

APPROVED

Town of Lansing

Monday, August 10, 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
*	Jeffrey Overstrom, EIT		David Buck, Alternate
*	Lorraine Moynihan Schmitt, Esq.		

Public Present

Wayne Matteson, P.E.

Ron Seacord

Andy Sciarabba

Jack Jensen

General Business

Lin Davidson called the Planning Board Meeting to order at 7:17 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.

Change of Agenda

Mr. Davidson made a change to the Agenda due to the Public Hearing(s) taking longer. The Exempt Subdivisions were moved to the beginning.

1 Lot Exempt Subdivision —SEQR, Applicant: Lansing Associates, Town Barn Rd, Tax Parcel # 30.-1-16.2

Jeffrey Overstrom stated this is a one acre parcel being subdivided off of Town Barn Road. Mr. Overstrom stated the Application meets all the zoning requirements.

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.

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David Hatfield made a motion to declare a negative declaration on the State Environmental Quality Review. Thomas Ellis seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Thomas Ellis made a motion to waive the Public Hearing. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Ms. Moynihan Schmitt clarified for the record that Mr. Overstrom has completed a review of Section 400. of Article IV for Exempt Subdivisions. The following questions were asked of Mr. Overstrom with a reply of no to all.

(1) no new public Roads or Private Roads are proposed, required or created; and (2) no extensions of public water or sewer mains or other Infrastructure are proposed, required or created, and (3) there have not been, and will not be, 5 or more Lots created or previously created within any 3 year consecutive period upon, adjacent to, or in relation to the proposed Exempt Subdivision, whether by the same or any other Subdivider, and (4) the Town's Enforcement Officer reviews a Sketch Plan of the proposed Subdivision and places a seal thereupon. If the Enforcement Officer believes, for any reason, that there are special circumstances involved with granting Exempt Subdivision status, including, but not limited to, topography, prior subdivisions of any one or more involved, adjacent, or related Lots, the effects upon agricultural districts, the effects upon Cayuga Lake and its tributaries, highway safety, and/or any hazard or potential hazard to life, property or public peace or welfare.

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1 Lot Exempt Subdivision-SEQR, Applicant: John Boles, Salmon Creek Rd. Tax Parcel # 17.-1-17.22

Mr. Overstrom explained that Mr. Boles has 15 ½ acres of land that he would like to subdivide a small portion (2.02 acres) of that lot to erect a single family residence. The lot is triangular in size. This is in the RA District.

A brief discussion took place with regards to the procedures for the “Exempt Subdivisions”. Mr. Overstrom states he has been in contact with Guy Krogh regarding the SEQR process for exempt subdivisions and it is not required, as this is an Unlisted Action. The approval process can be totally taken care of in the Planning Department without the Planning Board even being involved.

Note: When these minutes were reviewed at the September 28, 2009 Planning Board Meeting, Attorney Lorraine Moynihan Schmitt clarified that, as a matter of law, Unlisted Actions are subject to SEQR review, so Attorney’s Krogh’s advice on this issue somehow must have been misconstrued or mis-conveyed. Attorney Moynihan Schmitt advised that she has reviewed Attorney Krogh’s July 16, 2009 memo on this issue which is clear and correct that **Type II** actions (not Unlisted Actions) are exempt from SEQR review. Both Attorney Krogh and Attorney Moynihan Schmitt feel that certain exempt subdivision applications may be classified as Type II with no requisite for SEQR review, but that certain applications have special circumstances (e.g., wetlands, stream erosion or drainage/flooding concerns, protected habitat UNA or CEA designation, proximity to a national landmark, state park land, cumulative or long term impacts, etc.), such that they must be classified as either Unlisted or Type I actions and are subject to SEQR review. Attorney Moynihan Schmitt will be preparing a guidance document for the Planning Document in this regard).

Mr. Overstrom stated for the record the Application meets all the requirements of Section 400. of Article IV for Exempt Subdivisions.

Larry Sharpsteen stated for the record that this is an odd lot, and he does not care that nothing but trees are on top of it. It creates a cumbersome shape for the remainder of the land.

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.

David Hatfield made a motion to declare a negative declaration on the State Environmental Quality Review. Larry Sharpsteen seconded.

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VOTE AS FOLLOWS:

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

MOTION CARRIED.

Thomas Ellis made a motion to waive the Public Hearing. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

SEQR Review -Public Hearing & Site Plan Application & (s) – X-mart, 32 Peruville Road, Tax Parcel # 30.-1-16.4

David Hatfield made a motion to open the Public Hearing at 7:38 PM. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

There were no Public Comments.

Thomas Ellis stated in his opinion drive thru windows are a waste of time and energy.

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Ron Fortune gave an example of safety reasons for why someone would use a drive thru window.

