

Town of Lansing

Monday, July 13, 2009 7:15 PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

*	Nancy Loncto		Tom Ellis
*	Larry Sharpsteen	*	Lin Davidson, Chairman
*	Viola Miller	*	David Hatfield
	Marty Christopher, Town Board Liaison	*	Richard Prybyl
*	Jeffrey Overstrom, EIT	*	David Buck, Alternate
*	Lorraine Moynihan Schmitt, Esq.		

Public Present

Jason Moore

Bill Duthie

Andy Sciarabba

Ron Seacord

Ron Fortune

Robert Cree

Wayne Matteson

Ed LaVigne

Robert Miller

General Business

Lin Davidson called the Planning Board Meeting to order at 7:19 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.

Affordable Housing

Jason Moore gave a brief overview of the need for affordable housing in Tompkins County and what exactly affordable means. Mr. Moore was asked to return to a future Planning Board Meeting when more time would be allotted for an in depth presentation.

1 Lot Exempt Subdivision & SEOR Review, S.E.E. Associates, North Triphammer Road, Tax Parcel # 37.1-3-1.2

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.

Richard Prybyl made a motion declaring a negative declaration. Nancy Loncto seconded.

VOTE AS FOLLOWS:

**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. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

**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 accept the Subdivision as presented. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Site Plan & SEOR Review- Kersat's Landscaping Warehouse Storage, Applicant: Bill Duthie, Town Barn Road, Tax parcel # 30.-1-16.32

Mr. Duthie appeared before the Planning Board for Site Plan Review. Mr. Duthie

intends on moving an existing Storage Building currently located on North Triphammer Road to his property for leasing purposes of Kersat Landscaping Business. This will be a storage facility for equipment, and stock piling of material. The base of their business is located on Conlon Road.

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.

Nancy Loncto made a motion to declare a negative declaration. David Hatfield seconded.

VOTE AS FOLLOWS:

**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. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Further Discussion

Larry Sharpsteen stated for the record that the same overall requirements with regards to access, traffic, and lighting apply to the expansion of this use. Any changes made must be reviewed by the Code Enforcement Office.

David Hatfield made a motion to accept the Site Plan as presented. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

**David Hatfield - Aye
Nancy Loncto - Abstained
Viola Miller - Aye
Richard Prybyl - Aye**

Larry Sharpsteen - Aye
Lin Davidson - Aye

MOTION CARRIED.

Site Plan & SEQR Review- Drake Petroleum-Xtramart, 32 Peruville Road, Tax Parcel #30.-1-16.4

Ron Fortune, Agent for Drake Petroleum appeared before the Board. Mr. Fortune again gave a brief overview of the proposed 3,600sq. ft. Convenience Store/Dunkin Donut Drive Thru. Everything will be torn down to include the old Car Wash. The pavement will be removed as will the tanks. The current sign will remain with an addition to it mentioning the drive thru. The curb cuts are per New York State Department of Transportation approval. The old septic system will be removed and a new one installed. There will be 16 fueling spaces for cars and 6 spaces for trucks. There will be two separate canopies with their own signage on them. There is a long term Lease of the adjoining property due to the land being part of their septic system. Attorneys Krogh and Moynihan Schmitt have reviewed the Lease Agreement.

David Herrick offered the following comments;

Approvals for DOT, Health Department, and DEC have been obtained. This was a pre-existing Gas Station/Convenience Store therefore it is grandfathered. Proper stacking has been shown on the plans for the drive thru. There has been no reply from The Tompkins County Planning Department with regards to their 239 review.

Larry Sharpsteen made a motion to set a Public Hearing(s) on the SEQR and Application for Monday, August 10, 2009 at 7:20 PM. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Preliminary Plat- Farm Pond Circle, Collins Road, Tax Parcel # 38.-1-4.12

Jack Jensen and Engineer Wayne Matteson appear before the Board with updates regarding the proposed Subdivision. Mr. Jensen explained each lot has an alternate for open space and building space. There will be deed restrictions

which will include no pools, no garages, size restrictions will be placed on the buildings and requirements that they be NYSERDA certified. There are wetlands on the property (Peruville side and south east corner) therefore, reducing the number of lots to 19 from 21. The Park is attached to Lot 12 which Mr. Jensen will be retaining. Lots 1 & 2 will be owned by his children.

