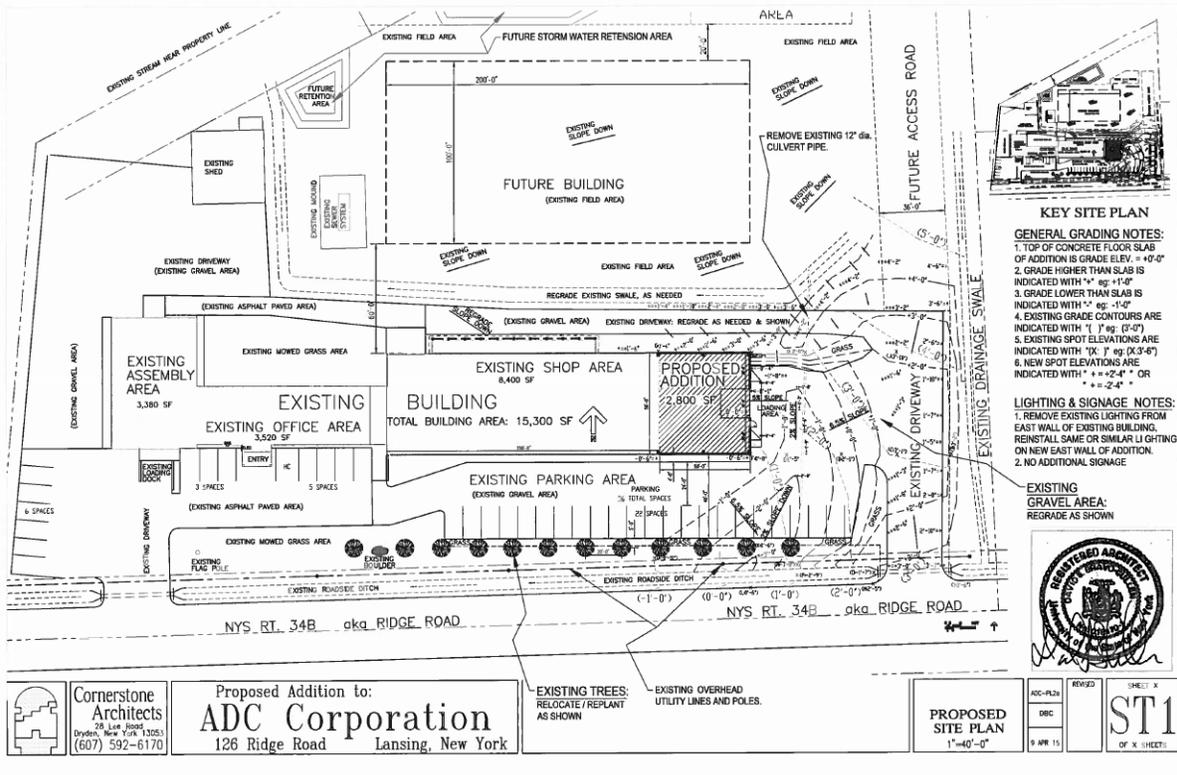
Norman (Lin) Davidson made a motion to approve as amended. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

### **Site Plan & SEQR Review for a proposed 3,000 Sq. Ft. Addition, Alex Deyhim, Advanced Design Consulting, 126 Ridge Road, Tax Parcel # 35.-2-2.2**

Mike Long, Planning Consultant for the Town states David Bravo, Engineer for the Deyhim project has been instructed by David Herrick, P.E. to complete a Basic SWPPP for this particular project and in the future when the 100' x 200' pre-approved building is constructed, a full SWPPP will be required before a Building Permit will be issued. Mr. Deyhim will have to follow the Town's Stormwater Law, which also includes any fees occurred with respect to Stormwater.

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Norman (Lin) Davidson made a motion to waive the SEQR and overall Site Plan Public Hearings for the reason that this is an expansion of an existing use and will not change any impact that is currently being applied to this property. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

- Vote of Planning Board . . . (Aye) Gerald Caward, Member**
- Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**
- Vote of Planning Board . . . (Aye) Al Fiorille, Member**
- Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**
- Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**
- Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

The Planning Board Members reviewed Part I and completed Part II of the Environmental Assessment Form.

Larry Sharpsteen offered the following Resolution. Norman (Lin) Davidson seconded the motion and it was carried by the following roll call vote:

- Vote of Planning Board . . . (Aye) Gerald Caward, Member**
- Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**

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**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

## RESOLUTION PB 15-06

**TOWN OF LANSING PLANNING BOARD**  
**RESOLUTION OF STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**  
**NEGATIVE DECLARATION FOR THE PROPOSED**  
**ADVANCED DESIGN CONSULTING, INC.**  
**CONSTRUCTION OF 3,000 SF ADDITION SITE PLAN**

**WHEREAS**, an application was made by Alex Deyhim of Advanced Design Consulting USA, Inc. for site plan approval for the proposed construction of a Commercial addition, located at 126 Ridge Road, Lansing, New York and otherwise known as Tax Parcel #35-.2-2.2, B1- Commercial Mixed Use Zone consisting of approximately 4.47 acres; and

