

APPROVED

Town of Lansing

Monday, December 13, 2010 7:15 PM

PLANNING BOARD

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 Cowen

Stephen Cardamone

Ben Gustafson

Mary & Dorothy Krizek

Jim Ainslie

Bob Bantle

General Business

Lin Davidson called the Planning Board Meeting to order at 7:17 PM and introduced the Board to the Public. Mr. Davidson inquired if there was anyone from the Public that would like to speak to the Board with issues other than the Agenda items.

Open Discussion - Waldrof School;

Thomas Ellis inquired if the Waldrof School would be tax exempt and therefore removed from the Town's Tax Roll.

Lorraine Moynihan Schmitt states the Application as written indicates a Private School grades K -5 and potentially up to 8th grade. In the Land Use Ordinance there are two types of Schools listed,

1. Nursery School (defined ages 2-5 yrs.) pursuant to Schedule 503 C10,
2. Governmental Building; Public Schools pursuant to Schedule 503 B1
Public School or School in general is not listed in the Ordinance.

Ms. Moynihan Schmitt states she tried very hard to find a Listed Use that could encompass a Private Room but was unable to do so. Ms. Moynihan Schmitt further states she checked with Town Counsel for his opinion, which was the

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same. However, she just found out from the Code Enforcement officer that he will be presenting an Interruption Letter trying to make the argument that it could be a Public School based on certain factors he has discussed with the Applicant.

Larry Sharpsteen states there has never been any discussion about Private Schools. According to New York State Law and Town Law if it's not listed in the Land Use Ordinance, it's not allowed.

Ms. Moynihan Schmitt did advise a Use Variance could be applied for or even a PDA.

Public Hearing- Recommendation of Final Plat Approval to Town Board for Woodland Park Planned Development Area, Tax Parcel # 41.-2-5

Larry Sharpsteen made a motion to open the Public Hearing at 7:20 PM. Richard Prybyl seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

Public Comments/Concerns:

There were none.

David Hatfield made a motion to close the Public Hearing at 7:24 PM. Richard Prybyl seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

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Further Member Discussion

Thomas Ellis inquired if the water main connection would have a bearing on the project if the last phase was never completed. Jeff Overstrom indicated no.

Lorraine Moynihan Schmitt inquired if # 25 on the NOI was corrected to read yes. Mr. Overstrom indicated yes.

Larry Sharpsteen inquired from Jeff if he had made contact with the Village of Cayuga Heights with respect to the number of hook ups. Jeff Overstrom indicated he has spoken with Brent Cross with respect to this.

Nancy Loncto inquired how many hook ups are available? Jeff Overstrom states he believes there are over 400.

For full disclosure purposes, Ms. Loncto indicated she is checking into this for her property.

Ms. Loncto requested that the Code Enforcement Officer prepare a Memo of understanding for the Planning Board Members so they can have more clarity on the Sewer project.

Thomas Ellis inquired as to who is responsible for enforcing the covenants. Mr. Overstrom indicated the Town does not enforce them. It is the responsibility of the Home Owner's Association.

Larry Sharpsteen inquired about the Sunset limitation. Ms. Moynihan Schmitt indicated it is 25 yrs and runs with the land.

Stephen Cardamone agreed that the Sunset limit of 25yrs can be added.

Nancy Loncto offered the following Resolution;

RESOLUTION No. 10-91

RESOLUTION OF THE PLANNING BOARD RECOMMENDING TO THE TOWN BOARD

THE CARDAMONE "WOODLAND PARK AT LANSING" PLANNED DEVELOPMENT AREA" FINAL DEVELOPMENT PLAN

WHEREAS, Applicant Cardamone Home Builders, Inc., has requested final Town Board Approval, and Planning Board preliminary review, of the final development plan respecting a PDA Application for the "Woodland Park at Lansing" Planned Development Area" (formerly Warren Road PDA) respecting an approximate 59.984 acre parcel residential development consisting of 48 townhouse units and 25 single family lots for an

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average density of 35,793 square feet per dwelling unit within the R1 Residential District located on Warren Road and Hillcrest Road in the Town of Lansing, Tax Map Parcel 41.-2-5; and