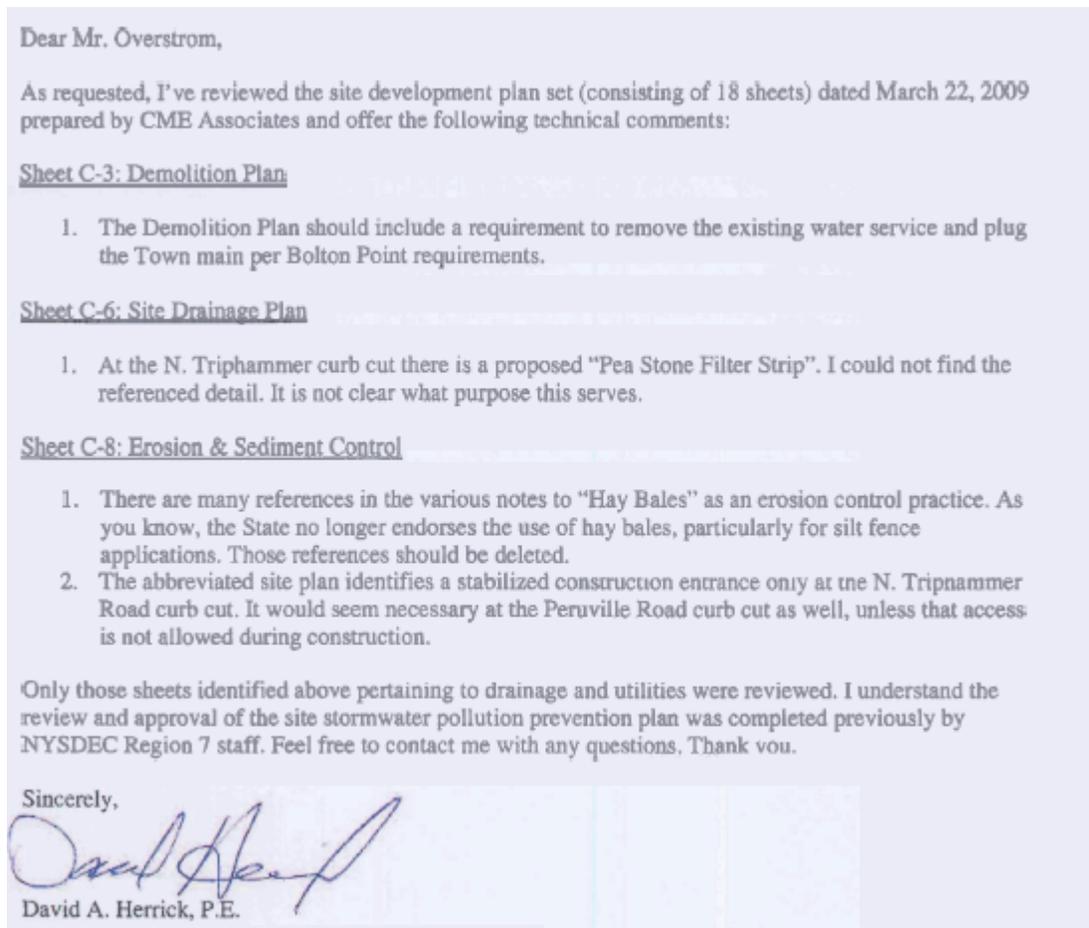
Thomas Ellis made a motion to close the Public Hearing at 7:42 PM. Nancy Loncto seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Mr. Overstrom read the following comments received from David Herrick.



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The Planning Board Members reviewed Part I of the long EAF. Part II will be completed by Jeffrey Overstrom and reviewed by David Herrick, P.E.

Larry Sharpsteen made a motion to permit Jeffrey Overstrom to complete Part II of the Long EAF at this meeting and then request David Herrick, P.E. to review it. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Thomas Ellis offered the following Resolution;

RESOLUTION PB 09-85

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF THE X-MART SITE PLAN

WHEREAS, Consulting and Design LLC., on behalf of Drake Petroleum Company (“Applicant”) has submitted for consideration and approval from the Lansing Planning Board of a Site Plan for a proposed 3,600 sq. ft. X-Mart Convenience Store Building with sublet space and Drive Thru window, installation of (8) gas dispensing islands and installation of (3) Diesel Truck Dispensing Island to be located on a 2.09 +/- acre parcel at 32 Peruville Road, Lansing, New York and otherwise known as Tax Map Parcel #30.-1-16.4. 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 determined to be the following agencies: Tompkins

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County Planning Department, Tompkins County Health Department, NYS Department of Environmental Conservation, Southern Cayuga Lake Inter Municipal Water Commission, NYS Office of Parks, Rec. & Historic Preservation, and The Lansing Housing Authority, 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 Town of Lansing Planning Department, and those agencies have been given the opportunity to 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 X-Mart site plan application at Lansing Town Hall at 29 Auburn Road, Lansing, New York 14882 on August 10, 2009 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 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 and completed the LEAF, 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 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 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, *subject to and contingent upon the*

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review and approval of Part II of the LEAF by Town Engineer, David Herrick, 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: August 10, 2009

Nancy Loncto seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Larry Sharpsteen made a motion to open the Public Hearing on the Site Plan Application at 8:22 PM. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

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No Public comments or concerns.

Larry Sharpsteen made a motion to close the Public Hearing at 8:22 PM. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Nancy Loncto requested clarification on the curb cuts. Mr. Overstrom explained NYS DOT has the jurisdiction of dictating the number of curb cuts, which they have approved one.

Thomas Ellis inquired about stacking with the drive thru window. Larry Sharpsteen advised Mr. Ellis that the stacking was specifically addressed in a previous Planning Board Meeting.

This particular site has a rental of land for their septic system. A copy of the agreement is in the file.

Ms. Moynihan Schmitt stated Guy Krogh wanted for the records an adequate explanation as to why the septic system is located on leased land, and why the lease is only for a five year period when the building is designed to have a 30-40 year life.

Andrew Sciarabba stated the lease parcel is a prime piece of property and eventually sewer will come along. Mr. Sciarabba did not want to tie up the property that long.

Nancy Loncto requested that the Lease Agreement verbiage be included in the Site Plan Approval Resolution.

Thomas Ellis requested that the paragraph concerning Special Permits and the expansion of existing uses be inserted. The Planning Board sees no need to approach the Town Board.

Nancy Loncto made a motion to approve the Site Plan as amended with the following Resolution;

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RESOLUTION PB 09-88

RESOLUTION OF THE LANSING PLANNING BOARD APPROVING X-TRA MART SITE PLAN

WHEREAS, Applicant, Consulting and Design LLC., on behalf of Drake Petroleum Company, has requested Planning Board consideration, review and approval of the X-tra Mart Site Plan for a proposed 3,600 sq. ft X-tra Mart Convenience Store Building with sublet space and Drive Thru window, installation of (8) gas dispensing islands and installation of (3) Diesel Truck Dispensing Island to be located on a 2.09 +/- acre parcel at 32 Peruville Road, Lansing, New York and otherwise known as Tax Map Parcel #30.-1-16.4; 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. The involved and Interested Agencies were determined to be the following agencies: Tompkins County Planning Department, Tompkins County Health Department, NYS Department of Environmental Conservation, Southern Cayuga Lake Inter Municipal Water Commission, NYS Office of Parks, Rec. & Historic Preservation, and The Lansing Housing Authority; 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 considered by the Planning Board; and

WHEREAS, at the Lansing Planning Board Meeting, held on July 13, 2009 at the Lansing Town Hall, the Planning Board preliminary reviewed the overall X-tra Mart site

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plan and set the matter for a duly noticed public hearing scheduled to be held on August 10, 2009 concerning review and overall consideration of the site plan application and the requisite SEQR environmental review thereof by the Planning Board; and

WHEREAS, on August 10, 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, with assistance of 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 August 10, 2009, 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 subject to, and contingent upon, the review and approval of Part II of the LEAF by Town Engineer, David Herrick; and

WHEREAS, on August 10, 2009, the Planning Board determined that (1) the proposed use of the site is a mere extension of the existing use; and (2) any special permits currently governing the site encompass the proposed new expansion and, therefore, (3) no new special permit approvals need be sought by the Applicant from Town Board at this time; and

WHEREAS, on August 10, 2009, the Planning Board has considered the concerns of legal counsel that the Applicant has proposed renewable lease agreements respecting the leasing of the adjacent parcel wherein the septic system is to be located, rather than a

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permanent easement to the septic which is a normal practice to ensure future access to an essential utility service; and the owner of the leased property at issue gave an adequate explanation respecting concerns and reluctance to transfer property rights and made assurances that the lease would be terminated upon the availability of future water and sewer to the site such that the Planning Board was satisfied with this explanation and assurance; and;

WHEREAS, on July 13, 2009 and August 10, 2009, the Planning Board duly considered and carefully reviewed the X-tra Mart 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 X-tra Mart Site Plan for a proposed 3,600 sq. ft X-tra Mart Convenience Store Building with sublet space and Drive Thru window, installation of (8) gas dispensing islands and installation of (3) Diesel Truck Dispensing Island to be located on a 2.09 +/- acre parcel at 32 Peruville Road, Lansing, New York and otherwise known as Tax Map Parcel #30.-1-16.4.

August 10, 2009

Thomas Ellis seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye

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Viola Miller - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

SEQR Review and Preliminary Plat Approval - Public Hearing (s)- Farm Pond Circle Subdivision, Collins Road, Tax Parcel # 38.-1-4.122

David Hatfield made a motion to open the SEQR Public Hearing at 8:32 PM.
Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Due to incomplete information, the Board agreed to open and continue the Public Hearing(s).

Nancy Loncto made a motion to continue the Public Hearing until August 24, 2009 Meeting, time to be determined by the Planning Department. Thomas Ellis seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Larry Sharpsteen made a motion to open the Public Hearing at 8:33 PM on the overall consideration of the Subdivision Application. Nancy Loncto seconded.

VOTE AS FOLLOWS:

Thomas Ellis - Aye
David Hatfield - Aye
Nancy Loncto - Aye

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**Viola Miller - Aye
Larry Sharpsteen - Aye
Lin Davidson - Aye**

MOTION CARRIED.

Larry Sharpsteen made a motion to table the opened Public Hearing on the Application until August 24, 2009, time to be determined by the Planning Department. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

David Hatfield made a motion to adjourn the Meeting at 8:34 PM. Viola Miller seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.