**WHEREAS**, the proposal is to add a 50 foot by 60 foot addition that contains 3,000 square feet of manufacturing space on a 0.67 acre portion of the site which previously had the loading dock and gravel parking area; and

**WHEREAS**, the owner will complete a Basic SWPPP for the immediately affected area and at a later time complete a "Full SWPPP" for the entire site prior to the construction of any future buildings on the site; and

**WHEREAS**, this proposed action is an Unlisted Action for which the Town of Lansing Planning Board is an involved agency for the purposes of environmental review; and

**WHEREAS**, the Town of Lansing Planning Board, in performing the lead agency function for its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) pursued its thorough review of the applicant's completed Environmental Assessment Form Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) reviewed and completed the EAF, Part II on the record; and

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WHEREAS, the Town of Lansing Planning Board finds that agricultural/farm operations will not be impacted by the project because there are no current or planned farm operations on the project site;

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Lansing Planning Board, based upon (i) its thorough review of the Short EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern of the proposed project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its completion of the Short EAF, Part II (and, if applicable, Part III), including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

Dated: May 11, 2015

### VOTE AS FOLLOWS:

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

Norman (Lin) Davidson offered the following Resolution. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

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## RESOLUTION PB 15-07

### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING WITH CONDITIONS THE CONSTRUCTION OF 3,000 SF ADDITION to ADVANCED DESIGN CONSULTING USA, INC.-SITE PLAN

**WHEREAS**, an application was made by Alex Deyhim of Advanced Design Consulting USA, Inc. for site plan approval for the proposed construction of a 3,000 square foot addition to the existing 12,200 square foot commercial building, located at 126 Ridge Road, Lansing, New York and otherwise known as Tax Parcel #35-.2-2.2, in the town of Lansing consisting of approximately 4.47 acres in the B1 - Commercial Mixed Use Zone; and

**WHEREAS**, the Planning Board did grant site plan approval in 2012 for a 100 foot by 200 foot new building to be constructed north of the existing structures which may be completed at a later date; and

**WHEREAS**, the proposal is to add a 50 foot by 60 foot addition that contain 3,000 square feet of manufacturing space on a portion of a site which previously had the loading dock which is being removed; and

**WHEREAS**, the proposal is a permitted use in the B1 - Commercial Mixed Use Zone subject to obtaining site plan approval from the Planning 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**, this is an Unlisted Action under the State Environmental Quality Review Act which requires environmental review; and

**WHEREAS**, the Town of Lansing Planning Board is an involved agency pursuant to State Law governing local environmental review; and

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**WHEREAS**, the Town of Lansing Planning Board has the primary responsibility for approving or carrying out the action and is conducting an uncoordinated environmental review of this action pursuant to State Law governing local environmental review; and

**WHEREAS**, General Municipal Law County Planning referrals 239-l and 239-m (of Article 12-B) were sent to the Tompkins County Planning Department by the **Town of Lansing Planning Department, and the Tompkins County Planning Department in a letter dated April 16, 2015 determined that the proposed action has no negative inter-community or county-wide impacts; and**

**WHEREAS**, on April 27 2015 and again on May 11, 2015, the Planning Board reviewed and considered the aforementioned site plan application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York and resolved to waive the public hearings on the State Environmental Quality Review (SEQR) review on this action and the site plan application; and

**WHEREAS**, on May 11, 2015 this Board, acting on an uncoordinated environmental review of the proposed action, reviewed and accepted as adequate a Short Environmental Assessment Form ("EAF") Part I, submitted by the Applicant, considered the comments (if any, of the Town Engineer, the Tompkins County Department of Planning County 239-l and m review and other application materials, and the Lansing Planning Board completed Part II of the EAF; and

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**WHEREAS**, by Resolution adopted on May 11, 2015 the Town of Lansing Planning Board has determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed 126 Ridge Road project site plan will result in no significant impact on the environment and has issued a Negative Declaration of environmental significance for purposes of Article 8 of the Environmental Conservation Law; 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, 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:** that the Town of Lansing Planning Board does hereby grant Final Site Plan Approval to Alex Deyhim and Advanced Design Consulting USA, Inc. for the proposed construction of a 50 foot by 60 foot building addition and site area improvements, located at 126 Ridge Road, Lansing, New York, and otherwise known as Tax Parcel #35-.2-2.2 - B1 Commercial Mixed Use Zone, as shown on the site plan Sheet ST-3 dated 24 April, 2015 And as drawn by Cornerstone Architects submitted by the applicant; *subject to the following conditions:*

- (1) Construction of the building addition and site plan as included within the drawings submitted and dated 24 April 2015. The Town Engineer shall review and approve a "Basic SWPPP" for the 0.67 acre of proposed disturbed area submitted and approved by Lansing Highway Department.
- (2) A "Full SWPPP" will be required before the issuance of a building permit for the proposed 100 foot by 200 foot new building of 20,000 SF taking into consideration the entire site drainage.