WHEREAS, the Lansing Planning Board has considered and carefully reviewed the Application, the Applicant's preliminary and final development plans and the Applicant's Statement of Intent to Comply with Conditions and Specifications of the Planning Board, dated August 26, 2010, respecting the Applicant's PDA Proposal; and further the Public Comment Period on the Application commenced upon August 26, 2010, upon submission of the Applicant's Statement of Intent to Comply, pursuant to Section 706.5 of the Lansing Land Use Ordinance, and a public hearing was held by the Lansing Planning Board on October 6, 2010, respecting the Planning Board's consideration of the Woodland Park Planned PDA Application materials and the Applicant's August 26, 2010, Statement of Intent to Comply, as well as consideration of whether the Planning Board should recommend to the Town Board either: (1) disapproval of the proposed PDA development; or (2) conditional approval of the PDA development, subject to such conditions set forth in the Statement of Intent to Comply and/or any other conditions otherwise imposed by the Planning Board; and

further, at said public hearing held on October 6, 2010, the residents of the Town of Lansing were given a full opportunity to be heard respecting the Woodland Park PDA Development Proposal, and the Planning Board reviewed said comments and concerns of the residents, including concerns respecting certain potential impacts of the project, including, but not limited to increased traffic, drainage and stormwater concerns, density issues, and infrastructure capacity; and

WHEREAS, on October 6, 2010, the Planning Board, pursuant to Lansing Land Use Ordinance Section 706.5, underwent site plan review of the proposed Woodland Park PDA development, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board 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 consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, pursuant to Section 706.5 of the Town Of Lansing Land Use Ordinance, the Planning Board recommended conditional approval of the PDA based upon the Developer/Applicant's Statement of Intent to Comply (with addendum) and a list of proposed conditions; and

WHEREAS, by Resolution dated October 6, 2010, and in compliance with the Land Use Ordinance, the Planning Board has complied with the requirements of the Land Use Ordinance relating to the Public Comment Period, and other preliminary steps, relative to the conditional recommendation of the proposed PDA, and has formally referred the

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matter to the Town Board for mandatory review, public hearing, and a SEQRA review; and pursuant to the Land Use Ordinance, the Town Board scheduled and duly conducted a public hearing upon November 17, 2010, whereat all evidence and testimony were heard and weighed; and

WHEREAS, a SEQRA review of this proposed project was duly conducted and a Negative Declaration of environmental impact was duly declared and issued, and it was noted that further and/or supplemental SEQRA reviews may or will be required for the drainage district, the water district extension, the Final Development Plan for the PDA, and/or upon the issuance of any wetlands or other permits, with or without conditions; and

WHEREAS, pursuant to GML § 239-1, -m, and -n, the Tompkins County Department of Planning issued official comments, including: (i) the required highway permit from the County for access and a curb cut to Warren Road and the consideration of pedestrian walkways throughout the development, particularly to meet TCAT demand for a bus stop at the project site; and (ii) the provision for 10% of the available units to be designated or provided for low to moderate income households; and (iii) the provision of a recreational area for children in the area with the townhouse units. Upon these opinions, the County Department of Planning has otherwise stated that the project, without such changes, may have “negative inter-community, or county-wide impact”. In reply the Town Board finds little basis to believe that these changes actually relate to inter-community or county-wide issues or impacts, and finds that, even if there were such “global” effects from not having more project sidewalks, more play areas, or low and moderate income housing, the same are not readily applicable to this project as the PDA process was specifically chosen by the Developer, working with the Town, so as to increase project density, thereby causing the development costs to go down, thereby making the units more affordable. Further, the PDA process increased open areas and spaces, thus actually increasing the available recreation areas and open spaces. Further, the Developer has, in the townhouse area, set aside walkways and recreational areas comprising over 10% of the available land area. Thus, while the County comments may have some overall merit relative to modern planning, such matters were already factored in and, as noted, the same seem not to relate to any inter-community or county-wide issues or impacts (with the exception of housing costs, which, in any event, are largely controlled by land and development costs). Further, TCAT has indicated it will not place a bus shelter on Warren Road near the project as the area is a designated rural route, so there is little need for more sidewalk areas to serve this function. Finally, the project has a design and serves an identified market for housing within the Town of Lansing, so the Town finds the recommendations of the County Department of Planning to be of minimal value given the rural character of the bus route, the nature of neighboring roads and highways, the abundant recreational parks and areas within Lansing, and the design of the project itself; and

