

APPROVED

# Town of Lansing

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Monday, December 14, 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

Mike Long, Planning Consultant  
Lynn Day, Zoning Officer  
Doug Dake, TB Liaison  
Guy Krogh, Esq.  
David Herrick, P.E.  
Ed LaVigne, TB

### Public Present

Larry Fabbroni, P.E.	Jake Robbins
Caryn Mlodzianowski	Tony Paige
Floyd Davis	Claes Nyberg
Tyler Merrill	Oya Rieger
Robert Rieger	Tim Buhl
Larry Cathles	Mary Helen Cathles
David Schutz	

### Other Business

Thomas Ellis, Chairman called the Planning Board Meeting to order at 6:32 PM. Mr. Ellis inquired if there were any questions or concerns from the Public with items other than what were on the Agenda.

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David Schutz, spokesperson for the Lakewatch Neighborhood requested to share a Petition in regards to the Novalane project that was presented to the Town Board Members at their November 18, 2015 Meeting. Chairman Ellis expressed to Mr. Schutz the Planning Board Members have previously been provided with an electronic copy of the Petition. Mr. Schutz thanked the Board for their concern.

## **Approval/Denial of November 23, 2015 Planning Board Minutes**

Page 1, Norman (Lin) Davidson was present for the Meeting.

Page 2 & 4, Davis project-Thomas Ellis abstained on both votes.

Larry Sharpsteen made a motion to approve as amended. 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) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

## **Final Plat Approval, Asbury Hill Subdivision, Applicant: Richard B. Thaler, Tiger Lily Lane , Tax Parcel # 40.-3-2.12**

Mike Long, Planner gave a brief update to the Members. Mr. Long states he recently received comments from T.G. Miller's with respect to the SWPPP. The okay has been given by Mr. Herrick & Mr. Krogh to move forward with the conditional approval. Mr. Long states there is one minor issue with lot 28. It currently is a storm drainage area and the Developer would like to turn that into a development lot. Currently it is 20' wide, however, it must be 30' therefore a Variance would be required.

Mr. Larry Fabbroni gave a brief overview of the proposed Drainage District. Mr. Fabbroni further expressed to the Members what the additional issues were with T.G. Miller's and they have been taken care of.

Thomas Ellis inquired from Mr. Fabbroni if he had received the letter from Maureen Cowen, Chairperson for the Trails Committee. Mr. Fabbroni states yes. He further stated he had met with her previously around the time of the Preliminary Plat submittal and provided Mr. Ellis with a copy of what she prepared. Mr. Fabbroni states until

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such time that the paths connect to a destination, then this Subdivision is in the middle of nowhere and there are no paths.

Deborah Trumbull states after listening to our Neighbors from Eastlake, the notion of having trails for people to walk safely within a development should be considered even though it does not connect outside of the development.

Thomas Ellis states if the Pathway Committee would like to have a sit down with the Thalers' they may do so in the future.

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) 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) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

## RESOLUTION PB 15-26

### TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING FINAL PLAT FOR ASBURY HILL SUBDIVISION (f/k/a WHISPERING PINES PHASE VI) AND ISSUING A FLAG LOT SITE PLAN APPROVAL FOR LOT #28 THEREIN

WHEREAS, Developer Richard Thaler, including through his engineer, has requested final plat and other approvals for the proposed 28-lot Asbury Hill Subdivision (f/k/a Whispering Pines Subdivision, Phase VI), and the Town of Lansing Planning Board duly noticed and held a public hearing on the preliminary plat and the then related 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, On said May 11, the preliminary plat was approved with conditions, and a section of such plat (denominated as Section 1-A) was approved as a final plat subject to conditions, and the developer has substantially addressed such conditions and made changes to the plat such that a final plat review is now both sought and appropriate; and

WHEREAS, to avoid confusion, Lot 7 shall be re-reviewed and considered along and

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together with the remainder of the subdivision such that there will hereafter be one unified final plat approval for the entire subdivision; and

WHEREAS, the developer's engineer has completed a SWPPP for the entire subdivision, which requires the dedication of drainage and stormwater easements that will be recorded as required by the Town and the SWPPP, which easements shall be applicable to and cover the whole of the subdivision, regardless of the date of transfer of any particular lot; and

WHEREAS, the Town of Lansing Planning Board had previously considered this project under SEQRA as a Type I Action and duly issued a negative declaration of environmental significance on May 11, 2015, and as there have been no significant proposed changes in land uses, as there remain no farm operations on the site, as no roadway locations have changed, and as no other facts or factors have arisen, and no other substantial changes have been made to the land, the development plans, or the plat, no additional or supplemental SEQRA review is required or mandate for this final plat review; and