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- (3) Building Permits will be required to construct the 50 foot by 60 foot addition.
- (4) The new building construction documents must be approved by an Engineer / Architect. (stamped drawing)
- (5) All new construction must meet the requirements of the New York State Building Code.
- (6) Buffering required as follows; To protect and maintain the existing site vegetation and trees especially along Ridge Road as indicated on the site plan and the relocation and installation of Coniferous Trees as included within the site plan., .

May 11, 2015

### VOTE AS FOLLOWS:

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

**Public Hearing- SEQR & Preliminary Plat Approval, 28 Lot Subdivision, known as Whispering Pines Phase VI, in addition, Site Plan & Final Plat Approval for a Flag Lot, known as Section 1A of such Preliminary Plat Applicant: Richard B. Thaler, Tax Parcel # 40.-3-2.12 & 40.-3-2.2**

Thomas Ellis, Chairman gave a brief update of the December 2014 Meeting where the Thaler's appeared before the Board requesting an approval for a Flag lot. At that time, Mr. Ellis states the Board requested that their Engineer provide further Stormwater information on the upper section and show the entire build out.

Norman (Lin) Davidson made a motion to open the Public Hearing at 6:48 P.M. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

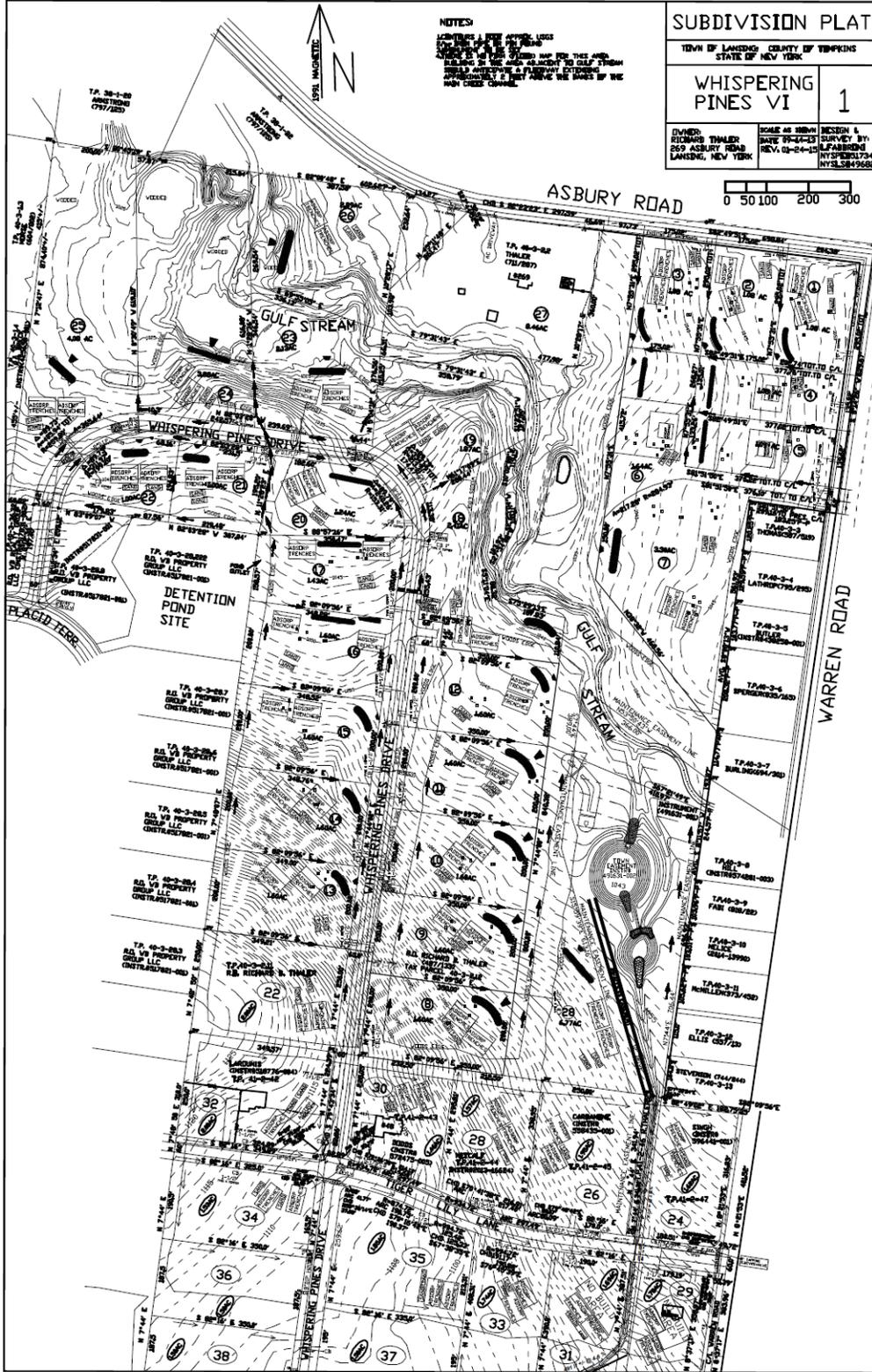
**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**

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## **Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

Larry Fabbroni Sr. P.E. for The Thaler's presented the following proposal:

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## Further Discussion

Larry Fabbroni states the Board previously requested that a full build out be completed and that is just what he did. Mr. Fabbroni is requesting Preliminary approval of the entire project. He would like to move forward with final approval of the Flag Lot.

