

APPROVED

# Town of Lansing

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Monday, November 09, 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
- \* Sandra Dennis Conlon, Alternate

### Other Staff

Ed LaVigne, TB Member  
Doug Dake, TB Member  
Mike Long, Planning Consultant  
Guy Krogh, Esq.

### Public Present

Cheryl Beach            Brenda Zavaski  
John Zavaski            Louis Marca  
John Orr                 Gary Bush, P.E.  
Christian Baur  
Dave Heck  
Joyce Heck  
Mary Orr  
Joseph Fabe  
Heather Mulks  
Paul Radenberg

### Other Business

Thomas Ellis, Chairman called the Planning Board Meeting to order at 6:34 PM.  
Chairman Ellis enacted Sandra Dennis Conlon, Alternate Member as a voting Member

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this evening. Mr. Ellis inquired if there were any questions or concerns from the Public with items other than what were on the Agenda. There were none.

## Approval/Denial of October 26, 2015 Planning Board Minutes

Larry Sharpsteen states on Page 2, NYPA should read: NFPA  
Thomas Ellis states on Page 3, second paragraph, first sentence the word states should be inserted after Davis.

Gerald Caward made a motion to approve as amended. Sandra Dennis Conlon 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) Sandra Dennis Conlon, Alternate**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

## Completion of State Environmental Quality Review Form, Applicant: Gary R. Bush, P.E. Agent for John & Brenda Zavaski, 4 Ladoga Park Road, Tax # 33.-1-44

Mike Long Planning, Consultant, explained to the Public present that prior to any Board taking action on a proposal, a State Environmental Quality Review must be completed. Mr. Long further stated the Applicants must proceed with a request for an Area Variance in order to comply with the Zoning Land Use Ordinance. Prior to appearing before the Zoning Board, the Planning Board declared Lead Agency on completion of the proposal and must now complete the short environmental form.

Thomas Ellis, Chairman of the Planning Board states even though this form completion does not require a Public Hearing, he feels a responsibility to hear the Public on their concerns.

Larry Sharpsteen stated for the record this Bed & Breakfast is a permitted use in the district, however all conditions must be met for it to be in compliance with the Zoning. The issue is not about making changes to the structure, the issue is the setback from the property line as it is a Zoning condition. Also the Board looks at the long term issue of adding an additional bedroom on to the current septic system.

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Gary Bush, P.E. for the Applicants states he understands the Board's concerns with regards to the septic systems in that area. However, it was his understanding that Tompkins County Health Department has jurisdiction over the Town.

Larry Sharpsteen states yes and no. Residents are first to come to the Town when systems fail.

Mary Orr inquired if the septic system was built for a residential home.

Larry Sharpsteen states the system is designed and built according to the number of bedrooms.

Mary Orr inquired from the Board as to why a commercial business is allowed in a Residential Zone.

Larry Sharpsteen states the entire L1 Zone permits Bed & Breakfasts.

Mike Long, Planning Consultant advised that traditionally a Bed & Breakfast is considered an In-Home Occupation. Either the owner lives in the property or has an associated use on that property. It is very similar to a Commercial Business.

Gary Bush, P.E. states he has designed Septic Systems for Commercial Businesses and they are a lot smaller than the normal residential homes. Mr. Bush further explained why.

John Orr states a Bed & Breakfast is not limited to one or two people and those additional people have to use the bathroom. Mr. Orr states he lives two houses away and has seen many people there in the past. This parcel is located in a residential area and is on a private road. All residential properties have deed restriction, however, they have no Homeowners Association to enforce them. Mr. Orr states in the restrictions, it clearly states no businesses.

An unidentified female homeowner from the area inquired from those landowners present as to why they would purposely go against their own covenants which are in their deed restrictions.

A gentleman states a precedence has already been set down in that area, example Nick Barra's (deceased) property.

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Deborah Trumbull read the definition of a Bed & Breakfast from the Town's Land Use Ordinance and does not believe what the Zavaski's are proposing is not considered a Bed & Breakfast.

Larry Sharpsteen states an accessory structure is considered part of a residence.