WHEREAS, on November 17, 2010, the Town Board granted Conditional Approval of the proposed Planned Development Area pursuant to and under Section 706.6 of the Town of Lansing Land Use Ordinance, subject to the conditions and findings set forth

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below, and referred the Application back to the Planning Board for the applicable steps and verifications necessary for the Final Development Plan; and it is further

WHEREAS, the Town Board's conditions and findings set forth in the Town Board's November 17, 2010 resolution are set forth below, each and all of which must be satisfied before approval of the Final Development Plan:

1. Final Development approval shall be contingent upon the ACOE approval and issuance of wetland permits and any wetland mitigation required by the ACOE;
2. The Town's Right of Way/Easement Road Width for the proposed Private Road in the Townhouse phased construction area shall be 50 feet, and the requested waiver/variance from the 60' wide roadway requirement be and hereby is granted and approved by the Town Board;
3. The applicant shall make provision for a 6 foot shoulder/pathway either north or south of Public Road B, located on the southern portion of the PDA sketch plan; further noting that the Town Board is not recommending any change in the cross section or paved width of Public Road B as shown on the Applicant's plans;
4. The applicant shall provide an estimated time frame proposal for each phase of the construction;
5. The lots designated for single family home construction cannot be amended to permit additional multifamily dwellings in the PDA;
6. The approval of the PDA is contingent upon Town Board approval of the applicant's application for extension of the Water District to encompass the entire PDA project;
7. The approval of the PDA is contingent upon the dedication to the Town of stormwater infrastructure, or rights therein, together with the land upon which situate, or easements necessary to access, inspect, service, maintain, repair and/or replace the same, all together with a further condition that approval be contingent upon the creation of a drainage district to manage such permanent stormwater practices upon such terms as the proposed map, plan and report for such future drainage district so dictate or require;
8. The approval of the PDA is contingent upon Town Board approval of any and all deed restrictions, if any; and
9. The approval of the PDA is contingent upon the County Highway Department's review and approval of proposed single curb cut access to Warren Road;

and

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WHEREAS, on December 13, 2010 the Planning Board reviewed the Applicant's proposed Final Development Plan and found that the preceding conditions have been duly met by the Applicant;

now it is hereby

RESOLVED, that, pursuant to Section 706.7 of the Town Of Lansing Land Use Ordinance, the Lansing Planning Board hereby recommends to the Town Board that the Town Board conditionally approve the "Woodland Park at Lansing" PDA Final Development Plan subject to the following condition which was agreed to by the Applicant:

1. Sunset provision of 25 years to be included in the Applicant's proposed "Declaration of Restrictions";

and it is further

RESOLVED, that, pursuant to Section 706 *et seq.* of the Land Use Ordinance, the Planning Board recommends that the Town Board set a public hearing for Town Board consideration of the Applicant's Final Development Plan within 45 days of the Town Board's receipt of this Resolution and the Applicant's Final Development Plan, in accordance with the provisions of Section 706.8 of the Land Use Ordinance. In addition, pursuant to Section 706.8 of the Town of Lansing Land Use Ordinance, Town Board approval, approval with conditions, or disapproval of the Final Development Plan shall be issued by the Town Board within 30 days of said aforementioned requisite Town Board public hearing;

and it is further

RESOLVED that a copy of this resolution of the Planning Board be filed by the Planning Board with the Town Board and the Code Enforcement Officer in accordance with Section 706.7 of the Town of Lansing Land Use Ordinance

December 13, 2010

Richard Prybyl seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

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MOTION CARRIED.

Nancy Loncto stated for the record this is a great plan and she supports it however, she feels the Board did not address the public walk issue sufficiently. Ms. Loncto further states PDA's need to be looked at closer by the Planning Board Members.

Richard Prybyl commended the Developer for the depth and attention to detail in the planning process. In addition, he states he feels the Planning Board needs more guidance from the town for future PDA projects.