David Herrick offered the following comment via email;

I have a "Site Plan" dated 4-9-15 that was provided to me by Larry which shows the location of a bioretention stormwater practice for Lot 7. Do you also have that plan? If so, you'll see that the filter (oval shape) will potentially overflow onto Lot 27. This is not necessarily a negative issue but Lot 7 should have an easement across Lot 27 to reach Gulf Creek so the current/future owner of Lot 27 does not object to this drainage pattern.

Larry Fabbroni states adding an easement is not an unreasonable request. Mr. Fabbroni states they will be proposing a Drainage District. The Board agreed Mr. Herrick's concerns will be a condition on the Final Plat.

Guy Krogh states since there is already an existing Drainage District for Whispering Pines V, the boundaries of the existing district may be amended and unified as one district.

Larry Fabbroni states they may want to have a new Drainage District because Mr. Thaler took all the responsibility for the maintenance of Phase V. It would be awkward to go back to the property owners and now start to charge fees for an expanded district. What Mr. Fabbroni is proposing in the new Drainage District is to take over the responsibility for the Community features of Phase V and the entire Phase VI.

Lynn Day, Zoning Officer states according to the Map presented, lots 4 & 5 do not conform to the Town's Zoning requirements for the required road frontage.

Board Members suggested that Mr. Fabbroni juggle the lots around to conform to the Zoning requirements. If re-configuration can't happen to meet Zoning Regulations, Attorney Krogh states an Area Variance must be pursued.

Mr. Krogh explained to the Members how this "Flag Lot" will be considered a Section for the approval process however it still will be considered a part of the entire Subdivision for the overall approval.

The Tompkins County Planning Department offered the following formal recommendation on the entire site;

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**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850

Edward C. Marx, AICP  
Commissioner of Planning

Telephone (607) 274-5560  
Fax (607) 274-5578

April 24, 2015

Michael H. Long, AICP, Consulting Planner  
Town of Lansing  
29 Auburn Road  
Lansing, NY 14882

**Re: Review Pursuant to §239 -l , -m and -n of the New York State General Municipal Law**  
**Action: Major Subdivision for proposed Whispering Pines VI, Town of Lansing Tax Parcel #40.-3-2.12, R1 Zoning District, Richard Thaler, Owner/Applicant, Lawrence Fabbroni, PE, Agent.**

Dear Mr. Long:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l and -m of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below and as such we recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

**Recommended Modifications**

- The Town should require the applicant to maintain a minimum 100 foot riparian buffer as measured from the edge of stream bank on both sides of the perennial stream on the proposed subdivision, which affects a portion of proposed lots 7, 18, 19, 23, 24, 26 and 27. This buffer area should apply to all buildings, impervious surfaces, stormwater and wastewater treatment systems.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,



Edward C. Marx, AICP  
Commissioner of Planning

A discussion occurred with respect to the County's formal buffer request. Board Members felt the 100' riparian buffer was excessive.

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It was agreed that a 50' linear no build zone from the existing creek bank line on both sides be put in place for buildings, structures, ground disturbances and septic systems with an additional 50' set back out to 100' to include no buildings or septic systems or impermeable surfaces allowed, but within which Stormwater practices where permeable surfaces are permitted.

Also, further conditions below should be added prior to final approval of the entire Subdivision;

1. Lots # 1, 2, 4, 5 reconfigured to comply with the current Zoning requirements
2. Lot # 7 of Section 1 A requires a Basic SWPPP
3. Full SWPPP required for the entire Subdivision.
4. Lot # 7 requires a permanent stormwater drainage easement
5. Lot #27 requires a permanent stormwater drainage easement

Lynn Day suggested that on Lot #1, the Engineer- Mr. Fabbroni plot out where the house and septic systems will be located due to both roads will be considered front yards.

Larry Fabbroni, P.E. states he will be re-configuring Lot # 3 as he has area west to add to the lots.

Gerald Caward made a motion to close the Public Hearing at 7:30 P.M. Norman (Lin) Davidson seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

The Planning Board Members reviewed Part I and completed Part II of the Environmental Assessment Form for the entire Subdivision.