Thomas Ellis read aloud a portion of Mike Long's Memo with respect to the Comprehensive Plan that states as follows;

- The 2006 Town of Lansing Comprehensive Plan indicates that areas that are adjacent or have access to the shoreline of Cayuga Lake and are environmentally sensitive. Continued residential and limited non-residential development standards are aimed at minimizing environmental damage to natural resources, preventing erosion and responding to potential problems related to steep slopes and inadequate water and sewer services.

Thomas Ellis, Chairman of the Board clearly stated on the record he is not personally in favor of this proposal due to the environmental issues that could occur.

Mary Orr states she does not care for strangers as the result of the Bed & Breakfast walking in their residential neighborhood, invading her privacy or having strangers walk their dogs and leaving their feces behind.

Mike Long indicated a Public Hearing for this proposal will be held at the Zoning Board level.

Mike Long explained the SEQR process, and did Larry Sharpsteen explain the laws with regards to the process.

Gary Bush, P.E. stated it's not the Engineers that determine if the system is designed correctly for the property, it's the Tompkins County Health Department agreeing with the Engineer to meet the State requirements.

Planning Board Members reviewed Part I of the LEAF and completed part II.

Deborah Trumbull offered the following Negative Declaration Resolution. Larry Sharpsteen 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) Sandra Dennis Conlon, Alternate**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

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## RESOLUTION PB 15-23

### RESOLUTION DETERMINING ENVIRONMENTAL SIGNIFICANCE OF 4 LADOGA PARK - BED AND BREAKFAST SITE PLAN

**WHEREAS**, an application was made by Gary Bush, P.E. for site plan approval for a Bed and Breakfast, to be located at 4 Ladoga Park, Lansing, New York (TPN 33-1-44), located in a L1 Lakeshore Zone, consisting of the use of an existing improved one-bedroom second floor improvement above a existing garage structure, as located on an overall site of approximately 0.4± acres located near the shore of Cayuga Lake; and

**WHEREAS**, a § 239 referral was not required to be made to County Planning, for official comments on the site plan or the environmental review thereof; and

**WHEREAS**, the Town of Lansing Planning Board, in performing its reviewing agency functions in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA): (i) pursued its thorough review of the project and the Applicant's completed SEAF, as well as a review of all other documents prepared and submitted with respect to this proposed action; and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have any moderate or significant adverse impacts on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iii) reviewed the SEAF on the record; and

**WHEREAS**, each identified potential environmental impact was analyzed and duly considered by the Planning Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued.

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

1. After consideration of the potential environmental impacts, including those reviewed in accord with 6 NYCRR § 617.7(c), the Planning Board finds that the proposed action of approving the site plan for the proposed Bed and Breakfast site plan located at 4 Ladoga Park, Town of Lansing, will have no significant negative environmental consequences or impacts.
2. This declaration is made in accord with SEQRA and the Regulations promulgated thereunder, and accordingly, the Planning Board of the Town of Lansing, based upon: (i) its thorough review of the SEAF, 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 to determine if the proposed action may have any moderate or significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR § 617.7(c); and (iii) its completion of the SEAF, including the findings noted therein (if any, and 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 actions, and determines that an Environmental Impact Statement is therefore not required.
3. A Responsible Officer of the Planning Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in these Resolutions.

Dated: November 9, 2015

## VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye  
Sandra Dennis Conlon - Aye  
Larry Sharpsteen - Aye  
Deborah Trumbull - Aye  
Thomas Ellis - Abstained

**It was requested by a Resident to make the following letters of opposition a part of the record.**

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Town of Lansing

c/o Town Supervisor Kathy Miller

29 Auburn Road

Lansing NY14882

To whom it may concern;

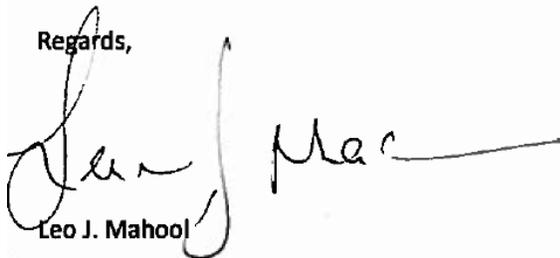
I Leo J. Mahool, residing at 20 Ladoga Park, am writing to respectfully express my opposition to the Bed and Breakfast considered for 4 Ladoga Park Lansing NY 14882.