WHEREAS, the Planning Board finds that the final plat is substantially in accord with the approved preliminary plat(s) such that no additional or supplemental public hearing is required; and

WHEREAS, the proposals now under consideration in relation to the final plat are to: (i) to consider approval of a site plan for Lot #28 as it is a flag lot, which also requires a variance from the Zoning Board of Appeals due to having a 20' wide access (through its "flagpole"); and if so approved, then (ii) to consider an approval of a final plat for the subdivision as a whole; 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 final plat approvals; and

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,

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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, other than stormwater facilities, this recommendation has been met; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Planning Board does hereby grant final site plan approval for Lot #28, as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, subject to the following condition:

i. The Town of Lansing Zoning Board of Appeals (ZBA) granting of an area variance for the proposed 20' wide flag lot driveway, which will also act as a shared access with the Town of Lansing for maintenance of the stormwater retention ponds; and

2. The Final Plat for the whole of the Asbury Hill Subdivision 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 final verification, endorsement, and sealing:

i. The area variance required by item #1, above, be duly granted thereby making Lot 28 a conforming lot;

ii. The approval by the Town of the final "Full SWPPP" for the entire subdivision, which Full SWPPP and which Final Plat shall each show and grant permanent stormwater drainage easements over Lots #24, #25, #27 and #28, and otherwise provide for adequate access to all stormwater facilities, in manners as are approved by the Town's engineer;

iii. A Basic SWPPP shall be submitted and approved by the Stormwater Management Officer for the development of each lot in the subdivision, including all acts that disturb soils upon any lot, and such Basic SWPPP shall be required and approved prior to the issuance of any building permits for each such lot.

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iv. 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 new 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.

v. The Final Plat shall 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.

vi. Each of the above conditions numbered ii through v, shall be printed and listed as conditions upon the final plat.

vii. That a drainage district public interest order be duly adopted forming a drainage district for the subdivision to manage stormwater practices and facilities.

viii. That the declarations, covenants, and restrictions proposed to be filed are duly filed in a form and manner as is acceptable to the attorney for the Town, including by giving the Town and the proposed drainage district sufficient access to on-site lot-based individual stormwater practices as is sufficient for the Town to fulfill the mandates of Phase II Stormwater Regulation, as mandated by the EPA and DEC.

ix. No building permits may be issued, except for Lot 7, until such time as conditions numbered vi through viii have been satisfied.

3. The Planning Board finds that it has 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

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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 “strict and absolute compliance” with a 100’ blanket-rule 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 resolution to County Planning in respect thereof and as a reply with respect to the implementation of County Planning recommendations.

Dated: December 14, 2015

## VOTE AS FOLLOWS:

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

## **Public Hearing(s)- Consideration of the SEQR Review and Preliminary Plat Approval, Lake Forest Circle Subdivision, Lake Forest Drive, Applicant: H. Floyd Davis, Tax Parcel(s) 32..1-37.428, 32.1-37.441, 32.01-57.1, 32.-1-37.439 & 32.-1-440**

Mr. Long gave the board the following update;

The proposal is revised for 16 +/- lots to be subdivided from five existing parcels which totals on approximately 48.577 +/- acres located off of Lake Forest Drive, Tax Parcel No’s 32.-1-37.428 (36.15 acres), 32.-1-37.441 (0.327 acres), 32.-1-57.1 (0.108 acres), and 32.-1-37.439 (7.104 acres), and 32.-1-37.440 (4.888 acres) within the (L1) Lakeshore Zone. The proposed overall subdivision plan was recently modified to be a single phase subdivision which would result in 16 lots with two (2) infiltration basins proposed as a drainage district to be deeded back to the Town of Lansing.

The existing subdivision plan includes five parcels, two owned by H. Floyd Davis, III and the other two by Robert and Oya Y. Rieger and the balance by a neighbor. The developer has provided the Planning staff with a copy of the formal “Common Driveway Agreement” dated 28<sup>th</sup> of December 2012 which states that should the

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subdivision be completed, the lands would revert back to the overall subdivision plan and the roadway access to the parcel would be gained from the yet to be constructed road that would eventually be turned over as a town road. This Proposed "Land Swap" is also included within the survey map by Stockwin Surveying File No. 04912 which was filed in the Tompkins County Clerk's Office.