Norman (Lin) Davidson offered the following Resolution. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**

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**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Nay) Thomas Ellis, Member**

## RESOLUTION PB 15-08

**RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD  
ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE  
RESPECTING THE STATE ENVIRONMENTAL QUALITY REVIEW (“SEQR”) OF  
THE WHISPERING PINES  
PHASE VI FINAL PLAT PHASE 1A- LOT #7  
SITE PLAN AND SUBDIVISION**

**WHEREAS**, after submission thereof, the Lansing Planning Board, on May 11, 2015, reviewed a Subdivision Application submitted by Applicant Richard Thaler through representative Lawrence Fabbroni, P.E. for a residential subdivision known as Whispering Pines Phase VI of which the initial lot #7 considered is a 3.3 +/- acre parcel with a flag lot of certain land, located at Warren Road, Lansing, New York and otherwise known as a portion of Tax Map Parcel #40.-3-2.12 in the R1 Residential Low Density Zoning District; and

**WHEREAS**, the Town of Lansing Planning Board at the October 7, 2013 meeting did hold a Sketch Plan Review agenda item that discussed approximately 30 total lot subdivision; and

**WHEREAS**, on October 28, 2013, the Planning Board did classify this proposal as a “Major Subdivision” according to the Town of Lansing Subdivision Local Law, and

**WHEREAS**, at a follow up meeting held on December 8, 2014, the Planning did discuss the overall subdivision plan and the applicant did request that approval be given to Lot #7 as a priority approval, the Planning Board requested the developer to submit the full Preliminary Subdivision application; and

**WHEREAS**, the applicant has formally submitted a completed preliminary subdivision and stormwater prevention plan on March 19, 2015 for the entire 28 lot subdivision proposed plan and has renewed the request to submit for the Planning Board’s consideration, the site plan and subdivision approval for lot #7 as a Flag Lot, and

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**WHEREAS**, the flag lot parcel #7 driveway is in compliance with the 500 feet in length Town of Lansing Subdivision Rules and Regulations Local Law #2 of 2008, Section 606 (E) of the Lansing land Use Ordinance; and

**WHEREAS**, on May 11, 2015, the Town of Lansing Planning Board made findings that drainage and stormwater impacts referenced Town Engineer can be properly mitigated by the procedures recommended in Town Engineer's email dated May 5, 2015 set forth above; and

**WHEREAS**, the Applicant has submitted a Short Form Environmental Assessment Form (EAF) for the State Environmental Quality Review (SEQR) of the proposed Whispering Pines Phase VI Subdivision, said review to be Uncoordinated Review without declaration of Lead Agency; and

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 referrals were duly effected by the by the Town of Lansing Planning Department; and their Recommendation is contained in a letter dated April 24, 2015; and

**WHEREAS**, the Town of Lansing Planning Board duly noticed a public hearing on May 11, 2015, concerning the environmental review, pursuant to the State Environmental Quality Review Act ("SEQRA"), of the proposed subdivision preliminary/final plat application at Lansing Town Hall at 29 Auburn Road, Lansing, New York 14882, and, at the public hearing on May 11, 2015, all citizens were given an opportunity to voice any concerns respecting the environmental review and given a full opportunity to be heard thereon; and

**WHEREAS**, on May 11, 2015, the Town of Lansing Planning Board, in performing its reviewing Agency function in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR"), (i) pursued its thorough review of the applicant's completed Short Form Environmental Assessment Form ("EAF") Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) reviewed, on the record, the EAF, Part II on the record (and reviewed and completed, if necessary, Part III of the EAF);

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

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The Town of Lansing Planning Board, based upon (i) its thorough review of the EAF, Part I, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern of the proposed project to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c), and (iii) its review and completion of the EAF, Part II (and, if applicable, Part III), including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

Dated: May 11, 2015

## VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye  
Al Fiorille, - Aye  
Norman L. Davidson - Aye  
Larry Sharpsteen, - Aye  
Deborah Trumbull, - Aye  
Thomas Ellis, - Nay

Larry Sharpsteen offered the following Resolution. Norman (Lin) Davidson seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Nay) Thomas Ellis, Member**

## RESOLUTION PB 15-09

TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING

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## **PRELIMINARY PLAT FOR WHISPERING PINES PHASE VI SUBDIVISION, ISSUING A SITE PLAN APPROVAL FOR A FLAG LOT THEREIN, AND ISSUING A FINAL PLAT APPROVAL FOR SECTION 1A OF SUCH PRELIMINARY PLAT**

**WHEREAS**, Richard Thaler has requested Preliminary Plat and other approvals for the proposed 28-lot proposed Whispering Pines Subdivision Phase VI, and the Town of Lansing Planning Board duly noticed and held a Public Hearing on this proposed preliminary plat and the requested approvals on May 11, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and others; and

**WHEREAS**, the home owner/landowner of Lot #7 will complete a Basic SWPPP for the immediately affected area of Lot #7 as a pre-condition to obtaining a building permit, which SWPPP shall will include an drainage easement through the adjacent lot #27 parcel at a location to be approved by the Town Engineer and as granted by the Developer; and

**WHEREAS**, the Town of Lansing Planning Board had considered this project under SEQRA and duly issued a negative declaration of environmental significance; and

