

APPROVED

# Town of Lansing

Monday, July 12, 2010 7:15PM

PLANNING BOARD

## PLANNING BOARD MEMBERS

(\*Denotes present)

Nancy Loncto	*	Tom Ellis
Larry Sharpsteen	*	Lin Davidson, Chairman
Viola Miller	*	David Hatfield 7:42PM
* Richard Prybyl 7:31 PM		
* Jeffrey Overstrom, EIT		
* Lorraine Moynihan Schmitt, Esq.		
* Robert Cree, TB Liaison		

### Public Present

Larry Fabbroni

Vivian Smith

Jasper Munson

Jack Jensen

Kelly Kheel

Jim Moravec

### General Business

Lin Davidson called the Planning Board Meeting to order at 7:15 PM. 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. There were none.

### Public Hearing - SEQR Review & Site Plan Application for Rocco Lucente – 12 Unit Apartment Building, Village Circle, Tax Parcel # 39.-1-38.2

Mr. Larry Fabbroni, P.E. for Rocco Lucente appeared before the Board for the Public Hearing(s) on the Site Plan Review. Mr. Lucente intends on building a twelve (12) unit Apartment Building, 66,500 sq. ft. in size located in the R2 (Residential-Moderate Density) District. This building is proposed to be on the public sewer and completed next year. The four lower units can be handicap convertible.

Richard Prybyl made a motion to open the Public Hearing on the SEQR at 7:20 PM. David Hatfield seconded.

### VOTE AS FOLLOWS:

Thomas Ellis - Aye

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David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye

## MOTION CARRIED.

There were no Public comments.

David Hatfield made a motion to close the Public Hearing at 7:21 PM. Richard Prybyl seconded.

## VOTE AS FOLLOWS:

Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye

## MOTION CARRIED.

Thomas Ellis inquired if there are any sidewalks planned in the Warren Road project. Jeffrey Overstrom indicated that he is not aware of any, in addition, the sidewalks on the other side of Route 13 are in the Town of Ithaca. Larry Fabbroni stated in the Lucente build out plan there will be a walkway system out to Warren Road.

The Planning Board reviewed Part I of the Short Environmental Assessment Form completed by the Applicant, signed by the Engineer/Agent 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. The Members did note on Part II under C6 that a full Stormwater & Erosion Plan will be provided for future build out.

Thomas Ellis indicated under Part I, #5 that this a new project but, also an expansion of an existing project.

Thomas Ellis offered the following Resolution;

### RESOLUTION No. 10-31

#### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF THE LUCENTE VILLAGE CIRCLE APARTMENT EXPANSION SITE PLAN

**WHEREAS**, Lawrence P. Fabbroni, P.E., L.S., on behalf of Rocco Lucente (“Applicant”) has submitted, for consideration and approval from the Lansing Planning

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Board, a Site Plan for a proposed 12 Unit Apartment Expansion to the existing Village Circle Apartments site to be located on a 1.52+/- acre parcel located on Village Circle South Road, Lansing, New York, and otherwise known as P/O Tax Map # 39.1-38.2 within the R2 Zoning District; 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 Lansing Planning Board; and

**WHEREAS**, the Town of Lansing Planning Board duly noticed and opened a public hearing concerning the environmental review, pursuant to the State Environmental Quality Review Act (“SEQR”), of the proposed Village Circle Apartment Expansion site plan application at Lansing Town Hall at 29 Auburn Road, Lansing, New York 14882 on July 12, 2010 and all citizens were given an opportunity to voice any concerns respecting the environmental review and to be heard thereon; and

**WHEREAS**, the Town of Lansing Planning Board, in performing its function in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (“SEQR”), (i) pursued its thorough review of the applicant’s completed Short Environmental Assessment Form (“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

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

**FURTHER RESOLVED** that the Planning Board Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

1. The Town Clerk of the Town of Lansing;
2. The Town Supervisor of the Town of Lansing;
3. All Involved and Interested Agencies;
4. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12.

