

APPROVED

Town of Lansing

Monday, September 14, 2015 6:30 PM

PLANNING BOARD MEETING

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
- Guy Krogh, Esq.

Other Staff

Lynn Day, Zoning Officer

Public Present

Edythe Conway	Karin Sternberg
Dick Conway	Carol Vineyard
Carolyn Sampson	Maryanne Banks
Nancy Bellamy	Maurine Linder
Andy Sciarabba	Richard Banks
Tony Eisenhut	Dave Schutz
Julie Eisenhut	Lucinda Schutz
Lori Witt	Ginny Olsen
Glenn Fletcher	Kara Lombardi
Zach Shulman	Guy DiCicco
Kathryn Dimiduk	Martin Stallone

Other Business

Norman (Lin) Davidson, acting Chairman called the Planning Board Meeting to order at 6:32 PM. Chairman Davidson enacted Sandra Dennis Conlon, Alternate Member as a voting Member this evening.

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

Lakewatch Community

Robert Schutz states residents from his community have again reviewed and discussed the proposed development plan thus far and have determined it is unacceptable. Mr. Schutz states it poses a serious threat to their community, quality of life and the public safety in general. Mr. Schutz is requesting that the Planning Board reassess the plan with respect to access.

Mike Long, Planning Consultant for the Town advised the public that he has scheduled a community meeting to answer questions previously presented to the Planning Board. The Meeting will be held in the Lansing Library, bottom floor on September 24, 2015 at 5:30 PM.

Marty Stallone states he believes the group's sole concern is one access in to the community. As for Mr. Stallone his primary concern is child safety.

Karen Sternberg states she would like to present the following list of questions for the Planning Board;

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- 1) Has the town done anything relative to the project since the last meeting?
- 2) Has the cost of the Right of Way been determined? We understand that the cost of building out the Right of Way access into Eastlake has not been done. Is this true?
- 3) Why should the cost of the Right of Way access be born on the town? This is a cost that the developer should absorb. If the developer of EastLake bears responsibility, then the developer of NovaLane should sue the developer of EastLake for the cost. In any case, this cost should not be paid by the taxpayers of Lansing.
- 4) We believe that there is a significant safety issue should Smugglers Path NOT be connected into EastLake. This presents a liability to the taxpayers of Lansing. The town's comprehensive plan calls for Smugglers Path to address this. If it is not done as part of the NovaLane buildout, then we will press the issue through legal channels.



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9/14/15

at Planning BOARD
Meeting.

Michael [Signature]

by:

Karin Sternberg

In addition, Ms. Sternberg states she contacted the New York State Department of Transportation and was advised that their Office has never denied access to Route 34 from this development.

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Larry Sharpsteen states approximately seven years ago when that property was under consideration for development, the state specifically would not allow the developer to have access on the state road simply because there is East Shore Circle, Waterwagon Road and East Lake Road all within a short distance. The State wanted the access shared but no one would budge.

Approval/Denial of August 24, 2015 Planning Board Minutes

Larry Sharpsteen made a motion to approve as presented. 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) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

Public Hearing Consideration of Site Plan and SEQR Review of an Application made by Agent, Andrew Sciarabba for Anthony & Juliana Eisenhut, of 15 Dandyview Heights , Tax Parcel # 25.-1-7.4 for a proposed four (4) acre Flag Lot.

Anthony & Juliana Eisenhut of 15 Dandyview Heights , Tax Parcel # 25.-1-7.4 are requesting an approval for a four (4) acre Flag Lot.

Richard Prybyl made a motion to open the Public Hearing. 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) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

Public/Member Comments

Richard Wawak states he is in support of the Eisenhut proposal.

Fire Chief Purcell offered the following comments;

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- The driveway requirements for the proposed house at 11 Dandyview Heights should at least meet the minimum requirements of the fire code for New York State, section 511 of the fire code if the driveway is going to be about 500 feet or longer.
- The driveway should be at least 12 feet wide and have an unobstructed height of 13 feet 6 inches and should be built to support fire apparatus in all weather conditions.
- There should be a turnaround near the end that would be suitable to turn around fire apparatus.
- There should be at least one turnout somewhere in the middle of the driveway where the driveway would be widened to at least 20 feet and be at least 50 feet in length. This part can be eliminated if they want to build the whole driveway at least 20 feet wide.

A brief discussion with regards to any future construction on the private drive that it be constructed to the Town of Lansing Road Specs.

It is the consensus of Planning Board Members to waive the requirement for the driveway over 500 ft.

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Larry Sharpsteen made a motion to close the Public Hearing. Richard Prybyl 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) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

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

Larry Sharpsteen 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) Sandra Dennis Conlon, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

RESOLUTION PB 15-19

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR ANTHONY & JULIANA EISENHUT SUBDIVISION AND SITE PLAN

WHEREAS, the Lansing Planning Board on September 14, 2015, reviewed a Preliminary Plat Subdivision Application and related Site Plan for a (1) flag lot subdivision, as submitted by Applicant Andy Sciarabba agent for Anthony and Juliana Eisenhut, for a residential subdivision at 15 Dandyview Heights, being upon Tax Map Parcel #25.-1-7.4, in the R2 - Residential Moderate Density Zoning District; and

WHEREAS, the Town of Lansing Planning Board had previously conducted a sketch plan meeting at its August 10, 2015 meeting, and therein discussed and provided advice about the proposed subdivision, then being 2 flag lots with 30 foot access drive from Dandyview Heights, with a 500+ foot driveway, classifying this proposal as a one-lot minor subdivision under the Town's Subdivision Local Law, and the submission of a

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Final Plat, SEQRA materials, and stormwater information to allow for a full site plan and subdivision review; and

WHEREAS, on August 3, 2015, the applicant formally submitted a completed preliminary subdivision and site plan application, including SEQRA and proposed stormwater prevention plans, and the Planning Board, as the sole involved agency has classified the action as an Unlisted Action for Uncoordinated Review; and

WHEREAS, General Municipal Law § 239 referrals are not required for this proposed action; and

WHEREAS, the Town of Lansing Planning Board duly noticed a public hearing for September 14, 2015 concerning the project and its environmental review, and such public hearing was duly held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882, and at the public hearing all persons were given a full opportunity to be heard and present evidence in respect of these matters; 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 and 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 actions of waiving certain flag lot requirements, issuing a site plan approval for a flag lot one-lot subdivision, and approving the Final Plat for this one-lot subdivision at 15 Dandyview Heights, Lansing, New York, will individually and cumulatively have no moderate or significant negative environmental consequences or impacts.

2. This declaration is made in accord with Article 8 of the New York State Environmental Conservation Law and 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 this Resolution

Dated: September 14, 2015

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Sandra Dennis Conlon - Aye
Al Fiorille - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Deborah Trumbull - Aye
Norman L. Davidson - Aye

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Deborah Trumbull 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
Vote of Planning Board . . . (Aye) Sandra Dennis Conlon, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

RESOLUTION PB 15-20

TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING PRELIMINARY PLAT FOR ANTHONY & JULIANA EISENHUT SUBDIVISION, ISSUING A SITE PLAN APPROVAL FOR A FLAG LOT THEREIN, AND ISSUING WAIVERS FOR FLAG LOT AND SHARED DRIVEWAY REQUIREMENTS AND ISSUEING A FINAL PLAT APPROVAL FOR 15 DANDYVIEW HEIGHTS

WHEREAS, Andy Sciarabba on behalf of Anthony and Juliana Eisenhut has requested Preliminary Plat and other approvals for the proposed one (1) Flag Lot Subdivision, and the Town of Lansing Planning Board duly noticed and held a Public Hearing on this proposed preliminary and final plat and the requested approvals on September 14, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and others; 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 the parcel is currently within the Agricultural District, however 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 waive flag lot requirements pertaining to the length of the flag lot and shared driveways pursuant to Article 9 of the Subdivision Local Law; and (iii) consider approval of a site plan for such flag lot; and if each of items (i) through (iii) are duly approved, then to waive Final Plat review for the proposed Preliminary Plat and issue a Final Plat approval; and

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WHEREAS, the Town's Subdivision Local Law at §§ 606(E) and 702(N) recites that flag lots may not have a driveway over 500' long and that shared driveways are not permitted, and under and pursuant to § 900, and pursuant to specific standards, the Planning Board is authorized to waive these requirements; and

WHEREAS, the parcel is located within the R2 - Residential - Moderate Density Zone which meets the Flag Lots minimum existing area and setback requirements; 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

WHEREAS, General Municipal Law §§ 239-l and 239-m referrals are not required for this one-lot subdivision; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, and after consideration of any comments or information submitted by the owner(s) or the public at the public hearing, the Planning Board did adopt the following resolutions.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board has evaluated the requests and hereby waives the requirements of § 606(E) and §702(N) and will allow a flag lot driveway to be over 500' long and to be a shared driveway, and pursuant to §§ 900 and 901, which authorize such waivers, the Planning Board expressly finds as follows: (i) granting the waiver would be keeping with the intent and spirit of the Subdivision Local Law as a full review has occurred, the emplacement of 2 lots on a 41+ acre parcel is not problematic, the location and type of home proposed and lot size is consistent with what exists in

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such area and neighborhoods in the Town, and the topography of the area is unique due to the lake, gorges, and the shape of the existing lot which requires a long driveway, and the Planning Board finds that using an existing driveway as opposed to encouraging land disturbance adjacent to a steep slope abutting Cayuga Lake is a positive goal; and (ii) the Planning Board has examined and found no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; and (iii) the Planning Board has examined and found that there are special circumstances involved in the particular case; and (iv) the Planning Board has found and determined that denying the waiver would result in undue hardship, mainly due to the shape and topography of the lot, and the Planning Board further finds that such hardship has not been self-imposed; and (v) the Planning Board finds that these two waivers, with the conditions stated below, are and constitute the minimum necessary degree of variation from the requirements of the Subdivision Local Law as are needed to alleviate this particular hardship and problem.

2. The Town of Lansing Planning Board does hereby further grant final site plan approval as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, and adopts as its site plan conditions the conditions stated below for the Final Plat approval.

3. The Planning Board waives requirements for a Final Plat review under § 900 and as this is a one-lot subdivision for which accelerated review is expressly allowed per § 503, and hereby also issues a Final Plat approval.

4. The Preliminary Plat for 15 Dandyview Heights 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 endorsement, sealing and filing:

i. A driveway access agreement and easement shall be noted as required upon the Final Plat as follows: "Approval of Building Permit and Final Subdivision Plat conditioned upon and subject to the recordation of a suitable joint use driveway agreement and easement, in a form as reasonably approved by the Town, to ensure continued rights of access to both parcels along the existing driveway shown upon the Final Plat."

ii. A condition shall be stated upon the Final Plat noting that: "The Deed conveying the newly created lot shall be subject to a right of reversion as to its driveway area as set forth in the Planning Board resolution approving the Final Plat." Such condition is as follows: that the Deed transferring title to the newly created lot shall contain a right of reversion affecting the driveway portion of the flag lot, in a form as reasonably approved by the Town, to recite that, in the event that a suitable public or private road is ever built in and along the approximate location of the existing driveway, then and in such event the title to the entirety of the 60' strip (the "flagpole") shall revert to

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Eisenhut, or their successors or assigns, for such roadway purposes and the new subdivided lot shall relocate its driveway to directly access such new public or private road. In all cases such public or private road, to trigger a right of reversion, shall meet the minimum requirements of Town Law § 280-a.

iii. The Final Plat shall show compliance frontage, dimensional, and bulk requirements of the Town's Land Use Ordinance, including a minimum of 30' of road frontage for each parcel, 60,000 ft² parcel sizes, and proper front yard set-backs for all lots.

4. The plat map as submitted to this meeting be and hereby is approved and upon formal presentment of a Final Plat conforming to these resolutions the Planning Board Chairperson may certify and seal the Final Plat in accord with law, and thereafter the Developer shall file such Final Plat with the Tompkins County Assessment Department and Clerk's Offices and cause a copy thereof, with the County Clerk's Filing Receipts attached, to be returned to the Town.

Dated: September 14, 2015

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Sandra Dennis Conlon - Aye
Al Fiorille - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Deborah Trumbull - Aye
Norman L. Davidson - Aye

Consideration of Site Plan & SEQR Review an Application made by Edythe Conway, of 425 Lansing Station Road , Tax Parcel # 14.-2-59.2 for a proposed two (2) Flag Subdivision.

The applicant, Edythe D. Conway, is requesting a Minor subdivision and site plan approval to create (2) Flag Lots be located at 425 Lansing Station Road, Tax Parcel # 14.-2-59.2 , L1 Lakeshore Zone. The parcel currently has two complete structures on the site and no further construction is anticipated. The purpose of this subdivision request is for estate planning purposes for successive generations to continue to utilize these waterfront properties.

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Larry Sharpsteen made a motion to open the Public Hearing. Richard Prybyl 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) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

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Public/Member Comments

Mike Long, Planning Consultant states the proposal that is before this Board is solely to facilitate a real estate transaction.

A brief discussion with respect to the railroad giving the Conway's permission to cross their tracks were discussed and it was the consensus of the Board to request a copy of the page from the Conway's deed where it indicates such.

Larry Sharpsteen made a motion to close the Public Hearing. Richard Prybyl 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) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

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

Richard Prybyl 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) Sandra Dennis Conlon, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

RESOLUTION PB 15-21

RESOLUTION ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR EDYTHE D. CONWAY SUBDIVISION AND SITE PLAN

WHEREAS, the Lansing Planning Board, on September 14, 2015, reviewed a subdivision application and related preliminary plat and site plan for a one-lot minor subdivision that would create two flag lots, as submitted by Applicant Edythe D. Conway, for a residential subdivision known as Edythe D. Conway Subdivision,

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located at 425 Lansing Station Road, Lansing, New York, Tax Map Parcel #14-2-59.2 (a 1.494± acres), located in the L1 - Lakeshore Zoning District; and

WHEREAS, the Town of Lansing Planning Board had previously: (i) conducted a sketch plan meeting at its August 10, 2015 meeting, and therein discussed and provided advice about the proposed subdivision, and duly classifying this proposal as a “Minor Subdivision” according to the Town of Lansing Subdivision Local Law; (iii) reviewed and discussed a preliminary plat, the overall subdivision plan, the flag lot requirements, the need for subdivision waivers, and the submission of a full final preliminary plat, and the environmental review process under SEQRA, among other matters; and

WHEREAS, the applicant formally submitted a completed preliminary subdivision and site plan application, including an EAF, and the Planning Board, as the sole involved agency has classified the action as an “Unlisted Action” for uncoordinated review; and

WHEREAS, the applicant also submitted a proposed preliminary and final plat, and such applicant has requested formal approval of this subdivision and its flag lots, and the Planning Board did re-examine such request given compliance with the requirements discussed at the Sketch Plan meeting; and

WHEREAS, the action under consideration is the approval of a minor subdivision preliminary plat and final plat, the waiver of a formal final plat review per §§ 503 and 901, the approval of flag lot and shared driveway waivers, the approval of a site plan for flag lots, and the issuance of a conditional final plat approval; and

WHEREAS, after due and proper notice thereof, the Town of Lansing Planning Board duly conducted a concurrent public hearing on September 14, 2015, concerning this subdivision and site plan, and the environmental review thereof, at the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882, and at the public hearing all citizens were given an opportunity to voice any concerns respecting the action or its environmental review, and all present were given a full opportunity to be heard concerning the same; and

WHEREAS, on September 14, 2015, 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 and 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

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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.

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 Preliminary Subdivision Plat, its related site plan for 425 Lansing Station Road, Lansing, NY, the required waivers, and approving a conditional Final Subdivision Plat, will individually or cumulatively have no moderate or significant negative environmental consequences or impacts.

2. This declaration is made in accord with Article 8 of the New York State Environmental Conservation Law and 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.

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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 this Resolution

Dated: September 14, 2015

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Sandra Dennis Conlon - Aye
Al Fiorille - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Deborah Trumbull - Aye
Norman L. Davidson - Aye

Larry Sharpsteen stated for the record, since this is a sensitive lake front property the reason for the negative declaration was because the questions were not applicable. Changes to the land and buildings are already in place. This is for a real estate transaction only.

Larry Sharpsteen offered the following Resolution. Gerald Caward 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) Al Fiorille, Member
Vote of Planning Board. . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Deborah Trumbull, Member
Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member

RESOLUTION PB 15-22

RESOLUTION APPROVING PRELIMINARY PLAT FOR EDYTHE D. CONWAY SUBDIVISION, ISSUING A SITE PLAN APPROVAL FOR FLAG LOTS THEREIN, AND ISSUING A FINAL PLAT APPROVAL FOR 425 LANSING STATION ROAD

WHEREAS, Edythe D. Conway has requested Preliminary Plat and other approvals for a proposed two-lot subdivision containing flag lots, and the Town of Lansing Planning Board duly noticed and held a Public Hearing on this proposed preliminary plat and the requested waivers and approvals on September 14, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and

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others; 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, General Municipal Law §§ 239-l and 239-m referrals were not required by the

Tompkins County Planning Department; 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 flag lots, which requires site plan approval; and if (i) and (ii) are duly approved, then to (iii) waive Final Plat review for the proposed Preliminary Plat and issue a Final Plat approval; and

WHEREAS, the Town of Lansing Subdivision Rules and Regulations under Section 606(D) states that no more than 2 contiguous Flag Lots may be allowed and there currently is one flag lot already adjacent to the proposed two-lot subdivision, and since each lot hereby created would be a flag lot as well, 3 contiguous flag lots would violate the rule of § 606(D), which rule may be waived per § 901 by the Planning Board in appropriate cases subject to the making of specific findings; and

WHEREAS, due to the lakeshore, the topography, and the location of the railroad, the applicant also needs a similar waiver under § 901 for § 702(N) in that the two subdivided parcels will need to share a common driveway; and

WHEREAS, the parcel is located within the L1 – Lakeshore Zone, which allows smaller minimum lot sizes due to the close proximity to Cayuga Lake, and Lansing Station Road has been developed at a higher density level over a long period of time; and

WHEREAS, this proposed subdivision is for an existing parcel with two houses already constructed, and there is not any additional building or development contemplated at this time, such that not only are there no changes on the ground but there are also no ground disturbances as require any stormwater review; and

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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 subdivision, and the Town has also considered the Town's Comprehensive Plan and compliance therewith and the processes and procedures for subdivision review and the requirements for preliminary and final plat approvals; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, and after consideration of any comments or information submitted by the owner(s) or the public at the public hearing held on September 14, 2015,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board has evaluated the request and waives the following requirements of the Subdivision Local Law: (i) Section 606(D), so as to permit and allow three contiguous flag lots along this portion of Lansing Station Road; and (ii) Section 702(N), to permit and allow for a shared-use driveway. In connection with such waivers, and as required by the Subdivision Local Law, the Planning Board has evaluated these waivers pursuant to §§ 900 and 901 and expressly finds as follows: (i) granting the waivers would be keeping with the intent and spirit of the Subdivision Local Law as a full review has occurred, the division of these two lots from the single exiting lot is consistent with the zoning requirement of one primary dwelling unit per parcel, and further does not change anything in the neighborhood as such houses and improvements are already existing; (ii) such change is not problematic for this neighborhood as the location and types of homes on these lots are consistent with what already exists in such area, and the topography of the area is unique due to the lakeshore and the limited access way and access points due to having to cross a railroad; (iii) the existing driveway which has a railway crossing, and the difficulty of the topography and difficult of creating yet another railway crossing, mitigate in favor of a shared driveway; (iv) this shared driveway creates no neighborhood change as both houses already, and for years, have been sharing such driveway; (v) the Planning Board has examined and found no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (vi) the Planning Board has examined and found that there are special circumstances involved in this particular case; (vii) the Planning Board has found and determined that denying the waiver would result in undue hardship, mainly due to the shape and topography of the lot, and the Planning Board further finds that such hardship has not been self-imposed; and (viii) the Planning

APPROVED

Board finds that these two waivers, with the conditions stated below, are and constitute the minimum necessary degree of variation from the requirements of the Subdivision Local Law as are needed to alleviate this particular hardship and problem.

2. The Town of Lansing Planning Board does hereby further grant final site plan approval for such flag lots, as required by the Subdivision Local Law and the Land Use Ordinance, and adopts as its site plan conditions the conditions stated below for the Final Plat approval.

3. The Planning Board waives requirements for a Final Plat review under § 900 and as this is a one-lot subdivision, for which accelerated review is expressly allowed per § 503, and hereby also issues a Final Plat approval.

4. The Preliminary Plat for 425 Lansing Station Road 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 endorsement and sealing:

- a. Approval by the Planning Board of the form of a shared driveway use and maintenance agreement, whereby each parcel grants to the other an appurtenant easement and right-of-way securing access to each parcel, which agreement shall be referenced upon the Final Plat, and which such agreement shall be filed with the Town of Lansing Planning Board and Tompkins County Assessment Department, and filed and recorded as a land record in the Liber of Deeds with the Tompkins County Clerk's Office.
- b. The applicant will provide a copy to the planning office for the files of the existing deed which provides R.O.W. access across the railroad tracks.
- c. Final Plat approval is conditioned upon such Final Plat showing continued compliance with frontage, dimensional, and bulk requirements of the Town's Land Use Ordinance, including a minimum of 30' of road frontage, 30,000 ft² minimum parcel sizes, and proper front and yard set-backs for both lots.

5. The plat map as submitted to this meeting be and hereby is approved, and upon formal presentment of a Final Plat conforming to these resolutions the Planning Board Chairperson may certify and seal the Final Plat in accord with law, and thereafter the Developer shall file such Final Plat with the Tompkins County Assessment Department and Clerk's Offices and cause a copy thereof, with the County Clerk's Filing Receipts attached for both the Final Plat and the driveway agreement, to be returned to the Town.

Dated: September 14, 2015

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VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Sandra Dennis Conlon - Aye
Al Fiorille - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Deborah Trumbull - Aye
Norman L. Davidson - Aye

Mike Long, A.I.C.P, Planning Consultant Update for September 14, 2015

- 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, 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 – 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.

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- 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
- 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 should remove flag lot condition as per Engineer Tim Buhl
 - Required Public Hearing – establish date....
- 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 2nd Public Hearing for Sept. 16, 2015
- 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 14th 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. 14th meeting.
- Comprehensive Plan – Wed. October 14 2015 at 7:00 PM

Other Business

Lynn Day, Zoning Officer states the Comprehensive Committee has changed the Zoning Map that was approved back last year between the Planning Board and the Town Board. Mr. Long explained that the Map was based on current “Land Uses”. Mr. Caward states there was two Town Board Members present at the Meeting and

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they clearly stated the Map is just a recommendation from the Comprehensive Plan. A future joint Meeting will be held to discuss any changes prior to finalization.

Normal (Lin) Davidson made a motion to adjourn the Meeting at 7:40 PM. 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) Norman (Lin) Davidson, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member