Deputy Highway Superintendent Charlie "Cricket" Purcell has reviewed and agreed the proposed road may be constructed and turned over to the Town of Lansing according to the 2014 town highway specifications.

Drainage easements and retention basins would also be considered to be transferred to the town.

On the proposed subdivision drawing, Building lot #2 and #3 has been modified (19 feet) which indicates a 152+/- foot frontages which will eliminate the need for a ZBA area variance which was only 123 foot for lot #2 on the earlier plan version. Storm water protection plan was reviewed by T.G. Miller with an initial review letter dated 11/19/2014. This was followed up with a response by the project engineer Tim Buhl letter dated October 27, 2015 with revisions to the SWPPP. Further comments were written by T.G. Miller in a letter dated November 17, 2015 and a follow up meeting was held on November 20, 2015 with both engineers involved. It is believed that the outstanding SWPPP issues (if any) will be resolved prior to the Final Plat Approval in the future.

The proposal was submitted to the Tompkins County Planning Department for 239 GML review. The County responded in a letter dated April 24, 2015 that recommended Tompkins County Department of Planning completed the 239 Review of this project and issued a letter dated November 12, 2014 with a recommendation that "Given the existing driveway's current location in close proximity to the creek we recommend that the Town require that once it has been abandoned it be vegetated and seeded". This is a very reasonable recommendation and should be included as a condition of approval.

Timothy Buhl, P.E. has agreed to meet with the Pathways Committee and discuss options of *incorporating* pathways as is typically done to determine if concessions can be incorporated into the final plat design.

Mr. Long states he discussed with Mr. Buhl that the road must go all the way to the property line with a hammer head at the end. At this time, that requirement does not show on the current drawing.

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Deborah Trumbull recused herself from the voting process on this project as her residence is within 600' of the proposal.

Norman (Lin) Davidson made a motion to open the Public Hearings on the SEQR and Preliminary Plat at 6:49 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) 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 . . . (Abstained) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

## Public Comment/Concerns

Claes Nyberg: Concerned with additional runoff coming on his property.

Larry Cathles: Concerned with the additional drainage into the gorge causing additional erosion. Who would be liable for damages?

Timothy Buhl, P.E. is the Engineer for the project. Mr. Buhl states he actually designed the project so that some of the water from the gorge would be re-routed.

Mary Helen Cathles: Who is responsible should things occur in the future?

Timothy Buhl: The Developer

Larry Cathles: Inquired if there is a plan for an extension of the road into the Sweazey property.

Thomas Ellis: No. The Planning Board tries to look at the future. Mr. Ellis further stated although the presented map does not show the proposed road going all the way to the property line, the board will make that a condition on the final Plat approval. Mike Long, Planning Consultant indicated he has included that recommendation in his Memo to the Board Members, and has also had that conversation with the project Engineer, Timothy Buhl.

Deborah Trumbull: The infiltration pond to the southwest corner of the Rieger's property looks like it could/ will drain into the gorge and it is really a fragile steep gorge. Timothy Buhl states his plan will slow it down.

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Larry Sharpsteen states the control ponds are laid out to contain the water for a 100 yr. storm and reduce the adverse affects of any water that does goes over the spill way.

Mary Helen Cathles: Inquired about trails. Timothy Buhl states he is willing to meet with Maureen Cowen. Mr. Buhl reminded the Board that the lots are very large and it is a closed community.

Mary Helen Cathles: Inquired if the Engineer had made contact with the railroad with respect to the runoff. Timothy Buhl states no, there is no need to.

Larry Cathles states as Lansing develops to the north and in the rural areas, this is the time for the Planning Board to consider trails in developments. Consider it from a town's asset point of view.

Norman (Lin) Davidson made a motion to close the Public Hearing at 7:08 PM. 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) 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 . . . (Abstained) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

Thomas Ellis, Chairman states he recalls the Tompkins County Planning Department's 239 review required that a 50' buffer from the Top of the edge be given when the Rieger's came before the Planning Board. Mr. Ellis wants to make sure that the same requirement is part of this approval as well.

The Planning Board Members review Part I of the Full State Environmental Quality Review Form and completed Part II.