Site Plan Review, Storage Warehouse Rental, Applicant: Rob Hall, 344 Auburn Road, Tax Parcel # 28.-1-28.36

Lorraine Moynihan Schmitt, legal counsel clarified for the record that this project is a Type II (617.5 C2) action that does not require a SEQR per her recommendation. This is an existing structure with no change. It was used for personal storage use and now will be commercial storage. Mr. Hall is requesting that the Public Hearing be waived.

Larry Sharpsteen offered the following Resolution;

RESOLUTION No. 10-92

RESOLUTION OF THE LANSING PLANNING BOARD APPROVING ROBERT HALL COMMERCIAL WAREHOUSE RENTAL SITE PLAN

WHEREAS, Robert Hall ("Applicant") has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for proposed use of a currently existing 50' by 80' building for a 4000 square foot commercial warehouse rental unit, said site located on a 13.38+/- acre parcel located at 12 Sharpsteen Road, Lansing, New York and otherwise known as Tax Map # 28.1-28.36 within the RA Zoning District; and

WHEREAS, this action is classified as a Type II Action, pursuant to 6 NYCRR Part 617.5 *et seq.* of the State Environmental Quality Review Act, which does not require environmental review of the impacts of the project due to the fact that it is an existing structure or facility, and is an in-kind use from personal to commercial storage, such that

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no SEQR environmental review of this action by the Planning Board agency is required pursuant to Type II exemption 6 NYCRR Part 617.5 (c)(2); and

WHEREAS, the 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 Tompkins County Planning Department General Municipal Law 239 Referral Response, by correspondence dated November 16, 2010, determined that that project has no negative inter-community, or county wide impacts and made no recommendations for modification of the proposal; and

WHEREAS, because of the fact that the project has minimal impacts and is indeed a commercialized version of a preexisting use from previous personal storage use to proposed commercial storage warehouse rental in a preexisting structure, the Planning Board determined to waive a public hearing on the site plan review of the project; and

WHEREAS, on December 13, 2010, the Planning Board duly considered and carefully reviewed the Robert Hall Commercial Warehouse Rental 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 use of a currently existing 50' by 80' building for a 4000 square foot commercial warehouse rental unit, said site is located upon on a 13.38+/- acre parcel located at 12 Sharpsteen Road, Lansing, New York and otherwise known as Tax Map #28.1-28.36 within the RA Zoning District.

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Nancy Loncto seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

Approval/Denial Minutes of: November 22, 2010

Page 3, Bottom burm should read berm

Page 5, should read: New York State "General" Obligations Law

Thomas Ellis made a motion to approve the Minutes as amended. Nancy Loncto seconded.

VOTE AS FOLLOWS:

**Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

Recommendation to Renew Planning Board Member Larry Sharpsteen's Term for an additional 7 years.

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Thomas Ellis made a motion recommending that Larry Sharpsteen be appointed to the Planning Board for an additional seven (7) year term. David Hatfield seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Abstained
Lin Davidson - Aye

MOTION CARRIED.

Nomination and Election of Planning Board Officers for 2011 Calendar Year

Larry Sharpsteen made a motion to maintain the present slate of Officers and request that the Secretary case one ballot in favor of the current Slate for the upcoming 2011 calendar year.

Nomination and Election of Officers

“2011” Planning Board Officers

Norman L. Davidson	Chairman
Thomas Ellis	Vice Chairperson
Larry Sharpsteen	Secretary
David Hatfield	Treasurer

Richard Prybyl seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

Other Business

Chairman Davidson requested that Members go out and canvas Town Residents for the Planning Board vacancy.

Ms. Moynihan Schmitt inquired as to how she should respond to Mr. Leather's legal counsel.

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Nancy Loncto was not in favor of a PDA Application. Ms. Loncto feels the PDA is for the entire community and this would not apply. She feels this should be a Zoning issue.

Larry Sharpsteen felt they could approach the Town Board for a PDA or apply to the Zoning Board of Appeals for a Variance.

Lorraine Moynihan Schmitt advised the Members that the ZBA has the power to make determinations on an interpretation of the Code Officer as to the Land Use Ordinance. After speaking with Jeff Overstrom, it is Ms. Moynihan Schmitt's understanding that the Code Officer will be taking that route.

David Hatfield made a motion to adjourn the Meeting. Nancy Loncto seconded.
VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.