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Town of Lansing

Monday, September 14, 2009 7:15PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

*	Nancy Loncto	*	Tom Ellis
*	Larry Sharpsteen	*	Lin Davidson, Chairman
*	Viola Miller	*	David Hatfield
*	Richard Prybyl (8:25 PM)		
*	Jeffrey Overstrom, EIT		
*	Lorraine Moynihan Schmitt, Esq.		

Public Present

Wayne Matteson, P.E.

Jack Jensen

Pat Conlon

Michael Conger Jr.

Maureen Cowen

Bill Miller

Jack Young

Marty Christopher

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.

Public Comments/Concerns

There were no comments or concerns.

Site Plan & SEQR Review, Schuler-Haas Electrical Corp. Town Barn Road, Tax Parcel # P/O 30.-1-16.22, B2 District

Jeff Overstrom explained to the Members this would be an Electrical Storage/Office Warehouse. The impact from the traffic will be low. A Stormwater Plan will be provided, cut off lighting will be required, Department of Health approval will be needed for the septic, and there are no Wetlands on the property. There is an existing culvert, and the developer will be keeping as

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much vegetation as possible for buffering. Lot size is in compliance as is space enough for parking. 8-10 employees will be on site.

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 made a motion to declare a negative declaration. Richard Prybyl seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

David Hatfield made a motion to waive the Public Hearing on the SEQR. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Larry Sharpsteen made a motion to waive the Public Hearing on the overall Site Plan Application. David Hatfield seconded.

VOTE AS FOLLOWS:

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

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MOTION CARRIED.

Further Discussion

Thomas Ellis suggested that someone notify the Fire Department of the new business coming in. Jeff Overstrom explained when an address has been issued The Planning Department uses a "Prepared List" and notifies the numerous Safety and Welfare facilities involved.

Full cut of Lighting was discussed and Larry Sharpsteen had concerns with the safety of the Highway Department workers being blinded by glare from the building during a heavy snow storm. Mr. Overstrom is preparing construction specifications for distribution to the Contractors for building purposes. Lighting will be included in the package.

Based upon the determination provided by the Code Enforcement Officer to the Planning Board Members, Thomas Ellis made a motion to approve the Site Plan as present to include the following conditions;

1. Remaining trees identified.
2. Cut Off Lighting used
3. Approval of Tompkins County Health Department

Environmental Management Council Update

Larry Sharpsteen advised the Planning Board Members that he has heard from a reliable source that the EMC is going to ask him to give up his Membership as a Town Representative due to three unexcused absentees. Work or family is not a sufficient reason for being absent. Mr. Sharpsteen further indicated if the Town Board wishes for him to end his services as a representative, he will gladly step down. However, he will not remain a Member if he is placed as a non-voting-at large Member. It was the consensus of the Planning Board that this topic be added to the next Working Meeting Agenda for further discussion.

1 Lot Exempt Subdivision-SEQR Review, Canger Jr., Michael, Wilson Road, Tax Parcel # 31.-1-21

David Hatfield brought to the Board's attention that there is a creek that runs through the back of their property which they can not disturb. In addition, any underground tiling will need to be taken care of if disturbed.

Bill Miller explained the entire parcel is wet and heavily tiled. If the tiles are damaged, the water will come back on to his property. In addition, there is a pre-existing dug well for the barn nearby. Mr. Miller is concerned with disruption of this well due to possible development on adjoining parcels.

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Pat Conlon inquired about the current Subdivision Regulations with respect to the division of land. Ms. Moynihan Schmitt explained it must be within the three year purview, and depending on the other subdivisions that have taken place around the area, all of which must be in accordance with Local Law # 2, Subdivision Rules and Regulations. Mr. Conlon further inquired what would create a red flag on the SEQR.

Lorraine Moynihan Schmitt explained that the Canger proposal is an Exempt Subdivision. Therefore, the Planning Board is responsible for the Environmental Review on the division of land. Due to concerns voiced at this Meeting, language will be documented in the SEQR Form indicating impacts may arise out of any future development on the proposed parcels.

Jeffrey Overstrom stated that the Code Enforcement Office takes drainage measures into consideration as part of the Building Permit Process.

Larry Sharpsteen states he has reviewed his literature with respect to the SEQR process on a Subdivision, and what comes to mind, specifically is question C1. The way the law is written, it allows the Planning Board to make a statement stating it is the Board's concern that any construction on this site after subdivision could seriously impair existing drainage patterns and affect wells. Ms. Moynihan Schmitt will provide additional language to be an addendum to the original SEQR form.

Lorraine Moynihan Schmitt recommended to Mr. Overstrom if he has concerns or difficulty working out a drainage plan with the new property owners at the time the Applicant applies for a Building Permit, that he consider referring this back to the Planning Board for a full Site Plan Review.

Nancy Loncto made a motion to declare a negative declaration with the amended language provided by Counsel with respect to C1 on the SEQR to include best practices of Stormwater mitigation and Town of Lansing Stormwater Law. Larry Sharpsteen's language shall be included in Counsel's addendum language. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

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MOTION CARRIED.

Site Plan Review For: Consideration of Special Use Permit Application for; Private Club to Lease Land for soccer Fields, Applicant: Ithaca Youth Soccer Club, Inc., East Shore Drive, Tax Parcel # 37.1-6.2.2

Thomas Ellis states this same proposal has been turned down twice by the Zoning Board of Appeals. Mr. Ellis further states this proposal does not have anything to do with the Comprehensive Plan. In Mr. Ellis's opinion this proposal is being "dressed up" and re-applied for again.

Nancy Loncto inquired if other Clubs could use this location. David Hatfield states yes, Clubs often invite other Clubs for matches.

Lorraine Moynihan Schmitt states the definition of a Private Club in the Town of Lansing Land Use Ordinance is as follows;

- A.21 Club. Any organization, premises or building catering exclusively to members and their guest and containing no merchandising or commercial activities except as required for membership and purposes of such club.

Ms. Moynihan Schmitt further stated this is an allowed use in this District by the Special Use Permit operation.

John Young briefly explained the history of this request. Previously he was incorrectly informed to bring his Application before the Zoning Board of Appeals. After some research, a Special Use Permit in the R2 district for a Club is permitted. The money raised was back in the day when they only had one Club. Eventually they split up however, the money remained in the back. Other Soccer Clubs with the County should be able to use these fields. A benefit to this site is being close to CRC where they can share the use of the building if weather is an issue. Sharing a curb cut and parking, also use the bathroom facilities all while it is the CRC's off season. There will be no lighting, no new parking, or fixtures. A footpath from the CRC parking lot on East Shore Drive to the location will be used. An extension of 150' to the north will be added to their emergency access. There will be no vehicle access from Waterwagon Road.

Jeff Overstrom explained a Stormwater Plan has been presented and a review has occurred. No permanent practices have been purposed because pre & post development is minimal. There will be grass swales and erosion control measures that will be put into place for any kind of runoff.

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Lorraine Moynihan Schmitt inquired as to what type of buffering will be used. John Young explained that trees are a problem for soccer fields. In the one corner closet to the lots on Waterwagon, they may plant some evergreens

Larry Sharpsteen inquired if measures have been taken to build the emergency access according to Town Specs. Jeff Overstrom will review this further and consider the possibility of a Hammerhead.

Viola Miller questioned the noise. According to Mr. Young, there are not many spectators other than parents.

Richard Prybyl inquired where the maintenance equipment will be stored. Mr. Young states if in the future, they may build a stone building or possibly use the Rink for storage.

Public Comment:

Ted Laux states he was at previous Meetings regarding this proposal and heard neighbor concerns about balls coming into their yards as well as noise.

Larry Sharpsteen indicated the board has already addressed this concern early in this Meeting. In regards to balls in neighbor yards, the proposed project is far enough away for them to be problem.

Martha Laux states she currently lives next to Mr. Young's private field where there are many practices happening and she is not quit sure why that is happening as no exceptions were made for that. Ms. Laux states her family hears the noise at a time in the evening when families would like to be able to enjoy there own yards.

John Young read an excerpt from the Town's Comprehensive Plan as follows;

- **GOAL:** A wide variety of active and passive recreational opportunities for all age groups.

Thomas Ellis again voiced his negative concern with this project. Mr. Ellis stated this proposal had a bad smell with the Zoning Board of Appeals on two previous occasions and it does not smell any better for him tonight.

Nancy Loncto inquired from Counsel if term limits can be placed on Special Permits.

Ms. Moynihan Schmitt recommended that the Planning Board revisit this issue at the Planning Board level in 2 weeks. In the mean time, Ms. Moynihan Schmitt

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will prepare a Draft recommendation letter for the Board to review on September 28, 2009.

Larry Sharpsteen again, voiced his concern as to the noise buffer, whether it was adequate enough to protect the adjacent residents. Mr. Sharpsteen further stated he was in favor of this proposal.

David Hatfield agreed in favor with Mr. Shapsteen.

Nancy Loncto requested that a review be performed every 1-3 years on the Special Permit. For the record, Ms. Loncto further stated in some cases the Planning Board has provided recommendations for Special Permits to the Town Board who in turn has issued the Permits. The Permit seems to be a "license" for other things to happen, once the Special Permit was issued. There seems to be no continuing review process.

John Young clearly stated it would be in the best interest of all parties if the issues could be handled up front. Once the Club spends their money for re-grading the soil, the Club would have no money to make changes.

Richard Prybyl made a motion to place this item on the September 28, 2009 Planning Board Agenda to review the prepared Draft of recommendations. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - No
Nancy Loncto - Aye
Viola Miller - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

Continuation of Public Hearing(s) SEQR & Preliminary Plat
Application, Farm Pond Circle Subdivision, Collins Road, Tax Parcel #
38.-1-4.122

The Public Hearing(s) remain open.

The Planning Board reviewed Part I of the Long Environmental Assessment Form completed by the Applicant.

There are no Public present.

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Larry Sharpsteen made a motion to close the SEQR Public Hearing at 9:17 PM.
Nancy Loncto seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

David Herrick offered the following comments;

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 as well as the Full Environmental Assessment Form dated June 28, 2009, and offer the following technical comments:

SWPPP

1. We've utilized the NYSDEC, Region 7 SWPPP review checklist to identify deficiencies and to provide written comments. In general, I believe this low impact development can adequately mitigate the changes in hydrology that will alter stormwater flows onto the neighboring landowners. The engineering details, however, have not been sufficiently developed such that we can provide a responsible recommendation for approval by the Planning Board.

Full Environmental Assessment Form

1. It is noted in several responses of Part 1 that there are existing "federally-regulated wetlands" on the property. The proposed site plan indicates the locations of these delineated wetlands. According to the FEAF and SWPPP, as much as 1.5 acres may ultimately be filled. Since the Phase 1 construction will impact several of the wetland areas, there should be a discussion now about the preparation of a mitigation plan and some evidence that the Developer is applying for the USACE 404 Wetland Permit. I suggest that Part 2, paragraph 1 (Impact on Land) identify under 'Other impacts' the proposed filling of 1.5 +/- acres of existing wetland. At the very least this is a small to moderate impact that can be mitigated by project change.

Feel free to contact me with any questions. Thank you.

Sincerely,



David A. Herrick, P.E.

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Wayne Matteson, P.E states he is in the process of putting together a Permit to be sent to the Army Corp of Engineers next week with respect to filling wetlands, dredging of the pond and a jogging path that is proposed to go through a small portion of the Wetlands.

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

Larry Sharpsteen offered the following Resolution;

RESOLUTION No. 09-112

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF THE FARM POND CIRCLE SUBDIVISION

WHEREAS, Jack Jensen, (“Applicant”) has submitted for consideration and approval from the Lansing Planning Board of a Preliminary Subdivision Plat for a Major 19 Lot Subdivision of a +/- 48 acre parcel to be known as “Farm Pond Circle Subdivision” located on Collins Road, Village of Freeville, Town of Lansing, New York and otherwise known as Tax Map Parcel #38.-4.122. and

WHEREAS, this is an Type I Action under the State Environmental Quality Review Act which requires environmental review; and

WHEREAS, the Town of Lansing Planning Board has the primary responsibility for approving or carrying out the action and has declared its intent to act as Lead Agency pursuant to State Law governing local environmental review; and

WHEREAS, the Town of Lansing Planning Board has proposed to be the Lead Agency for this environmental review, subject to consent or any requests of coordinated or independent review by any Involved or Interested Agency, as applicable and the involved and Interested Agencies have been identified and notified by the Lansing Planning Department and given an opportunity to comment; and

WHEREAS, the aforementioned Interested and Involved Agencies have been duly notified of the Town of Lansing Planning Board’s Intent to Act as Lead agency and have offered no objections thereto; and

WHEREAS, the requisite General Municipal Law 239 Referrals of Article 12-8 and 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

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comment and any responses of each aforementioned Involved or Interested Agency has been duly considered; 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 subdivision preliminary plat application at Lansing Town Hall at 29 Auburn Road, Lansing, New York 14882 on August 10, 2009 and continued on August 24, 2009 and September 14, 2009, and all citizens were given an opportunity to voice any concerns respecting the environmental review and given a full opportunity to be heard thereon; and

WHEREAS, the Town of Lansing Planning Board, in performing its Lead Agency 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 Full Environmental Assessment Form (“LEAF”) 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, on the record, the LEAF, Part II as prepared by the Town Engineer and/or Town Engineering and Planning Coordinator, (and reviewed, if necessary, Part III of the LEAF);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Lansing Planning Board, based upon (i) its thorough review of the LEAF, 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 review and completion of the LEAF, Part II (and, if applicable, Part III), including the findings noted thereon (which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance (“**NEGATIVE DECLARATION**”) in accordance with SEQR for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required, 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;

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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 accordance with 6 NYCRR 617.12.

Dated: September 14, 2009

Nancy Loncto seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Larry Sharpsteen made a motion to close the Public Hearing on the overall Application at 9:31 PM. Richard Prybyl seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Nancy Loncto offered the following Resolutions to include conditions recommended by David Herrick, P.E.

RESOLUTION No. 09-114

RESOLUTION OF THE LANSING PLANNING BOARD APPROVING FARM POND CIRCLE SUBDIVISION PRELIMINARY PLAT

WHEREAS, Jack Jensen, (“Applicant”) has submitted for consideration and approval from the Lansing Planning Board of a Preliminary Subdivision Plat for a Major 19 Lot

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Subdivision of a +/- 47.42 acre parcel to be known as “Farm Pond Circle Subdivision” located on Collins Road, Village of Freeville, Town of Lansing, New York and otherwise known as Tax Map Parcel #38.-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 has 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 considered by the Planning Board; and

WHEREAS, the Lansing Planning Board opened 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 plat application thereof 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,

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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 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 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, the Lansing Planning Board finds that the subdivision rules and regulations of the Town of Lansing have been met by the preliminary plat layout and application, and

NOW THEREFORE, upon due consideration and deliberation by the Town of Lansing Planning Board, *be it hereby*

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,

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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 ACEO 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 practice and ball fields shall be maintained by the Developer at his sole expense;

September 14, 2009

Thomas Ellis seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

By-Laws Committee

Lin Davidson advised the By-Laws Committee Members that they need to schedule a Meeting. This will be discussed at the next Meeting.

Cayuga Way & Lakeview Subdivision

A request for an extension on the above approvals given the economic climate and their inability to obtain construction lending has come into the Planning Office. Ms. Moynihan Schmitt has requested updates on both of the project from their Legal Counsel, Mark Wheeler. The Board agreed to place this topic on the next Agenda.

Larry Sharpsteen made a motion to adjourn the Meeting at 9:55 PM. Richard Prybyl seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye

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**Nancy Loncto - Aye
Viola Miller - Aye
Richard Prybyl - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.