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) Norman (Lin) Davidson, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**

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

## RESOLUTION PB 15-27

### TOWN OF LANSING PLANNING BOARD RESOLUTION MAKING DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE AND ISSUING SEQRA NEGATIVE DECLARATION FOR LAKE FOREST CIRCLE SUBDIVISION PRELIMINARY PLAT

WHEREAS, an application was made by H. Floyd Davis, III for a phased subdivision approval for 16 residential building lots (and two stormwater retention basins) on certain land located on Lake Forest Circle, Lansing, New York, otherwise known as P/O Tax Parcel #32.-1-37.428 (36.15 acres) and 32.-1-37.441 (0.327 acres) and 32.-1-57.1 (0.108 acres), 32.-1-37.439 (7.104 acres) and 32.-1-37.440 (4.888 acres), consisting of a total of approximately 48.577± acres in the L1 (Lake Shore) District, which proposal includes the merging of adjacent parcels to be reconfigured into an overall subdivision plat; and

WHEREAS, the proposed subdivision is shown on a map entitled “Proposed Subdivision Lake Forest Circle on lots owned by H. Floyd Davis III, of 54 Lake Forest Drive, and Robert H. and Oya Y. Rieger, of 50 Lake Forest Drive, Town of Lansing, Tompkins County, New York,” dated October 20, 2015, on approximately 43.545± acres; and

WHEREAS, the Town of Lansing Planning Board, as the sole involved agency is the lead agency, has classified this action as an Unlisted Action, and has conducted an uncoordinated review of this action, and in connection therewith a Short-Form Environmental Assessment Form (“SEAF”) was duly submitted, reviewed, and a close look at potential environmental impacts was duly had, and the 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 its implementing regulations at 6 NYCRR Part 617 (“SEQRA”): (i) pursued its thorough review of the project and the 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 and completed Parts 2 and 3 on the record; and

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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; and

WHEREAS, upon consideration of all of the above and the comments and evidence submitted for and received at the public hearing, the Planning Board of the Town of Lansing has hereby

RESOLVED, that 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 Plat for the Lake Forest Circle Subdivision, with conditions, will have no moderate or significant negative environmental consequences or impacts; and it is further

RESOLVED, that this declaration is made in accord with SEQRA and 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 action, and determines that an Environmental Impact Statement is therefore not required; and it is further

RESOLVED, that a responsible Officer of the Town of Lansing is hereby authorized and

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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: December 14, 2015

### VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye  
Lin Davidson - Aye  
Al Fiorille - Aye  
Richard Prybyl - Aye  
Larry Sharpsteen - Aye  
Deborah Trumbull - Abstained  
Thomas Ellis - Aye

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) 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 . . . (Abstained) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

### RESOLUTION PB 15-28

#### TOWN OF LANSING PLANNING BOARD RESOLUTION APPROVING PRELIMINARY PLAT FOR LAKE FOREST CIRCLE SUBDIVISION AND ISSUING WAIVER OF TOWN HIGHWAY SPECIFICATIONS

WHEREAS, Developer H. Floyd Davis, III, has requested Preliminary Plat and other approvals for the proposed single phase 16-lot (plus 2 stormwater retention pond lots) Lake Forest Circle Subdivision, and the Town of Lansing Planning Board duly noticed and held a Public Hearing on this proposed preliminary plat and the requested approvals on December 14, 2015, and thereat did hear and consider evidence and comments from residents of the community, the applicant, and others; and

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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 #1 as it is a flag lot; (iii) to issue an off-site flag lot approval relating a 30-foot on-site accessway to be merged with existing adjacent tax parcels located between Pond Lot 1 and Lot 5 and southwesterly of Lot 5, being the Nyberg parcels known as TPN 32.-1-57 and Parcel B, as shown upon the Boundary/Tax Parcels map; (iv) to issue a waiver to allow the roadways to be built to January 1, 2014 highway specifications of the Town of Lansing; 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 subdivision and the lot subject to site plan review, 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 plat approvals; and

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 November 12, 2014, recommended that the Town require the abandoned driveway area be vegetated and seeded after the new town road has been completed and the Town will require compliance with such recommendation as a condition of approval; and

WHEREAS, T.G. Miller has reviewed the Stormwater Pollution Prevention Plan ("SWPPP") and offered comments in a letter dated November 19, 2014, which resulted in a revised SWPPP, prepared by Timothy C. Buhl, P.E., duly submitted on October 25, 2015, which revised SWPPP has been the subject of further comment and follow-up from the Town Engineer; 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

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developer or the public at the public hearing, the Town of Lansing Planning Board duly determine as follows, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town of Lansing Planning Board does hereby grant final site plan approval for Lot #1, as a flag lot, as required by the Subdivision Local Law and the Land Use Ordinance, subject to the proper execution of documents and rights necessary to cause land reversion to occur to validly dedicate title to the public highways and to ensure that the owner, or future owner, of Lot #1 owns an indefeasible fee simple title in sufficient roadway frontage, in the opinion of Town Counsel, as to meet the requirements of the Town's Land Use Ordinance and be a "conforming" lot.