First and foremost, Ladoga Park is a peaceful, quiet community. The commercial use of 4 Ladoga Park cannot (realistically) be made to fit into this residential community without affecting those living in close proximity to it. Short term "guests", contracted nightly or weekly will impact permanent residents with noise, added traffic and perhaps crime.

Secondly, the residents of Ladoga Park personally maintain Ladoga Park Road. Additional traffic will cause further deterioration the road and clog an already dense area.

I do not believe Ladoga Park; a residential community is in need of a commercial property such as a bed and breakfast and as a 20 year resident of Ladoga Park, I sincerely hope my concerns will be considered.

Regards,



Leo J. Mahool

P.O. Box 248

Lansing NY 14882

607.273.5253

11/9/15

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November 8, 2015

Bed & Breakfast 4 Ladoga Park Rd.

Dansing Zoning Board,

I am sorry I will not be able to attend the meeting in reference to the approval of a bed and breakfast at 4 Ladoga Park Road. As a resident of Ladoga Park Road, which is all residential, I would not like to see any changes. Now it is a very quiet, friendly, neighborhood. A wonderful place to have a vacation home. The Bed & Breakfast would create more traffic on our private road, especially in the summer when our children are at play.

Thank you for your consideration of this matter.

Sincerely,

Lillian Babcock

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*From:* [Bev Bortz](#)  
*Date:* 11/9/2015 12:34:03 PM  
*To:* [JORK55@IWCNY.rr.com](mailto:JORK55@IWCNY.rr.com)  
*Subject:* BED & BREAKFAST - 4 LADOGA PARK

I AM TOTALLY AGAINST A BED AND BREAKFAST AT 4 LADOGA PARK, LANSING, NEW YORK. I CANNOT BE PRESENT AT THE MEETING AS I AM IN FLORIDA, THEREFORE MY EMAIL. PLEASE ALLOW THIS FOR MY OPPOSITION TO THE BED AND BREAKFAST BEING PROPOSED.

BEVERLY BORTZ  
28 LADOGA PARK  
LANSING, NEW YORK 14882

\*Thomas Ellis, Chairman stated for the record that he will be abstaining from discussion and voting on the next proposal as he may/will be working for the Davis'.

**Completion of State Environmental Quality Review Form, Applicant:  
Gary R. Bush, P.E. Agent Elizabeth & Steve Davis, 727 Lansing Station  
Road, Tax # 13.-2-2**

Mike Long, AICP gave a brief overview of the proposal. Mr. Long states with this lakefront property, the lake is the owner's front yard. The property consists of a house with a cliff, a railroad track, a space of land and then shore. The owner wishes to construct an open air Pavilion. There is a 30' setback, however, due to the area the Applicants must apply for an Area Variance. The SEQR process must be completed prior to the Variance request.

Planning Board Members reviewed Part I of the LEAF and completed part II.

Larry Sharpsteen offered the following Negative Declaration 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) Sandra Dennis Conlon, Alternate**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Abstained) Thomas Ellis, Chairman**

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## RESOLUTION PB 15-24

### RESOLUTION DETERMINING ENVIRONMENTAL SIGNIFICANCE OF 727 LANSING STATION ROAD - PAVILION SITE PLAN

**WHEREAS**, an application was made by Gary Bush, P.E. for site plan approval for the construction of an open sided pavilion, to be located at 727 Lansing Station Road, Lansing, New York, Tax Parcel #13.-2-35, located in a L1 Lakeshore Zone, on an overall site of approximately 0.58± acres located on the shore of Cayuga Lake; and

**WHEREAS**, as less than one acre is disturbed by this application the owner will be required to complete a Basic SWPPP for the immediately affected area and have the same approved by the Highway Department before building permits are issued; and

**WHEREAS**, a § 239 referral was not required to be made to County Planning for official comments on the site plan or the environmental review thereof; and

**WHEREAS**, the Town of Lansing Planning Board, in performing its reviewing agency functions in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA): (i) pursued its thorough review of the project and the Applicant's completed SEAF, as well as a review of all other documents prepared and submitted with respect to this proposed action; and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have any moderate or significant adverse impacts on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iii) reviewed the SEAF on the record; and

**WHEREAS**, each identified potential environmental impact was analyzed and duly considered by the Planning Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued.

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

1. After consideration of the potential environmental impacts, including those reviewed in accord with 6 NYCRR § 617.7(c), the Planning Board finds that the proposed action of approving the site plan for the proposed open sided shelter along the waterfront located at 727 Lansing Station Road, Town of Lansing, will have no moderate or significant negative environmental consequences or impacts.

2. This declaration is made in accord with SEQRA and the Regulations promulgated thereunder, and accordingly, the Planning Board of the Town of Lansing, based upon: (i) its thorough review of the SEAF, 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 to determine if the proposed action may have any moderate or significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR § 617.7(c); and (iii) its completion of the SEAF, including the findings noted therein (if any, and 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 actions, and determines that an Environmental Impact Statement is therefore not required.

3. A Responsible Officer of the Planning Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in these Resolutions.

Dated: November 9, 2015

## VOTE AS FOLLOWS:

**Gerald Caward, Jr. - Aye**  
**Sandra Dennis Conlon - Aye**  
**Deborah Trumbull - Aye**  
**Larry Sharpsteen - Aye**  
**Thomas Ellis - Abstained**

## Mike Long’s Planning Department Update

- Novalane – Jack Young

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- 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, letter dated Jan 26, 2015 of issues, revisions currently underway
- Site meeting to walk future Smugglers Path road extension – 5/7/2015 –
- Request for 1 lot subdivision as an interim step before the entire subdivision is completed – Sept 28, 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, Meeting held on 4/8/2015 – still waiting on revisions.
  - Field work completed 9/4/2015 with Dave Herrick on site.
  - Public Hearing date – after storm water plan revisions are approved by T.G. Miller...
- 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 completed.
    - 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 – Completed May 11, 2015 – SEQR and Preliminary Plat Subdivision approved.
    - SEQR / Preliminary Platt / Final Platt – TBD.
- 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.
  - Revisions are being made to the SWPPP materials.
  - Revised plan will remove flag lot condition as per Engineer Tim Buhl

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- SEQRA, Preliminary and Final Plat approvals – TBD.
- Ag Plan – Follow up meeting – finalize report meeting June 1, 2015
  - Joint Planning Board and Town Board meeting held– June 22, 2015
  - Town Board Public Hearing Meeting – July 15, 2015
  - Town Board establishes 2<sup>nd</sup> Public Hearing for Sept. 16, 2015
  - Town Board to establish an Agriculture Committee as per the recommendations.
- Eisenhut Subdivision / (Sciarabba) Flag Lot - Minor subdivision (2 parcels).
  - Sketch Plan review (Aug 10, 2015).
  - Planning Board waiver for length of driveway over 500 feet and waiver for shared drive)
  - Public Hearing required – Sept 14<sup>th</sup>.
  - Subdivision Approved - Sept 14<sup>th</sup> meeting.
- Conway Subdivision ( Lansing Station) Flag Lot – Minor subdivision (2 parcels)
  - Sketch Plan Review (Aug 10, 2015).
  - Planning Board waiver required for 3 continuous flag lots
  - Public Hearing required – Sept 14<sup>th</sup>.
  - Subdivision Approved - Sept. 14<sup>th</sup> meeting.
- Mirabito Holdings, Inc. – Site Plan Requested
  - 3 acre phased development – LP Gas storage facility
  - Preliminary Site Plan meeting – tentative Oct 26, 2015
  - SEQRA, SWPPP and Site Plan approval – TBD.
- A. Scott Piney – Peruville Road Site Plan to add 15 additional duplex buildings
  - SEQRA, SWPPP and Site Plan approval – TBD.
- Comprehensive Plan – Wed. November 11, 2015 at 7:00 PM

Gerald Caward made a motion to adjourn the Meeting at 8:00 PM. 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) Sandra Dennis Conlon, Alternate**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**