**WHEREAS**, the Town of Lansing Planning Board finds that agricultural or farm operations will not be impacted by the project because there are no current or planned farm operations on the project site; and

**WHEREAS**, the proposals under consideration, are to: (i) to consider, with or without conditions, approving the Preliminary Plat; (ii) to consider approval of a site plan for Lot #7 as it is a flag lot, which requires site plan approval; and if (i) and (ii) are duly approved, then to (iii) waive Final Plat review for proposed section 1A of the Preliminary Plat and issue a Final Plat approval for said Lot #7; and

**WHEREAS**, the Town Planning Board has considered and carefully reviewed the requirements of the Town's local laws and Land Use Ordinance 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 the Town Planning Board has further considered the processes and procedures for subdivision review and the requirements for preliminary and final plat approvals; and

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**WHEREAS**, General Municipal Law §§ 239-l and 239-m referrals were sent to the Tompkins County Planning Department by the **Town of Lansing Planning Department, and the Tompkins County Planning Department**, by letter dated **April 24, 2015**, recommended that the **Town require the designation and maintenance of a 100' riparian buffer as measured from the edge of the stream banks on both sides of Gulf Creek; and**

**WHEREAS**, due consideration and deliberation by the Town of Lansing Planning Board, and after consideration of any comments or information submitted by the developer or the public at the public hearing, was duly had.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Preliminary Plat for the whole of Whispering Pines Phase VI be and hereby is approved, subject to the following conditions being addressed or satisfied at or before the time the Final Plat is submitted for review:

i. Final Plat approval is conditioned upon the preparation, review, acceptance and approval of an approved "Full SWPPP" for the entire subdivision, which Full SWPPP and which Final Plat shall each show and grant a permanent stormwater drainage easement over Lot #27 in favor of Lot #7, and otherwise provide for adequate access to all stormwater facilities.

ii. The Final Plat shall show the following buffering and no-build zones around the riparian areas of Gulf Creek: (a) a 50' linear no build zone, as measured from the now existing creek bank line on both sides of Gulf Creek, wherein no buildings, structures, or ground disturbances shall be permitted; and (b) an additional 50' buffer zone, out to 100' as similarly measured from the creek bank, wherein no buildings or septic systems or impermeable surfaces are allowed, but within which stormwater facilities with permeable surfaces are permitted.

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- iii. The Final Plat shall show lots 1-5 reconfigured to show and cause compliance with frontage, dimensional, and bulk requirements of the Town's Land Use Ordinance, including to maintain a minimum of 150' of road frontage, 40,000 ft<sup>2</sup> parcel sizes, and proper front yard set-backs for all lots, including the double-frontage corner lot.
2. The Town of Lansing Planning Board does hereby further grant final site plan approval for Lot #7, as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, subject to the following condition:
  - i. A Basic SWPPP shall be submitted and approved by the Lansing Highway Department for such Lot #7 and Section 1A of the Preliminary Plat, prior to the issuance of any building permits thereupon.
3. The Planning Board does hereby further waive final review and approval for the Final Plat for section 1A of the Preliminary Plat for the Whispering Pines Phase VI Subdivision, including pursuant to § 900 of the Subdivision Local Law, and the proposed Final Plat map for such Section 1A as submitted to this meeting be and hereby is approved and the Planning Board thus authorizes its Chairperson to certify and seal such section 1A Final Plat upon formal presentment.
4. And it is duly noted that the Planning Board adhered to County Planning recommendations that a 100' buffer zone around Gulf Creek be mandated as a condition for the Final Plat, but the Planning Board applied such condition to the specific land in question and determined, due to slopes, the lack of riparian corridors in many areas along such creek, and the need to provide for proper stormwater planning and creek protection, that: (i) certain stormwater practices could and should be located within such 100' buffer if they are permeable, not expected to be inundated by creek waters during storm events, and not within 50' of the creek banks, including because it is a best practice to have the individual lot-based stormwater facilities located upon the downslope side of each lot. Accordingly, while the Planning Board believes it has materially complied with the recommendations of County Planning, the Planning Board none-the-less required and obtained a super majority vote, as absolute compliance with a blanket-rule 100' buffer was not adopted due to the need to protect the creek and properly manage stormwater on this particular site. This explanation is therefore considered a material finding and part of these Resolutions, this explanation shall suffice as a reply to County Planning as required by the General Municipal Law, and the Town Planning Department is respectfully requested to supply a copy of this

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resolution to County Planning in respect thereof and as a reply to County Planning with respect to the implementation or non-implementation of their recommendations.