2. The Town of Lansing Planning Board does hereby grant final site plan approval for the above-described Nyberg parcels and the 30' Wide deeded access strip as a flag lot to be merged into a single parcel, in a manner as is approved by Town Counsel and subject to the proper execution of documents and rights necessary to cause such access strip to be owned in fee by said Nyberg to meet the requirements of the Town's Land Use Ordinance and Town law § 280-a.

3. The Preliminary Plat for the whole of Lake Forest Circle 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:

a. A Full SWPPP shall be submitted for the entire subdivision (all phases and improvements), and the same shall be approved by the Town Engineer and reviewed and accepted by the Town's Stormwater Management Officer prior to any Final Plat being eligible for review or approval. Such Full SWPPP shall also describe a specific system for ensuring the future reporting upon, inspection of, maintenance of, replacement of, and improvement of all common or individual lot-based stormwater practices, including the ponds and forebays and all conveyances thereto, and including if appropriate, the terms of, dedications to, and general plan for a drainage district to manage such facilities for the benefit of all lots and landowners in the subdivision;

b. A Basic SWPPP shall be submitted to and approved by the Stormwater Management Officer for the development of each lot in the subdivision, including all

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acts that disturb soils upon any lot, and such Basic SWPPP shall be required and approved prior to the issuance of any building permits for each such lot. This condition shall be listed upon the Final Plat;

c. Final Plat approval is further conditioned upon the Final Plat depicting and showing the areas and grants of permanent stormwater drainage easements, and the Final Plat plan shall provide adequate access to all stormwater facilities in a form as approved by the Planning Board;

d. Final Plat approval is further conditioned upon the presentation of plans and specifications for roadway and driveway reclamation, such plan to show that immediately upon completion and dedication of any public roadways all other driveways and roadways shall be removed, the land restored, and the soil duly seeded with native vegetation and grasses as will prevent erosion. The Final Plat shall further state and require that no building permits shall issue until such restoration and seeding shall have been substantially and properly completed;

e. Final Plat approval is further conditioned upon the approval by the Town of any proposed covenants and conditions, mainly to ensure compliance with subdivision approvals and the proper creation and dedication of easements or other rights to the Town to inspect and maintain, or require the maintenance, of individual lot-based stormwater practices;

f. Final Plat approval is further conditioned upon the redrawing of stormwater pond lot boundary lines to ensure that all land needed for or in connection with such facilities are located solely upon such lots, and so that no easements, rights of access, driveways, or other encroachments or rights cross such pond lots;

g. Final Plat approval is further conditioned upon the Full SWPPP, any covenants and restrictions common to the subdivision, or any other methodology, as appropriate and approved by the Planning Board, containing suitable plans to protect steep slopes, to prevent the de-vegetation of such slopes and to protect and promote: (1) Unique Natural Area #24, and the flora contained in the Lake Cliffs, North of Myers Point, as documented by F. Robert Wesley's report of October, 29, 2013; and (2) the bluff line along the deep easterly gorge, and a condition shall be stated upon the final plat that recites, in language as approved by the Planning Board, that no buildings, structures, or land disturbances shall occur within 50 linear feet from the line demarked upon the preliminary plat as the top of the bluff, such line being located near the easterly and southeasterly boundaries of Lots 11, 11, 16, and 1, respectively.

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h. The roadway with turnaround extending to the northwesterly side of the plat shall be fully extended to touch and join the border of the subdivision with the lands of Sweazey (436/488), being the roadway between Lots 6 and 7, with the turnaround being in a design and location as complies with the requirements of the Town Highway Department specifications.

4. As the Developer has submitted both a Preliminary Plat and a request for a waiver before the December 31, 2015 deadline, and such request having been reviewed and an approval thereof recommended by the Highway Department, the Developer is hereby granted a waiver to utilize the 2014 Town of Lansing Highway Specifications for and in the proposed subdivision, on condition that such roadway be dedicated to the Town in fee in an approved location, and in an as-constructed condition, design, and layout as are approved by the Town Highway Superintendent.