Jeff Overstrom states he has checked with the Town Highway Superintendent and the Fire Chief with regards to the cul-de-sac design of the road and the radius for snow removal and for Emergency vehicles to turn around. Both agreed that they have no problem with it. The Planning Board requested that Mr. Overstrom obtain acceptance in writing from the Superintendent and Fire Chief.

A concern with accessing other properties was discussed and determined that there is no feasible way other than the walking path around the perimeter of the Subdivision.

This Subdivision will be constructed in two phases. In the second phase there are non conforming lots (frontage shortage) on the road curve due to the road layout. It was the consensus of the Planning Board to have Mr. Jensen approach the Zoning Board of Appeals prior to the Final Approval of the entire Subdivision. The Planning Board will provide a favorable recommendation.

Larry Sharpsteen made the following motion

In the opinion of the Town of Lansing Planning Board, a Variance allowing reduced road frontage in this instance would be consistent with the intent of both the Zoning Ordinance and the Comprehensive Plan. This is an action that has precedence and the action has already been taken by the Planning Board and Town Board. The need for the reduced frontage is based on a mathematical radius of the turn around for snow removal and safety. The review of the road as it exists has gone before the Town Highway Superintendent and Fire Chief and they have accepted it as designed.

David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

David Hatfield recommended that specific language be inserted into the deed

with respect to Agricultural Operations being located adjacent to the proposed project.

Nancy Loncto made a motion classifying this proposal as a Type I Action and declaring the Town of Lansing Planning Board Lead Agency in the SEQR Review process. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

**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 set a Public Hearing on the SEQR and Preliminary Plat for Monday, August 10, 2009 at 7:30 PM. Larry Sharpsteen seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

**Final Plat - Lansing Commons, Cayuga Vista Drive, Tax Parcel #
37.1-2-53.22**

Wayne Matteson and Ron Seacord appeared before the Planning Board. Nancy Loncto read Section 706.7 of the Town Zoning Ordinance with respect to Final Plat requirements for a Planned Development Area. Mr. Matteson stated he has not received approval from the DEC as of yet, however, some modifications have been made to the Final Plat with respect to the Wastewater Facility Distribution.

Lorraine Moynihan Schmitt reviewed the process to date with the Planning Board Members as follows;

The Town Board was asked to do the conditional approval pursuant to the Planning Development Regulations.

By way of Town Board Resolution dated May 20, 2009, The Town Board conditionally approved the proposed PDA subject to conditions imposed by the Town and set forth by the Resolution of May 20, 2009. The Town Board then

referred the Application back to the Planning Board for the “applicable steps and verifications necessary for the Final development Plan,” and The Town Board further charged the Planning Board with creating a document which summarizes the “terms, conditions, and requirements” of the Planning Development Area that is “capable of properly identifying all special and other terms of zoning and site planning applicable to this new zoning classification such that the Land Use Ordinance may be duly amended by Local Law to add the Lansing Commons PDA to such Ordinance. No Final Development Plan shall be approved until such time as a Local Law to the above effect is approved by the Town Board and counsel to the Town and duly passed and carried into effect.”

Ms. Moynihan Schmitt has prepared a draft decision on the Final Development Plan. Ms. Moynihan Schmitt suggested that the Planning Board Members review her draft and plan to have further discussion at a Special Meeting to be held on August 3, 2009 at 5:30 PM in the Town Hall.

The Board requested that Mr. Overstrom review the modified Plan prior to the Working Meeting.

Mr. Seacord brought to the Board’s attention that the previous Traffic Study took the entire Subdivision of 43 acres as an Industrial Park into consideration. Mr. Seacord was wondering if it was necessary to have an additional study done. Ms. Moynihan Schmitt advised Mr. Seacord that the Town Board has requested that a new study be done in Phase II or III.

Nancy Loncto made a motion to adjourn the Regular Meeting at 9:15 PM to go into Executive Session to discuss possible litigation. Richard Prybyl seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Nancy Loncto made a motion to adjourn the Executive Session at 9:25 PM and reconvene the Regular Meeting.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

Nancy Loncto made a motion to adjourn the Meeting at 9:26 PM. David Hatfield seconded.

VOTE AS FOLLOWS:

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

MOTION CARRIED.

APPROVED

PAGE

PAGE 1