Dated: May 11, 2015

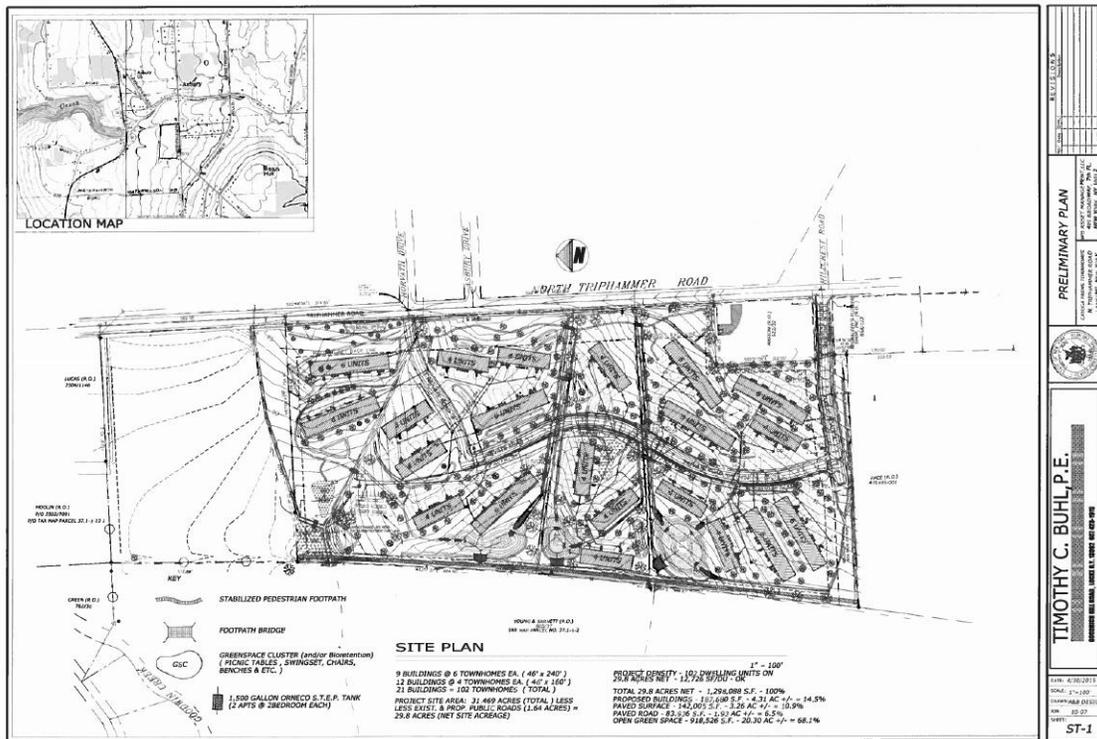
## VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye  
Norman L. Davidson -Aye  
Al Fiorille, - Aye  
Larry Sharpsteen, - Aye  
Deborah Trumbull, - Aye  
Thomas Ellis, - Nay

### **Cayuga Farms Multi-Family Residential Rental Townhomes Update Site Plan Revisions, Applicant: WB Asset Management, LLC, North Triphammer Road, Tax Parcel # 37.1-6-3.362**

Timothy Buhl, P.E. for the project presented the following updated Map. In addition, Mr. Buhl states he has changed the actual sewer layout design from a gravity sewer with manholes to a pressure sewer.

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Al Fiorille inquired as to the proximity from the buildings to the creeks. Mr. Buhl states the distance is 25'. Chairman Ellis states this still is a 239 County Planning issue that will need to be reviewed by the Board. Mr. Buhl clarified for the record they are "ditches", not streams.

Larry Sharpsteen states he feels the Town should do a test of the water in the rear stream to obtain a baseline. Mr. Buhl states he has no problem with that.

Mr. Buhl is looking for preliminary approval subject to Stormwater finalization.

Guy Krogh advised Mr. Buhl there is no such thing as preliminary site plan approval. It's either approved with or without conditions.

Tim Buhl felt the Board should move forward with the SEQR process. Mr. Buhl states if they are unable to mitigate the onsite Waste Water Treatment, the whole SEQR process will need to be re-visited.

Mr. Krogh further states this really is in the hands of the DEC. Once they receive a Permit for the Wastewater District, DEC will then look at it as socioeconomics or physical impacts resulting from the district.

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According to Mr. Buhl this is a 2010 Design and has been set up under a 2010 Permit. The State recently sent out a memo explaining the criteria for such projects that may fall under the old Stormwater practices. The transition period for public comments on this proposal has not ended yet.

The Planning Board Members felt Mr. Buhl should continue to move forward with the project. Chairman Ellis advised Mr. Buhl to return in the near future with a brief summary of the project.

### **Lynn Day, C.E.O Re: Car-Quest Building**

Mr. Day advised the Board Members that the Occupants of the Car-Quest Building will be leaving at the end of May and Mr. Day has someone interested in leasing the building. The person would like to do Repair/Paint-Body Work as well as displaying one (1) vehicle for resale. Mr. Day requested to know if the Planning Board would like to have this person come before the Board as Mr. Day would not be able to place any conditions on the actual Site Plan if he were complete the process in his Office.

Members agreed it would be in the best interest of the Town the Planning Board reviewed the proposal.