Dated: December 14, 2015

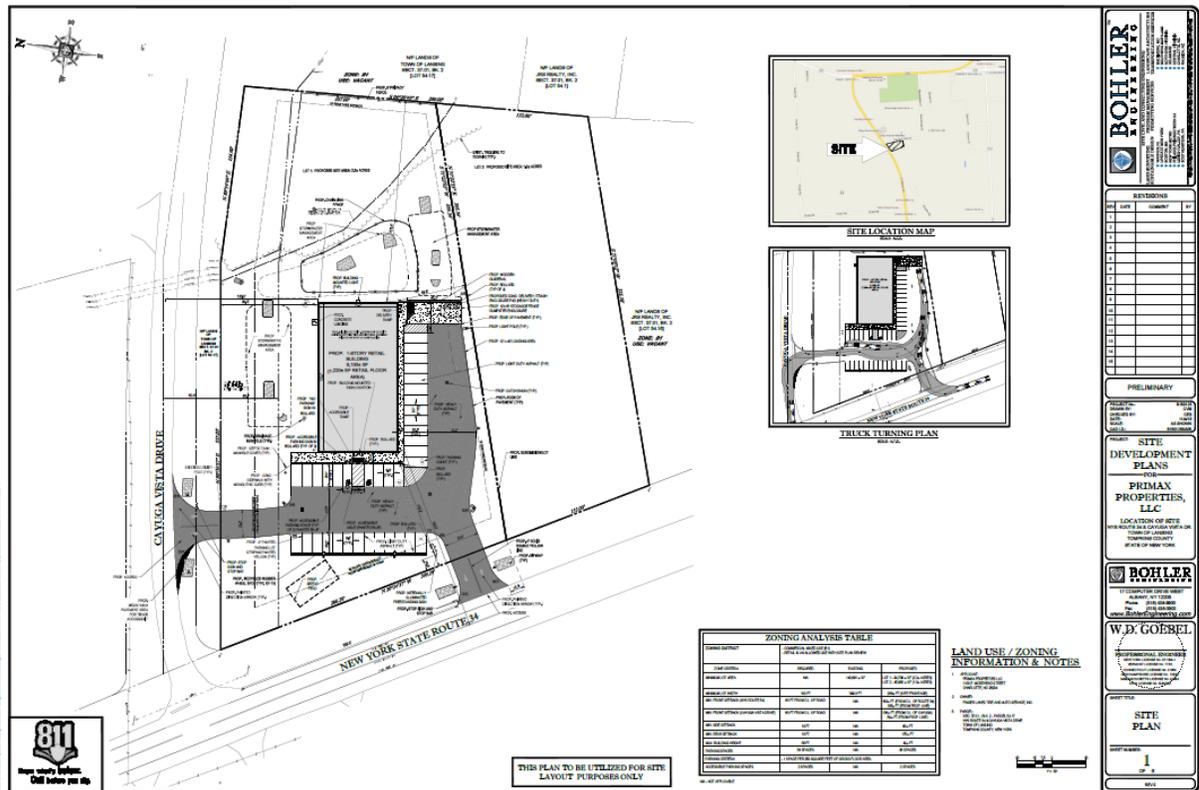
VOTE AS FOLLOWS:

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

**Informal Developer's Conference- Proposed Dollar General Retail Store,  
Applicant: Primax Properties LLC, East Shore Drive & Cayuga Vista Dr,  
Tax # P/O 37.1-2-53.21**

Caryn Mlodzianowski of Bohler Engineering, LLC appeared before the Board with a proposed Retail Sales project to be a "Dollar General" Store. Ms. Mlodzianowski states Primax Properties LLC would like to construct a 9,100 Sq. Ft. building near the corner of NYS Route 34 and Cayuga Vista Drive. The following Map was presented for viewing.