Dated: July 12, 2010

David Hatfield seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

**MOTION CARRIED.**

## **Public Hearing – Overall Site Plan Application – 12 Unit Apartment Building, Village Circle, Tax Parcel # 39.-1-38.2**

Thomas Ellis made a motion to open the Public Hearing on the overall Application at 7:30 PM. Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

**MOTION CARRIED.**

### **Public Comments/Concerns:**

Kelly Kheel inquired how and if this development would impact the School System. Mr. Fabbroni indicated this particular development has very few families with small children. They are mostly young professionals, couples, and a few Senior Citizens.

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Jasper Munson wished to thank Mr. Lucente for this large project as this will help the Town's tax base.

Richard Prybyl made a motion to close the Public Hearing at 7:35 PM. Thomas Ellis seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**

David Hatfield offered the following Resolution;

## **RESOLUTION No. 10-34**

### **RESOLUTION OF THE LANSING PLANNING BOARD APPROVING LUCENTE VILLAGE CIRCLE APARTMENTS EXPANSION SITE PLAN**

**WHEREAS**, Lawrence P. Fabbroni, P.E., L.S., on behalf of Rocco Lucente ("Applicant") has submitted for consideration and approval from the Lansing Planning Board of a Site Plan for a proposed 12 Unit Apartment Expansion to the existing Village Circle Apartments site to be located on a 1.52+/- acre parcel located on Village Circle South Road, Lansing, New York and otherwise known as P/O Tax Map # 39.1-38.2 within the R2 Zoning District; 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**, 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

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**WHEREAS**, at the Lansing Planning Board Meeting, held on June 14, 2010 at the Lansing Town Hall, the Planning Board preliminary reviewed the overall Village Circle Apartment Expansion Site Plan, requested copies of the drainage and erosion plans and lighting plans, and made findings that, pursuant to Lansing Land Use Ordinance § 503(A)(4), this project was subject to Special Condition § 802.1 of said Ordinance requiring site plan review, and the Lansing Planning Board set the matter for a duly noticed public hearing scheduled to be held on July 12, 2010 concerning review and overall consideration of the site plan application and also the requisite SEQR environmental review thereof by the Planning Board; and

**WHEREAS**, on July 12, 2010, 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 LEAF); and

**WHEREAS**, by motion adopted July 12, 2010, the Town of Lansing Planning Board determined that, pursuant to the provisions of the State Environmental Quality Review Act, 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 June 14, 2010 and July 12, 2010, the Planning Board duly considered and carefully reviewed the Applicant’s 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

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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

**WHEREAS**, the Planning Board has discussed with the Applicant/ Developer the requisite for a comprehensive drainage and erosion plan for any future build out of the development, and said comprehensive drainage and erosion plan shall also be required upon the introduction of sewer services to the site; and the Planning Board has considered said potential future cumulative impacts in its environmental review of the project; and

**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 the Village Circle Apartment Expansion Site Plan to be located on a 1.52+/- acre parcel located on Village Circle South Road, Lansing, New York and otherwise known as P/O Tax Map # 39.1-38.2 within the R2 Zoning District

July 12, 2010

Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**

**Site Plan Review & SEQOR Review, JCM Tire Sales & Used Car,  
17 Peruville Road, Tax Parcel # 37.1-2-19**

David Hatfield made a motion to waive the Public Hearing(s) on the SEQOR and the overall Application. Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

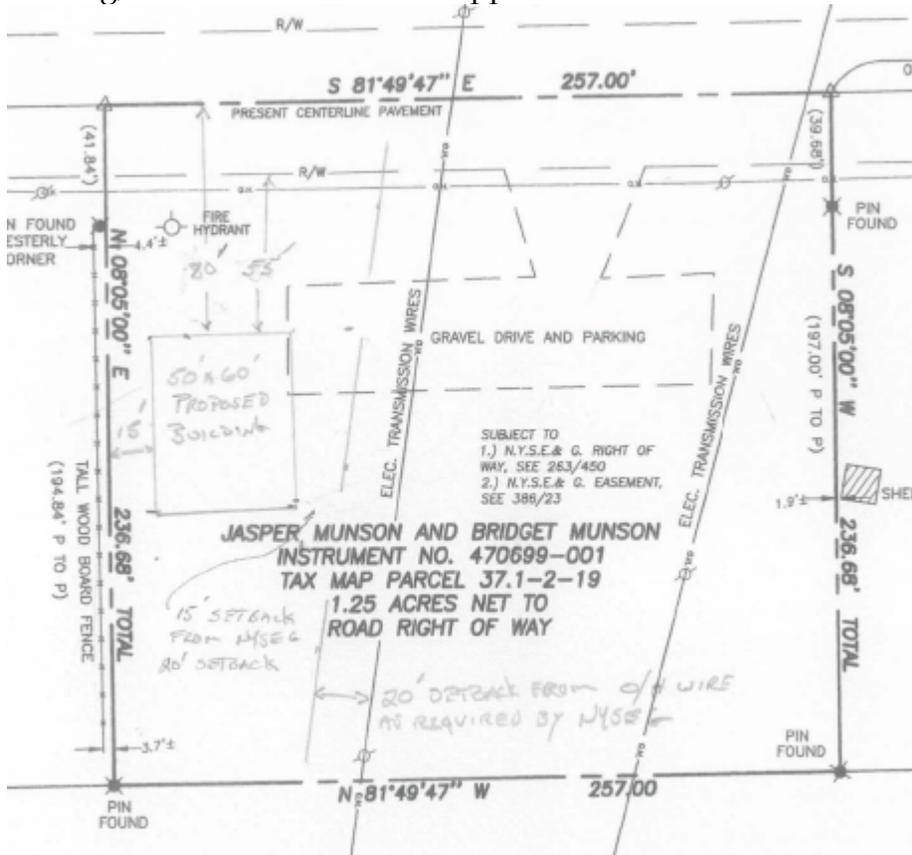
**Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

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## MOTION CARRIED.

All residents within 600 feet of the JCM proposed project were notified with only one resident responding which was a positive for the project.

Planning Board Members were provided with an updated Survey Map indicating where Mr. Munson's building will be located. The buffering is existing, as is the curb cut DOT approved from the first Site Plan Review .



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.

Thomas Ellis offered the following Resolution;

### RESOLUTION No. 10-36

#### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF

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## THE JASPER MUNSON JCM TIRE SALES AND USED CAR SALES SITE PLAN

**WHEREAS**, Jasper Munson (“Applicant”) has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan application for expansion of his currently existing approved use of a used automobile sale business, said proposed expanded use site plan application seeks to include construction of a 50’ by 60’ Pole Barn for utilization of the newly requested expanded use of the sale of tires, and said site to continue to be located on a 1.25+/- acre parcel located at 17 Peruville Road, Lansing, New York and otherwise known as Tax Map # 37.1-2.19 within the B2 Zoning District; 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 July 12, 2010, to waive a public hearing on the SEQR review; and

**WHEREAS**, on July 12, 2010, the Town of Lansing Planning Board conducted the environmental review, pursuant to the State Environmental Quality Review Act (“SEQR”), of the proposed JCM Tire Sales and Used Car 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 (“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:**

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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 SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, and it is

**FURTHER RESOLVED** that the Planning Board Clerk deliver and/or file a copy of this Resolution with the following persons and agencies:

5. The Town Clerk of the Town of Lansing;
6. The Town Supervisor of the Town of Lansing;
7. All Involved and Interested Agencies;
8. Any person requesting a copy;

and further, that this Resolution be posted and published in accord with law, including delivery of a copy of this Resolution to the Environmental Notice Bulletin, 625 Broadway, Room 538, Albany, New York 12233-1750 in accord with 6 NYCRR 617.12.

Dated: July 12, 2010

Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Richard Prybyl - Aye**  
**Lin Davidson - Aye**

**MOTION CARRIED.**

Richard Prybyl offered the following Resolution with conditions;

### **RESOLUTION No. 10-37**

#### **RESOLUTION OF THE LANSING PLANNING BOARD APPROVING JASPER MUNSON JCM TIRE SALE AND USED AUTOMOTIVE SALES SITE PLAN**

