

APPROVED

# Town of Lansing

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Monday, March 28, 2011 7:15 PM

PLANNING BOARD

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## PLANNING BOARD MEMBERS

(\*Denotes present)

*	Nancy Loncto	*	Tom Ellis
	Larry Sharpsteen	*	Lin Davidson, Chairman
	Viola Miller		David Hatfield
*	Richard Prybyl		
	Jeffrey Overstrom, EIT		
	Lorraine Moynihan Schmitt, Esq.		
	Robert Cree, TB Liaison		

## Public Present

Maureen Cowan	Kendra Hart
Andy Sciarabba	Doug Hart
Tim Buhl	Maureen Sandsted

## General Business

Lin Davidson called the Planning Board Meeting to order at 7:15 PM. Mr. Davidson requested to know if there was anyone from the Public that wished to speak with concerns other than what was on the Agenda. There were none.

Thomas Ellis suggested that the Covenants for the Eastlake PDA be reviewed by the Town Board as their sunset clause of 25 yrs is coming to an end and most likely, the Developer will return for another proposal. Mr. Ellis requested that the Planning Board send a recommendation to the Town Board. Mr. Davidson will speak to legal counsel with regards to preparing a letter with respect to this.

## Site Plan Review - Café/Catering, Applicant: Kendra Hart, 1114 Auburn Road, Tax Parcel # 8.-1-16

Kendra Hart appeared before the Board for a Site Plan Review. Ms. Hart explained that she has outgrown her current location for her catering business and would like to move it to a larger facility and closer location to the Ithaca area. The existing building has been used as a food establishment since 1994. Ms. Hart will prepare the food in the basement level, 1<sup>st</sup> floor will have candy/bakery/season goods and tales for café. The top floor will allow for private parties, meeting on an occasional basis. The only change will be signage and pathway lights. There is off street parking (35 spaces). The hours of operation will be 7:00 AM to 6:00 PM based on need, April through December.

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The Planning Board reviewed Part I of the Short Environmental Assessment Form completed by the Applicant and completed Part II by the Planning Board Members. No significant adverse environmental impacts or effects were identified in Part II by the Planning Board Members.

Nancy Loncto offered the following Resolution;

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## RESOLUTION No. 11-20

### RESOLUTION OF THE LANSING PLANNING BOARD RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF THE KENDRA HART CATERING, RESTAURANT, AND BAKERY SALES BUSINESS SITE PLAN

**WHEREAS**, Kendra Hart (“Applicant”) has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for commercial use of site located at Baker’s Acres, 1114 Auburn Road, Lansing, New York and otherwise known as Tax Map # 8.-1-16 within the RA Zoning District, said proposed commercial uses to include catering, restaurant and bakery sales business; 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 has responsibility for approving or carrying out the action pursuant to State Law governing local environmental review; and

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 and any interested and/or involved agency referrals have been duly effected by the by the Town of Lansing Planning Department, and those agencies have been given the opportunity to comment and any responses have been duly reviewed and considered by the Planning Board; and

**WHEREAS**, the Planning Department noticed all neighboring properties within 600 feet of the site, and no individuals objected to the proposed site plan, and accordingly, the Planning Board determined, on March 28, 2011 to waive a public hearing on the SEQR review; and

**WHEREAS**, on March 28, 2011, the Town of Lansing Planning Board conducted the environmental review, pursuant to the State Environmental Quality Review Act (“SEQR”), of the proposed site plan application at Lansing Town Hall at 29 Auburn Road, Lansing, New York 14882 in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act (“SEQR”), and in the course of said review: (i) pursued its thorough review of the applicant’s completed Short Environmental Assessment Form

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(“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 and completed the EAF, Part II on the record and, if necessary, Part III;

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

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 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 SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

Dated: March 28, 2011

Richard Prybyl seconded.

#### **VOTE IS:**

**Thomas Ellis - Aye**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

### **MOTION CARRIED.**

Thomas Ellis made a motion to waive the SEQR Public Hearing. Richard Prybyl seconded.

#### **VOTE IS:**

**Thomas Ellis - Aye**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

### **MOTION CARRIED.**

Thomas Ellis made a motion to waive the Public Hearing on the overall Application. Richard Prybyl seconded.

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## VOTE IS:

**Thomas Ellis - Aye**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

## MOTION CARRIED.

Lin Davidson advised Ms. Hart the Town of Lansing requires a closed garbage area. In Ms. Hart's particular case, a dumpster would be fine.

Thomas Ellis offered the following Resolution;

### RESOLUTION No. 11-23

#### **RESOLUTION OF THE LANSING PLANNING BOARD APPROVING KENDRA HART CATERING, RESTAURANT, AND BAKERY SALES BUSINESS SITE PLAN**

**WHEREAS**, Kendra Hart ("Applicant") has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for commercial use of site located at Baker's Acres, 1114 Auburn Road, Lansing, New York and otherwise known as Tax Map # 8.-1-16 within the RA Zoning District, said proposed commercial uses to include catering, restaurant and bakery sales business; and

**WHEREAS**, this action is classified as An Unlisted Action, pursuant to 6 NYCRR Part 617 *et seq.* of the State Environmental Quality Review Act, which requires environmental review of the impacts of the project; and

**WHEREAS**, all Interested and Involved Agencies were duly notified of the project, and invited to comment thereon; and the requisite General Municipal Law 239 Referral(s) of GML Article 12-B were duly effected by **Town of Lansing Planning Department and any comments received from the Tompkins County Planning Department and any Involved/Interested Agencies were duly reviewed and considered by the Planning Board; and**

**WHEREAS**, the Planning Board, on March 28, 2011, made findings, based on the a review of the Application and the Land Use Ordinance, that the action was subject to Special Condition 802.1 (site plan review) as the proposed use is classified as a commercial use in the RA District

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under 503(c) (24) (Retail Sales of Food); and the action is further subject to Special Condition 802.15 (site plan review and restriction of no outside exposed storage of garbage or waste material), as the proposed use is classified as a restaurant under 503(c)(29)(Restaurant: Non Drive-Thru); and

**WHEREAS**, because Planning Department noticed all neighboring properties within 600 feet of the site of the pending site plan application, and no individuals objected thereto, the Planning Board determined, on March 28, 2011, to waive public hearings on both the SEQR and final site plan review; and

**WHEREAS**, on, March 28, 2011, the Planning Board, acting on a uncoordinated environmental review, reviewed and accepted, as adequate, a short form Environmental Assessment Form (“EAF”) Part I, submitted by the Applicant; and the Lansing Planning Board completed Part II on the record (and, if applicable, Part III of the EAF); and

**WHEREAS**, by motion adopted March 28, 2011, the Town of Lansing Planning Board determined, pursuant to the provisions of the State Environmental Quality Review Act, that the proposed site plan will result in no significant impact on the environment and issued a Negative Declaration of environmental significance for purposes of Article 8 of the Environmental Conservation Law; and

**WHEREAS**, on March 28, 2011, the Planning Board duly considered and carefully reviewed the Kendra Hart site plan in compliance with the requirements of the Town’s Laws relative to site plan review and respecting the proposed project in conjunction with the unique needs of the Town, due to topography, drainage, soil types and distributions and other natural and man made features upon and surrounding the area of the proposed Site Plan; and the Planning Board duly considered the design objectives of the Applicant and the quality and distinctiveness of the project proposal, in conjunction with the standards of review set forth at Section 701.4 *et seq.* of the Town of Lansing Land Use Ordinance, including, but not limited to, storm-water drainage plan, erosion controls, parking, water and sewer facilities, driveways, site lighting, on site and off-site impacts, landscaping and/or fencing, buffering and/or screening, roads and walkways, height limitations and compliance with other agency regulations and/or state, county and local laws and ordinances; and the Planning Board has also considered the requirements of the Town’s Land Use Ordinance and Comprehensive Plan, and has determined compliance therewith in conjunction with said Site Plan Application and Review; and

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**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 grant Final Site Plan Approval to the Applicant for commercial use of site located at Baker's Acres, 1114 Auburn Road, Lansing, New York, and otherwise known as Tax Map # 8.-1-16, said proposed commercial uses to include catering, restaurant and bakery sales:

1. Pursuant to Special Condition 802.15 of the Town of Lansing Land Use Ordinance, no outside exposed storage of garbage or waste material shall be permitted on the site. A flip-top containing dumpster shall be permitted on the site and not deemed outside exposed storage of garbage or waste material.
2. The Applicant shall obtain all requisite Department of Health inspections and approvals.

March 28, 2011

Richard Prybyl seconded.

**VOTE IS:**

**Thomas Ellis - Aye**  
**Nancy Loncto - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

**MOTION CARRIED.**

## **Update-Cayuga Farms Project, Triphammer Road, Tax Parcel # 37.1-6-3.362**

Tim Buhl appeared before the Planning Board with a new proposed onsite septic system plan. According to Mr. Buhl after working for over one year with the Village of Lansing, they are not any further along with getting the Village's approval to go through their property. The system chosen is more costly, and is a temporary modular system. This particular type of system is being used in three other locations within NYS. At this present time, Mr. Buhl is awaiting a letter from the DEC advising what they will require. Once that has been received, the manufacture will need to put something in writing indicating the specs will meet the requirements. When that time comes, Mr. Buhl will then return to the Planning Board for further processing of the Subdivision. Mr. Buhl indicated all the issues that were of concern to the PB in the past have been corrected and are shown on the map presented. The Stormwater will have to be changed due to the new laws that took effect March 1, 2011. Lin Davidson advised Mr. Buhl the Town now has a Trails Committee that work with Developers to incorporate a mutual pathway plan for each development. Maureen Cowan was introduced to Mr. Buhl who in turn has agreed to meet with her and discuss this project. The Board suggested that Mr. Buhl review this with David Herrick. Mr.

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Davidson advised Mr. Buhl that the Planning Board will not give an approval with conditions.

From: "Timothy Buhl" <[tcbuhl@verizon.net](mailto:tcbuhl@verizon.net)>  
To: "Jeff Overstrom" <[joverstrom@twcny.rr.com](mailto:joverstrom@twcny.rr.com)>  
Sent: Monday, February 14, 2011 2:34 PM  
Subject: Cayuga Farms - Revised site plan

> Hi Jeff -  
>  
> As we discussed over the phone, attached is the revised site plan for  
> the Cayuga Farms project for tomorrow night's meeting. Please note  
> that we are now planning to use packaged modular onsite ETU plants  
> for the wastewater treatment until such time as the sanitary sewers  
> are extended.  
>  
> We also had to temporarily eliminate one 4-unit building until the  
> sewer is extended.  
>  
> I will keep you posted as to our progress with the NYSDEC on the  
> concept approval, so we can then finalize our Town approvals on the  
> project.  
>  
> Call me at 607.423.1919 if you have any questions or need anything  
> else for the meeting.  
>  
> Regards,  
>  
> Tim  
>  
> Timothy Buhl  
>  
> Timothy C. Buhl, P.E.

### **Other Business**

Mr. Ellis has strong concerns with the Board enforcing Developers to install trails in their proposals. Mr. Ellis further states the Town is making assumptions under current zoning laws requiring them to increase recreational facilities such as trails. According to Mr. Ellis, there are still many unknowns such as, liability, who is to build and maintenance. Mr. Davidson states at the Planning Board training on May 23<sup>rd</sup>, this will all be clarified by legal counsel and other professionals present.

Maureen Cowan explained that each situation varies so much that it is very difficult to write specific rules with regards to trails. Ms. Cowan further stated Trails are a very large part of long range planning and is a benefit to the community without increasing cost to them.

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Andy Sciarabba states the Town needs to have a Map showing the paper pathways that they would like to see in the future. This will help Developers with their project planning.

Maureen Cowan states a packet to include a proposed map was given to the Planning Department to be implemented into the Subdivision process.

## **Approval/Denial PB Minutes of: February 14<sup>th</sup> & 28<sup>th</sup> 2011**

Richard Prybyl requested that throughout the February 14<sup>th</sup> documents the following be corrected: Leather to Leathers.

Richard Prybyl made a motion to approve as amended. Thomas Ellis seconded.

**VOTE IS:**

**Thomas Ellis - Aye  
Nancy Loncto - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**

Nancy Loncto made a motion to approve the Minutes of February 28, 2011 as presented. Thomas Ellis seconded.

**VOTE IS:**

**Thomas Ellis - Aye  
Nancy Loncto - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**

Richard Prybyl made a motion to adjourn the Meeting. Nancy Loncto seconded.

**VOTE IS:**

**Thomas Ellis - Aye  
Nancy Loncto - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**