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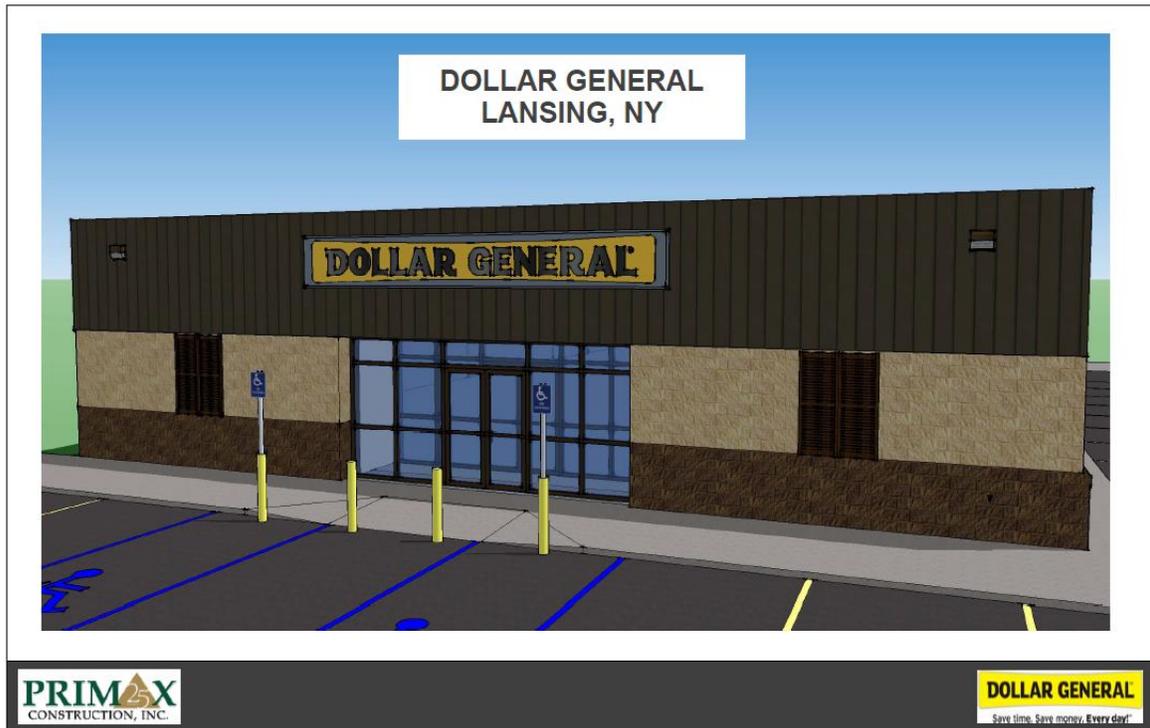
Primax LLC is proposing to subdivide the parcel into a 2.1 and 1.1 acre parcel with the intention to purchase the 2.1 acre lot and the 1.1 will remain with the current owner. They will be proposing a driveway off of the NYS Route 34 pending approval from the State Department of Transportation. In addition, they would like to have access off of Cayuga Vista Drive, pending an easement from the Town of Lansing. The project will have 36 parking spaces to meet code. The parking lot is designed so that a full size tractor trailer can access the site for deliveries without ever backing on to any roads. This project will have hardly any impact on utilities. They will connected to Public Water, and have their own septic system. According to the Survey, there is gas across the street.

Lynn Day, Code Officer indicated Primax may want to check into the gas issue as there is a good chance they will not get it.

Ms. Mlodzianowski states they had an environmentalist visit the site and check the wet area in the rear of the property. It is not a DEC regulated Wetland.

Al Fiorille inquired as to what the outside of the building would look like. Ms. Mlodzianowski presented the following sketch;

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Site lighting will be on the building mounted and light poles. They will be full cut off dark sky compliant.

Signage will consist of, one on the building and one free standing. The Signage on the building is larger than the Town requirements and will a Variance will be applied for.

Al Fiorille inquired if they could add more landscaping along Cayuga Vista Drive. Mr. Fiorille states the property behind is becoming a residential community and it would soften the view along Cayuga Vista Drive.

Larry Sharpsteen felt it was too premature to request additional landscaping on the Cayuga Vista side as that is where the bio-filter is proposed to be.

Mike Long, Planning Consultant added he would like to see a couple more trees along NYS Route 34. Also on the right hand edge of the other proposed subdivided lot,

A brief discussion occurred with respect to having the entrance on Cayuga Vista Drive. Ms. Mlodzianowski states they looked at that option, however they need enough space

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for a large truck to get in and out of the lot and with the stormwater requirements, they did not have enough land.

Ms. Mlodzianowski states a full size tractor trailer will make deliveries 2-3 times per week, and the hours of delivery will vary.

The drainage swale is proposed to be on the 1.1 acre lot. Primax is currently working with the land owner for a temporary grading easement.

Mike Long, Planning Consultant requested that they move the line in order for the swale to be on their property.

The Board inquired if Primax would still consider the project if the Town requested an easement to their driveway from the vacant parcel. Ms. Mlodzianowski will check into that question.

Overall the Planning Board Members felt they would like to see the aesthetics a little more pleasing.

Mr. Long explained the next steps in the process.