## APPROVED

**WHEREAS**, Jasper Munson (“Applicant”) has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for expansion and new use of his currently existing automobile sale business to include construction of a 50’ by 60’ Pole Barn for utilization of the newly requested expanded use of the sale of tires, said site to continue to be located on a 1.25+/- acre parcel located at 17 Peruville Road, Lansing, New York and otherwise known as Tax Map # 37.1-2.19 within the B2 Zoning District; 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**, 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 Responses, by correspondence dated April 8, 2010, formally recommended modification to the site plan in compliance with Lansing Land § 802.18, to require the site plan to clearly defined curb cuts of no wider that 35 feet, and such formal recommendation requiring a super majority vote of the Planning Board if not incorporated into the approval, and the Tompkins County Planning Department, also by correspondence date dated April 8, 2010 provided informal site plan modification recommendations of the provision for planting of native trees and shrubs for buffering purposes and further recommended proscription of outside storage on the site for anything except vehicles; and

## APPROVED

**WHEREAS**, the Planning Board, on July 12, 2010, made formal findings, based on the Applicant's survey map and the testimony of the Planning and Engineering Coordinator, Jeff Overstrom, that the existing curb cuts were in compliance and were no wider than 35 feet, as required by the Land Use Ordinance § 802.18; and the Planning Board further found that, based on the testimony and photographs produced by the Planning and Engineering Coordinator, Jeff Overstrom, that adequate buffering of the property existed with trees and shrubs along the western boundary of the property, and hedges along the eastern edge of the property; and the Planning Board concurred with the Tompkins County Planning Department that a proscription of outside storage on the site for anything except vehicles was an appropriate modification and condition; and

**WHEREAS**, at the Lansing Planning Board Meeting, held on May 24, 2010, at the Lansing Town Hall, the Planning Board preliminary reviewed the overall Site/Sketch Plan and requested detailed scaled drawings from the Applicant in accordance with the Lansing Land Use Ordinance, such as a survey map sketch plan, and the Lansing Planning Board made findings that, pursuant to Lansing Land Use Ordinance § 503(C)(36), this project was subject to:

Special Condition § 802.18 requiring that:

“(a) Access drives are clearly defined by curbs and [are] no wider than 35 feet except that truck or motor freight terminal can have access drives up to 60 feet wide; (b) Landscaping is provided when needed; (c) A site plan has been approved in accordance with Sec. 701 [of the Lansing Land Use Ordinance]”; and also

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Special Condition 803.27 requiring that: “Driveways and curb cuts are clearly defined”; and

**WHEREAS**, on May 24, 2010, the Lansing Planning Board also discussed with the Applicant the issue of the NYSEG easement set backs and the requirement of scaled drawings delineating same (such as a survey map); and the Planning Board set the matter for final site plan and environmental review on the July 12, 2010 Planning Board Agenda for overall consideration of the site plan application and the requisite SEQR environmental review thereof by the Lansing Planning Board in accordance with the Lansing Land Use Ordinance; 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 July 12, 2010, to waive public hearings on both the SEQR and final site plan review; and

**WHEREAS**, on July 12, 2010, 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 LEAF); and

**WHEREAS**, by motion adopted July 12, 2010, 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

## APPROVED

**WHEREAS**, on May 24, 2010 and July 12, 2010, the Planning Board duly considered and carefully reviewed the Jasper Munson JCM Tire and Used Auto Sale 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

**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 the expansion and new use of his existing auto sale business to include construction of a 50' by 60' Pole Barn for utilization of the newly requested expanded use of the sale of tires and used automobiles, said site to be located on a 1.25+/- acre parcel located at 17 Peruville Road, Lansing, New York and otherwise known as Tax Map # 37.1-2.19 within the B2 Zoning District, subject to the following conditions:

1. Outside Storage of tires and all other inventory/supplies/items on the site is prohibited, with the exception of vehicles ;
2. Driveways and curb cuts shall remain clearly defined, and curb cuts shall remain no wider than 35 feet; and
3. Existing conditions of prior February 14, 2005 site plan approval authorizing used automobile sales on the site shall remain in place, including the limitation of a total of 10 vehicles to be permitted to be displayed on the outside lot at any point in time.

July 12, 2010

Thomas Ellis seconded.

**VOTE AS FOLLOWS:**

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Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye

MOTION CARRIED.

## Final Plat Approval-Farm Pond Circle, Collins Road, Tax Parcel # 38.-1-4.122

Jeff Overstrom advised the Members that he has received T.G. Miller's comments and concerns as follows;

Re: Farm Pond Circle Subdivision  
Storm Water Pollution Prevention Plan Review (SWPPP)

Dear Mr. Overstrom,

As requested, I've reviewed the SWPPP document prepared by Mr. Wayne Matteson, PE dated August 2009 and last revised June 2010 and offer the following technical comments:

1. The Town should be provided a copy of any wetland disturbance or stream disturbance permits identified in the SWPPP that are quoted as having been "obtained". There are multiple locations where road construction will cross and fill existing delineated wetlands. The extent of disturbance on the site plan drawings (specifically S-5) should clearly coincide with the USACE permit.
2. Several design details should be checked:
  - Stabilized construction entrance note on S-5 should correspond with the detail on S-6.
  - All driveway and cross culverts in the proposed Town right-of-way require galvanized flared end sections.
  - Confirm the invert elevations of the proposed cross culverts on S-8 are consistent with the grading shown on S-5, specifically between Station 1+00 and 5+00.
  - The Typical Road Cross-Section on S-8 shows a total width of roadway (bituminous surface and shoulder) to be 32 feet while the hydrologic calculations indicate 20 feet of impervious cover. Shoulders are also considered impervious and the calculation should be revised.
3. Long-term ownership and maintenance of the permanent stormwater practices ("retention ponds") is not clearly defined in the SWPPP narrative and the site plans depict the physical limits of the practices straddling multiple lots. The "Operator", Jack Jensen Development Company, LLC is presumably retaining maintenance responsibilities but the legal documents establishing this relationship are still being prepared. I suggest this issue be coordinated with the Town's Attorney and resolved prior to dedication of the Town highway, or possibly sooner.

I believe the SWPPP provides the necessary temporary and permanent mitigation for the stormwater impacts resulting from the development. Subject to any conditions the Town may wish include for the above items, the Town can endorse the Notice of Intent. Feel free to contact me with any questions. Thank you.

Sincerely,



David A. Herrick, P.E.

203 North Aurora Street • Ithaca, New York 14850  
Telephone (607) 272-6477 • Fax (607) 273-6322 • www.tgmillerpc.com

Mr. Jensen has provided the Town with the necessary Permits, the Town Highway Superintendent has approved the road ways and the Town Board has taken care of preparing legal documentation with respect to long term operation and maintenance of the Stormwater.

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After a brief discussion it was determined that there is substantial compliance with the proposal and no further Public Hearings shall be required.

Thomas Ellis offered the

## **RESOLUTION No. 10-38**

### **RESOLUTION OF THE LANSING PLANNING BOARD SETTING FINAL CONDITIONS AND APPROVING FARM POND CIRCLE SUBDIVISION FINAL PLAT**

**WHEREAS**, Jack Jensen, (“Applicant”) has submitted, for the Town of Lansing Planning Board’s consideration and approval, a Final Subdivision Plat for a Major 19 Lot Subdivision of a +/- 47.42 acre parcel to be known as “Farm Pond Circle Subdivision” located on Collins Road, Town of Lansing, New York and otherwise known as Tax Map Parcel #38.-1-4.122; and

**WHEREAS**, this action is classified as a Type I Action, pursuant to 6 NYCRR Part

617.4 of the State Environmental Quality Review Act, which requires environmental review of the impacts of the project; and the Planning Board duly declared its intent to act as Lead Agency in the SEQR Environmental Review, subject to consent or any requests of coordinated or independent review by any Involved or Interested Agency, as applicable; 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

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**WHEREAS**, the Lansing Planning Board duly noticed and opened public hearings for comment on the Preliminary Plat proposal on August 10, 2009, and continued said public hearings on August 24, 2009 and September 14, 2009, concerning both SEQR environmental review and overall consideration of the Preliminary Subdivision Plat application by the Lansing Planning Board; and

**WHEREAS**, on September 14, 2009, the Planning Board, acting as Lead Agency on a coordinated environmental review, reviewed and accepted, as adequate, a Long Environmental Assessment Form (“LEAF”) Part I, submitted by the Applicant; and the Lansing Planning Board, together with the Lansing Engineer & Planning Coordinator, Jeff Overstrom, completed Part II on the record (and, if applicable, Part III of the LEAF); and

**WHEREAS**, by motion adopted September, 14, 2009, the Town of Lansing Planning Board determined that, pursuant to the provisions of the State Environmental Quality Review Act, given the mitigation measures addressed in the Preliminary Plat application and LEAF, the proposed Preliminary Plat 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 July 13, 2009, August 10, 2009, August 24, 2009 and September 14, 2009, the Planning Board duly considered and carefully reviewed the Farm Pond Circle Subdivision Application and Preliminary Subdivision Plat in compliance with the requirements of the Town of Lansing Subdivision Rules and Regulations relative to and 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 Preliminary Subdivision Plat; 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 of the Town of Lansing

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Subdivision Rules and Regulations and Town of Lansing Land Use Ordinance , including, but not limited to topography, utilities, soil analysis, storm-water drainage plan, erosion controls, parking, roadways, infrastructure, including water and sewer facilities, driveways, site lighting, on site and off-site impacts, landscaping and/or fencing, buffering and/or screening, roads, walkways and intersections, access points and curb cuts, traffic impacts, height limitations and the project's 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 Comprehensive Plan, and has determined compliance therewith in conjunction with said Preliminary Plat Application and Review; and

**WHEREAS**, on September 14, 2009, the Lansing Planning Board determined that the

subdivision rules and regulations of the Town of Lansing, in respect to this project, have been met by the Preliminary Plat layout and application; and

**WHEREAS**, on September 14, 2009, upon due consideration and deliberation by the Town of Lansing Planning Board, the Planning Board resolved that the application of Jack Jenson for approval of the Farm Pond Circle Subdivision Preliminary Plat, together with the Preliminary Plat layout, dated March 17, 2009, prepared by the Applicant/Developer's Engineer, Wayne Matteson, be and the same is hereby approved subject to the following conditions:

1. Deed restrictions shall be imposed upon the parcels containing delineated wetlands which shall set forth any ACOE restrictions and recommended mitigation measures issued in the ACOE review and permitting process;
2. The Developer/Applicant shall submit is Structural and Archeological Assessment Form (SAAF) to SHPO and final project approvals shall be in accordance with any and all conditions imposed by SHPO in relation thereto; and
3. The proposed stormwater detention practice and ball fields shall be maintained by the Developer at his sole expense; and

**WHEREAS**, on June 16, 2010, the Lansing Town Board determined that formation of a drainage district and concomitant creation of a Drainage District Map Plan and Report was required for the project, and the Lansing Town Board passed the following resolution #10-89 authorizing creation of the Farm Pond Circle Map, Plan and Report for Drainage District #5 respecting Stormwater Practices and Facilities Management:

## RESOLUTION 10-89

### RESOLUTION AUTHORIZING FARM POND CIRCLE MAP, PLAN & REPORT FOR DRAINAGE DISTRICT FOR STORMWATER PRACTICES AND FACILITIES MANAGEMENT

(TOWN OF LANSING DRAINAGE DISTRICT #5)

# APPROVED

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on 16th day of June, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, an owner of certain lot(s) within the Town of Lansing (Jack Jensen - TP# 38.-1-4.122) (the "Developer"), located at the corner of Collins and Peruville Roads, has a proposed subdivision currently under consideration by the Town of Lansing Planning Board known as the Farm Pond Circle Subdivision; and

WHEREAS, the Developer, as part of such subdivision has to design, construct, monitor, and maintain one or more forms of stormwater management practices for such subdivision; and

WHEREAS, the Town has always required the formation of drainage districts for major subdivisions, but the Developer has requested that a Developer's Agreement be utilized for this subdivision; and

WHEREAS, for reasons related to the apportionment, payment, and recovery of long-term stormwater maintenance and monitoring costs and expenditures, among others, the Town Board has declined to alter the requirement that the properties benefited by the stormwater facilities pay the cost of the same, and therefore the Town Board has concluded that a drainage district be utilized for this proposed subdivision; and

WHEREAS, the Town Board hereby formally requests that the Planning Board list the formation of a drainage district, based upon easements for rights of access, be listed as a condition upon any Final Plat approval; and

WHEREAS, in furtherance thereof, and assuming that the Developer desires to proceed as expeditiously as possible, the Town Board hereby authorizes the Developer and his engineer to generate and propose a Map, Plan and Report for such proposed drainage district in accord with Town Law §§ 209-c and 209-d; and should the Developer decline to so prepare such Map, Plan and Report (hereafter, "MPR"), the Town Board hereby further reserves the right to appropriate money therefor pursuant to Town Law; and

WHEREAS, upon consideration and deliberation upon the same, the Town Board of the Town of Lansing has hereby

RESOLVED, that, the Developer be and hereby is authorized to prepare and submit a MPR relative to proposed Drainage District #5; and it is further

RESOLVED, that, in the alternative, and conditioned upon the Developer signing an agreement in a form as approved by Town Counsel to pay for the costs of such reports and proceedings, the Town Board of the Town of Lansing hereby directs the Town Engineer to proceed with the preparation of a MPR for such proposed drainage district; and it is further

RESOLVED, that up to \$2,000.00 is authorized for such MPR if prepared by the Town Engineer, but again, if and only if the Developer has signed the aforesaid agreement (and made any required escrow deposits); and it is further

RESOLVED AND DECLARED, that the requirements for a permissive referendum do not apply as there is no expenditure of public funds for the MPR as the applicants are hereby preparing, or paying the expenses of preparing, the MPR pursuant to the terms of this Resolution.

SEQRA: Type II Action.

The question of the adoption of such proposed Resolutions was duly motioned by Mr. Pinney, duly seconded by Mr. Christopher, and put to a roll call vote with the following results:

Vote of Town Board ... (Aye) Martin Christopher, Councilperson  
Vote of Town Board ... (Aye) Robert Cree, Councilperson  
Vote of Town Board ... (Aye) Kathy Miller, Councilperson  
Vote of Town Board ... (Aye) Connie Wilcox, Councilperson  
Vote of Town Board ... (Aye) A. Scott Pinney, Supervisor

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

;and

**WHEREAS**, on June 16, 2010, the Town Board passed the following resolution # 10-88 approving the Farm Pond Circle Subdivision Roadways and Other Infrastructure:

# APPROVED

## RESOLUTION 10-88

### RESOLUTION APPROVING FARM POND CIRCLE SUBDIVISION ROADWAYS AND OTHER INFRASTRUCTURE

At a Regular Meeting of the Town Board of the Town of Lansing, held in and for the Town of Lansing at the Lansing Town Hall on 16th day of June, 2010, the following members were present and voting throughout:

A. Scott Pinney, Supervisor;  
Martin Christopher, Councilperson;  
Robert Cree, Councilperson;  
Kathy Miller, Councilperson; and  
Connie Wilcox, Councilperson.

The following Town Board members were absent: none.

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Planning Board has reviewed the Sketch Plan and Preliminary Plat of the Developer of the Farm Pond Circle Subdivision and is preparing to issue an approval of such Preliminary Plat; and

WHEREAS, pursuant to § 505(E)(1) of the Town of Lansing Subdivision Local Law the Town Board must review and approve the specifications, locations, and plans for each and all proposed roads and other infrastructure, including, but not limited to the design and location of drainage ditches, culverts, utilities, stormwater facilities, and other and similar appurtenances designed, built, installed or used to support development of lots and the subdivision; and

WHEREAS, as based upon the design thereof and the specifications therefor as set forth in the Town's Local Law and the Preliminary Plat, and upon the input of the Town's Highway Superintendent, the Town's Engineer, the Director of Planning, and the Planning Board, the said design and location of such infrastructure appears proper, adequate, and in compliance with said Local Law; and

WHEREAS, the Planning Board has already conducted an environmental review of the subdivision, and duly issued a negative declaration of environmental impacts upon September 14, 2009, such that no further environmental review of the subdivision (or this approval) is now needed or required; and

WHEREAS, after a review of the foregoing and due deliberation and consideration thereof, and in compliance with said Subdivision Local Law and other requirements of law, the Town Board of the Town of Lansing has hereby

RESOLVED, that the specifications, locations, and plans for each and all proposed roads and other infrastructure be and hereby are approved; and it is further

RESOLVED, that should a drainage district be formed for such subdivision, then, and in such event, the facilities and infrastructure therefor shall be designed and built per NYS permit requirements and in accord with the Town of Lansing Stormwater Local Law, and once so built and inspected, the same shall be dedicated to the Town, acting by and on behalf of said drainage district.

The question of the adoption of such proposed Resolutions was duly motioned by Mrs. Wilcox, duly seconded by Ms. Miller, and put to a roll call vote with the following results:

Vote of Town Board ... (Aye) Martin Christopher, Councilperson  
Vote of Town Board ... (Aye) Robert Cree, Councilperson  
Vote of Town Board ... (Aye) Kathy Miller, Councilperson  
Vote of Town Board ... (Aye) Connie Wilcox, Councilperson  
Vote of Town Board ... (Aye) A. Scott Pinney, Supervisor

Accordingly, the foregoing Resolution was approved, carried, and duly adopted.

(Lansing Town Board Resolution 10-88, June 16, 2010);

and;

**WHEREAS**, on July 12, 2010, the Lansing Planning Board determined that the Applicant/Developer's Final Subdivision Plat was in substantial compliance with the Applicant/Developer's prior Preliminary Subdivision Plat, such that a further public hearing and further SEQR environmental review was not required; and

# APPROVED

**WHEREAS**, on July 12, 2010, the Town Engineer, David Herrick, provided a copy of the proposed Drainage District #5 Map, Plan and Report “MPR” to Planning Board Legal Counsel, Lorraine Moynihan Schmitt, and Lansing Engineering and Planning Coordinator, Jeff Overstrom, and said MPR is deemed sufficient;

***NOW, it is hereby,***

**RESOLVED** by the Town of Lansing Planning Board, that the Applicant/Developer’s Major Subdivision **Final Plat is approved, subject to the following additional conditions:**

1. Preparation and Town Board approval of a Map Plan and Report (“MPR”) for formation of Town Of Lansing Drainage District #5 in accordance with Lansing Town Board Resolution 10-89 passed June 16, 2010 and set forth above and incorporated herein;
2. Formation of the aforementioned Town of Lansing Drainage District #5, based upon the granting of easements for rights of access to the Town of Lansing;
3. All facilities and infrastructure shall be designed and built per NYS permit requirements, and in accordance with the Town of Lansing Stormwater Local Law and Town Of Lansing Roadway Specifications (as contained in the Town of Lansing Subdivision Local Law), and once so built and inspected, the same shall be dedicated to the Town, acting by and on behalf of said drainage district; *and it is hereby*

**FURTHER RESOLVED**, that the following conditions of the Preliminary Subdivision Plat approval, as resolved by the Planning Board on September 14, 2009, shall continue to be conditions of approval of the Final Subdivision Plat:

1. Deed restrictions shall be imposed upon the parcels containing delineated wetlands which shall set forth any ACOE restrictions and recommended mitigation measures issued in the ACOE review and permitting process;
2. The Developer/Applicant shall submit his Structural and Archeological Assessment Form (SAAF) to SHPO and final project approvals shall be in accordance with any and all conditions imposed by SHPO in relation thereto; and
3. The proposed stormwater detention practices and ball fields shall be maintained by the Developer at his sole expense.

July 12, 2010

Lin Davidson seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**David Hatfield - Aye**  
**Richard Prybyl - Aye**

# APPROVED

Lin Davidson - Aye

**MOTION CARRIED.**

## **Approval/Denial of the June 14, 2010 Minutes**

Thomas Ellis made a motion to approve as presented. David Hatfield seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**

David Hatfield made a motion to adjourn the Meeting. Richard Prybyl seconded.

**VOTE AS FOLLOWS:**

**Thomas Ellis - Aye  
David Hatfield - Aye  
Richard Prybyl - Aye  
Lin Davidson - Aye**

**MOTION CARRIED.**