### **Cell Town Ordinance Update**

The Town Board is in the process of approving an update Cell Town Ordinance at a future Town Board Meeting and Mr. Day states he knows the Planning Board has not had the opportunity to review the proposed changes. There are some changes that he does not agree with. Certain modifications to the existing Cell Tower should not involve the Planning Board for Site Plan however, it is proposed to change. It was the consensus of the Board that they would review the proposal at their next Meeting and send any recommendations to the Town Board.

### **Planning Consultant-Mike Long's Update**

Mike Long presented the Members with the following update;

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## Planning Board Project Update: May 11, 2015 meeting

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- Cayuga Farms (102 dwelling Unit - Site Plan Approval) –
  - Requested DEC review of package system – follow up approvals needed.
  - Public Hearing – January 12. Meeting held open for additional comments.
  - Meeting (3/5/15) with DEC Cortland (Dave H. Guy, Mike, Kathy M)
  - Letter issued to Tim Buhl –revisions needed site plan, Oreneo system...etc.
  - Oreneo mtg. held April 23 to review system concepts, overview, etc...
  - Tim Buhl -updated site plan submitted 5/6/2015 – sent electronically PB
  - TG Miller reviewing SWPPP with changes
  - NYS DEC Letter from Fred Gillette - received 5/11/2015 for “Innovative Systems Design Standards” process to apply.
  - SEQR Negative Declaration – DEC approval?
  - Site Plan approval required –.
- Novalane – Jack Young
  - Preliminary Plat subdivision plan with turn around extension of Smugglers Path.
  - SEQR – classified as an “Unlisted Action” and will have resolutions available.
  - Public Hearing opened Feb 9th for the “Flag Lots” – still open.
  - Storm Water Plan SWPPP reviewed by TG Miller, revisions currently underway
  - Site meeting to walk future Smugglers Path road extension – 5/7/2015 –
  - Preliminary and Final Plat approvals. TBD
- West view Partners, Boris Simkin – Major Subdivision – 4 Lots.
  - Designated a Major subdivision (4 lots and ROW issues) – phase plan completed by T.G. Miller with ROW access and future roads included (drawing dated 12/15/2015).
  - Revised Subdivision Plan - submitted to TG Miller Storm Water Plan for 4 lots.
  - Revised 239 Review from County – response 50 foot buffer 3/30/2015
  - SWPPP plan reviewed by TG Miller, recommended changes, waiting on revisions.
  - Public Hearing date – TBD after storm water plan revisions...
- Whispering Pines VI – Subdivision 28 lots - Richard Thaler
  - Revised Plans being developed by engineer. (submitted 3/26/2015)
  - 239 Review from Tomkins County – letter dated 4/24/2015 with 100 foot setback from stream bank.
  - Storm Water Review – T.G. Miller currently underway – Lot #7 ok with drainage easement. Balance of site still being reviewed.
  - Water District Extension –Town Board Public Hearing held 4/15/2015 with Town Board Approval required
  - Lot #7 – Treat as VI - #1A – Flag Lot public hearing 5/11/2015 and requesting Final Plat / SEQR approval and site plan approval 5/11/2015 meeting.
  - Public Hearing – Open May 11, 2015 – SEQR and Subdivision
  - SEQR / Preliminary Platt / Final Platt

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- **Advanced Design – Site Plan**
  - 3,000 sf addition to extend building
  - Additional Site Plan information requested
  - 239 Review – letter received 4/16/2015
  - Planning Board review April 27<sup>th</sup> Meeting – neighbors notified
  - SEQR / Public Hearing /Site Plan Approval– May 11<sup>th</sup> meeting.
  - Basic SWPPP required for 3,000 SF addition and Full SWPPP required for further site / building development part of site plan approval conditions.
- **Forest Circle Drive – Major subdivision of 17 lots.**
  - Tompkins Co. 239 review has been completed.
  - Storm water plan revisions requested T.G. Miller.
  - Will require a variance as 1 lot is less than 150 foot of road frontage.
  - Required Public Hearing – establish date....
- **Tompkins Trust Company – Drive up kiosk unit – 700 sf asphalt expansion**
  - Application submitted
  - 239 Review request submitted 4/20/2015
  - Notices sent to property owners 5/4/2015 for June 8<sup>th</sup> meeting
  - SEQR / Site Plan approval tentative June 8<sup>th</sup> meeting
- **AES Solar Farm 2.9mw– proposed by FLS Energy**
  - Submitted site plan application- / NYSERDA application
  - Requested additional information
  - 239 Review TBD
  - SEQR /Site Plan approvals TBD
- **Lansing Redemption Center – 3100 N. Triphammer Road (Red Barn) – Site Plan Approval**
  - 239 Review requested 5/6/2015
  - Tentative approval June 8, 2015
- **Comprehensive Plan – Wed. May 13th at 7:00 PM**
  - Topic - discuss potential future zoning changes ”
- **Ag Plan – Follow up meeting – finalize report meeting – TBD? First week in June**

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Norman (Lin) Davidson made a motion to adjourn the Meeting at 9:10 P.M. Deborah Trumbull seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Gerald Caward, Member**  
**Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**