## **Recommendation For Planning Officers for 2016**

Members felt the Chair & Vice-Chairman were doing an excellent job and should continue for the 2016 year.

Al Fiorille made a motion to recommend the Slate of Officers as follows; Thomas Ellis, Chairman and Norman (Lin) Davidson, Vice Chairman. 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) 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) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**

## **Mike Long's Planning Department Update For December 14, 2015**

- 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. Withdrawn at this time.
- 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 (AKA **Asbury Hill**) – 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 approved 5/11/2015 meeting. Subdivision Map filed with Tompkins Co. Clerk 10/28/2015.
  - Public Hearing – Completed May 11, 2015 – SEQR and Preliminary Plat Subdivision approved.
  - SEQRA - Adopted May 11, 2015 / Preliminary Platt May 11, 2015.
  - Revised SWPPP submitted – T. G. Miller to review and letter issued Nov 5, 2015. Engineer review meeting 10/29/2015. Follow up Meeting week of Nov. 23<sup>rd</sup>.

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- Town Board Roadway approval – proposed November 18, 2015 – waiver of new highway specs requested.
- Town Board to adopt storm water management plan (SWPPP). – final plan under review T.G. Miller, proposed to be adopted December 16, 2015 .
- Final Plat – tentative December 14, 2015.
- Lake Forest Circle Drive – L1 Zone - Major subdivision of 16 lots plus storm water.
  - Tompkins Co. 239 review (Letter 11/12/2014) has been completed.
  - Storm water plan revisions requested T.G. Miller. Letter dated 11/19/2014.
  - Revisions are being made to the SWPPP materials. Submitted 10/26 revised maps. Letter (Oct. 27, 2015) from Tim Buhl in response circulated. Comments on map sent on map 10/28/2015. Revised review letter dated November 17, 2015 and follow up meeting scheduled 11/20/2015 at T.G. Miller’s office.
  - Schedule a “Public Hearing”- tentative December 14, 2015.
  - SEQRA, Preliminary Plat approval – request waiver of new town highway specs. Tentative December 14, 2015.
  - 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 adopted Ag Plan on Sept. 16, 2015.
  - Town Board to establish an Agriculture Committee as per the recommendations.
- Mirabito Holdings, Inc. – Site Plan Requested – Town Barn Road B2 Zone.
  - 3 acre phased development – LP Gas storage facility with later phase petroleum.
  - Informal Site Plan meeting – PB held Oct 26, 2015
  - PB is requesting a “Public Hearing” to be established after SWPPP is prepared.
  - SWPPP, SEQRA and Site Plan approval – TBD.
- A. Scott Piney – Peruville Road Site Plan (RA Zone) to add 15 additional duplex buildings in addition to 4 existing duplexes and office / barn complex.
  - Site Plan draft submitted (12/2014), meeting held and revised site plan resubmitted (9/14/2015).
  - Application for Site Plan and Developers Agreement –received 11/15/2015.
  - Revised SEQRA application received 11/16/2015.
  - SWPPP submitted to T.G. Miller – Oct. 2015 preliminary review underway.
  - Submit for 239 Review – TBD. Documents sent 11/12/2015.

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- SEQRA, SWPPP and Site Plan approval – TBD.
- **East Shore at Cayuga Vista Drive** – (B1 Zone) – Site plan for a 9,100 SF retail store.
  - Preliminary site plan drawings received 11/9/2015.
  - **Sketch Plan review meeting with Planning Board – December 14, 2015.**
  - Needs formal application, 239 Review, etc.
  - 16 foot pathways to be located within the 50 foot wide portion of town land adjacent to Cayuga Vista Drive.
- **Cornell University – “Design Connect Project” – “Form Based Codes Project”** for Comp Plan supporting materials.
  - Working meeting 10/29/2015
  - Public presentation / Workshop scheduled for Thursday - Nov 12<sup>th</sup> – Town Hall.
  - **Final Public Presentation scheduled for Monday Dec 7<sup>th</sup> at 7:00 PM Town Hall.**
- **Comprehensive Plan – Wed. December 16, 2015 at 7:00 PM**

### Other Business:

The Town Board is looking for Members to join the Ag. Committee & Comprehensive Plan Committee. After a brief discussion, the following determination was made;

#### Ag. Committee

Larry Sharpsteen

Norman (Lin) Davidson

#### Comprehensive Plan

Gerald Caward

Norman (Lin) Davidson

Norman (Lin) Davidson made a motion to adjourn the Meeting at 8:15 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) 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) Deborah Trumbull, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman**