

APPROVED

Town of Lansing

PLANNING BOARD MEETING

Monday, December 11, 2017 6:30 PM

PLANNING BOARD MEMBERS

(*Denotes present)

- * Tom Ellis, Chairman
- * Norman (Lin) Davidson, Vice-Chairman
- * Larry Sharpsteen
- * Al Fiorille
- * Gerald Caward
- Deborah Trumbull
- * Sandra Dennis Conlon
- * Dean Shea, Alternate

Other Staff

Lynn Day, Zoning Officer Mike Long, AICP Sue Munson, Code Office
Edward LaVigne, Supervisor Guy Krogh, Esq. Doug Dake, Town Board Liaison

Public Present (4) that signed in

Joseph Wetmore John Andersson Jack Young Judy Drake Matthew Kerwin

Chairman Tom Ellis called the Planning Board Meeting to order at 6:31 PM.

Chairman Tom Ellis enacted Dean Shea as Deborah Trumbull is absent today.

FLOOR OPEN FOR COMMENTS/CONCERNS OTHER THAN WHAT IS ON THE AGENDA

No Comments

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MOTION TO APPROVE THE PLANNING BOARD MINUTES FOR NOVEMBER 27, 2017 MEETING

Lin Davidson made a motion to APPROVE THE NOVEMBER 27, 2017 minutes. Sandra Dennis Conlon seconded the motion:

All in Favor - 7

Opposed - 0

SITE PLAN REVIEW AND APPROVAL OF CROWN CASTLE TO CONSTRUCT A MONOPOLE (CELL TOWER) TELECOMMUNICATIONS FACILITY FOR VERIZON WITH ZBA AREA VARIANCE APPROVAL ON FALL ZONE - LOCATED AT 1901 E. SHORE DRIVE, TAX #37.1-8-4.1 (ZBA VARIANCE WAS ON NOVEMBER 21, 2017)

Project Overview: 95-foot tall monopole Telecommunications Facility. Located at 1901 E. Shore Drive, Tax #37.1-8-4.1

Comprehensive Plan/Zoning: The site is in the B2 - Commercial Zone and cell towers are currently permitted within this zone.

GML Referral: The 239 Review letter dated November 3, 2017 states "The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community or county-wide impacts."

Structural review will need to be approved before building permit is issued.

Matt Kerwin from Crown Castle will provide a decommissioning plan.

RESOLUTION PB 17- 15a

RESOLUTION CONDITIONALLY APPROVING CROWN CASTLE SITE PLAN REVIEW APPLICATION AND ISSUING SPECIAL USE PERMIT FOR 95' CELL TOWER AND RELATED IMPROVEMENTS

WHEREAS, an application was made by Crown Castle, through Matthew Kerwin of Barclay Damon, agent, for a site plan review approval and a special use permit for construction of a 95' communications tower and related site improvements upon a portion of land located at 1901 East Shore Drive (NYS Route 34), Lansing, New York, being TPN 37.1-8-4.1 (3.94 acres) in the B-2 Commercial Zone, with the specific site and access roads and easements as set forth in the project site plan mapping; and

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WHEREAS, more particularly, the proposal is to construct a 95' tall monopole communications tower to improve cell phone access and network reliability, while also fulfilling infill and local coverage gap needs, all of which needs were duly documented and proven to the satisfaction of the Planning Board, all together with related electrical equipment, antennae, and a gravel driveway access from Atwater Road, together with other traditional site improvements, such as fencing, landscaping, etc. on a portion of the larger Carwash parcel as afore-described; and

WHEREAS, the Planning Board held a sketch plan review meeting on April 11, 2016 whereat conceptual access and site planning input was duly provided upon a pre-application basis, such input having mainly been focused upon stormwater, buffering, traffic, sight impacts, tower height, and related issues, and the developer has since then amended and revised the site plan several times to reduce the proposed tower height and revise project plans to mitigate cited concerns and fall zone and visual impact issues, and the developer did duly submit a final site plan and special permit application that was deemed complete and a public hearing was duly held upon this application; and

WHEREAS, the developer has estimated 0.33 acres of disturbance will be the result of the proposed project, which is below the 1 acre minimum threshold for a Full SWPPP, and this project is in otherwise in compliance with current stormwater regulations, and such proposed tower and land use is a permitted use under the Land Use Ordinance in the Commercial (B2) Zone, subject to obtaining site plan review approval and a special use permit from the Planning Board; and

WHEREAS, the Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to site plan review and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has considered the Town's Comprehensive Plan and compliance therewith, and the Planning Board has also duly considered the tower's siting and design under Local Law #7 of 2015, including a review under the criteria of Article III, Section (F) for specific rules and standards, all of which have been substantially met or fulfilled as follows: (F)(1) standards are deemed met as the site location requirements are met, propagation studies were duly delivered, colocation was explored adequately, and structural elements are specifically addressed by conditions below; (F)(2) locational preference were met and this siting is in highest and best location on the prioritization list for communications towers given lack of tall structures or colocation-available facilities in the services area that could fulfill gap coverage; (F)(3) the specific site planning and special permit requirements are all found to be met in the final application as submitted or, as to structural elements of the tower, covered by project and permit conditions as hereinafter stated and imposed; (F)(4) is met as a 95' tower is within allowed tower heights; (F)(5) requirements are met as colocation is allowed and was duly examined; (F)(6) fall zone requirements were met through a combination of reducing tower height by approximately 40%, designing a specific break-point into the tower design to reduce the fall zone or potential impact of tower failure, and duly obtaining area variances from the Lansing Zoning Board of Appeals for the specific site and location chosen; (F)(7) Setbacks and yardage requirements were all met; (F)(8) no subdivision was required as the tower site rights are proposed to be acquired by a traditional tower lease; (F)(9) and (14) aesthetic issues were duly addressed through site planning and project mitigation, including ground buffering for near the tower's base within line of sight and by the reduction of tower height by approximately 40% to mitigate long-range view impacts; (F)(10-13 and 15-18) NEIR, RFI, FCC compliance and licensure, intermunicipal notification, traffic, access, and safety, agricultural impacts, and emergency response plans have all been addressed to the full satisfaction of the Planning Board; (F)(18) requirements for a suitable bond or other decommissioning

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plan and removal security are a condition of issuance of the building permit and duly require approval by the Town Board; (F)(19) a suitable indemnity and hold harmless agreement between applicant and Town is made a condition hereof as set forth below; and (F)(20) no other conditions here arise or are needed, and the proposed new tower to be constructed for Verizon Wireless by applicant has been reviewed under Local Law #7 of 2015, including for the site and review criteria of Article V therein; and

WHEREAS, this action was classified as a Type I Action under the State Environmental Quality Review Act (“SEQRA”) and the Planning Board was duly declared lead agency, conducted a coordinated review, and upon November 13, 2017 duly issued a negative declaration of moderate or significant potential negative environmental impacts arising from this project; and

WHEREAS, General Municipal Law § 239 referrals were duly delivered to the Tompkins County Planning Department of the revised plans and such **Department responded by letter dated November 3, 2017 stating that the project will have no negative inter-community or county-wide impacts; and**

WHEREAS, a public hearing was duly held upon May 22, 2017 and the public was duly allowed to speak upon and address the communications tower and the site plan and special permit application, and all input and comments, if any, were duly considered, whereafter the Planning Board began consideration of the terms and conditions of approval or denial of the site plan and special use permit; and

WHEREAS, the project was referred to the Lansing Zoning Board of Appeals (ZBA) due to a need for area variances for the fall zone due to need a 125’ fall zone (tower height plus 40’) and buildings being approximately 115’ away and power lines being approximately 65’ away, and the ZBA, at their November 21, 2017 meeting duly held a hearing upon the application and at the close thereof conditionally granted area variances for the tower’s “fall zone” requirement of 135’ based upon the reduction in tower height and the break-away design, and the matter was thereafter referred back to the Planning Board for site plan and special use permit review for a communications tower with a proposed maximum height of 95’; and

WHEREAS, upon due consideration and deliberation by the Town of Lansing Planning Board, ***now therefore be it RESOLVED as follows:***

1. Final Site Plan approval be and hereby is issued for this project for the proposed site area improvements as located upon the afore-described 3.94± acre parcel, TPN 37.1-4-4.1, as shown in and on updated Site Plan Sheets dated 4/3/2017, drawn and sealed by John Stevens, P.E. of INFINIGY8 Engineers, and upon updated 11/15/17 drawings and visualization materials as submitted by the applicant to this meeting (together, the “Site Plans”), all ***subject to the following conditions:***

i. Developer obtaining a road access and culvert permit for the access way to Atwater Road as indicated in said site plan, with the access to be built in a manner as required and approved by the Town Highway Superintendent, with any license or easement therefore to be duly filed as a land record with the Tompkins County Clerk’s Office.

ii. All new construction must meet the requirements of the New York State Building Codes and a building permit must be duly obtained for all project improvements. Any fill material brought to the site shall require fill compaction testing, and verification of proper completion of compaction and

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compaction testing shall be delivered to the Town's Code Enforcement Officer prior to the close-out of any building permit(s).

iii. Completion of the site plan improvements as shown upon the Site Plans, and specifically including the installation of vegetative buffering as meets the following goals: (a) all buffering shall be designed to provide both visual cover buffering and sound baffling features, and thus emphasis shall be placed upon solid cover barriers, such as hedges and offset rows of evergreen trees, or large or densely placed deciduous trees with variable heights and interspersed with evergreens or other plants as provide for such cover and buffering; and (b) developer and landowner(s) (and their existing and future tenants), as an express condition of site plan and special use permit approvals (the violation of which shall be a violation of the Land Use Ordinance and Town Law § 135, and enforceable as such), shall hereafter and at all times: (1) properly protect and maintain such trees and other vegetative buffers as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering; (2) promptly remove and replace any dead, diseased, or dying trees or plants; (3) promptly replace, supplement, enhance, or otherwise effect changes in buffers whenever such buffers, or any plants therein, whether singularly or in combination due to lack of growth, death, recession, disease or other cause, cease to function as buffers as afore-required; and (4) effect such maintenance in a manner as promotes the goals of such buffers as stated in this site plan approval.

vi. All signs shall comply with the Town's sign local law unless variances shall be issued therefor, but in all cases site plan approval is conditioned upon all on-structure and freestanding signs being placed where indicated in the approved Site Plans.

2. A Special Use Permit be and is hereby issued and approved for the site plan and 95' communications tower, subject to the following conditions:

i. That substantial construction be undertaken within one-year of the date of the approval of the area variance (unless duly so extended by the ZBA), all as required by the Zoning Board of Appeals and its stated conditions affecting the approval of the area variances.

ii. Prior to the issuance of any building permit, a review to be undertaken by an independent structural engineer selected by the Town that verifies: (i) the proper design of the Tower and its supporting structures; and (ii) that the material and structural designs proposed for a break-point in the tower at 50' are properly designed and have the potential to reduce the risks that potentially arise upon tower failure within a reduced and approved fall zone.

iii. Submission of an indemnity and defense agreement or statement and submission of a decommissioning plan and security therefor in a form as approved by the Town Board.

Dated: December 11, 2017

Motion by: Lin Davidson

Seconded by: Larry Sharpsteen

VOTE AS FOLLOWS:

Gerald Caward, Jr. – Aye
Norman L. Davidson – Aye
Sandra Dennis Conlon - Aye
Al Fiorille - Aye
Larry Sharpsteen - Aye
Dean Shea, Alternate Member - Aye
Thomas Ellis - Aye

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PRELIMINARY PLAT DISCUSSION FOR EAST SHORE CIRCLE - 4 LOT SUBDIVISION - JOHN YOUNG - TAX PARCEL #37.-7-12.2

John Andersson and John Young approached the board to propose the next phase of East Shore Circle project and discuss if it could be a minor subdivision. Two other lots were approved in 2013.

The SWPPP is currently under review with the Town Engineers at T.G. Miller. Each lot will contain its own Stormwater detention area.

The potential future use is recently impacted. In the last couple of days, John Young has lost almost all of the farmers that have been farming their land in several areas due to unpredictable weather. John is still trying to find another farmer interested.

There is 60' of land left to access the back vacant property.

MOTION TO CLASSIFY AS A 4 LOT MINOR SUBDIVISION WITH CONDITIONS

- Future development will need a SWPPP plan with both this current project and the future project.

Larry Sharpsteen made a motion to CLASSIFY AS A MINOR SUBDIVISION WITH CONDITIONS at 7 pm. Lin Davidson seconded.

All in Favor - 7

Opposed - 0

A Public Hearing to be set on January 22, 2017 with resolutions for the SEQRA and Site Plan Approval. Request to relabel the plot plan with Final Plat and include all the lots and the parent parcel.

RECOMMENDATION TO TOWN BOARD RE: LARRY SHARPSTEEN AND DEAN SHEA RE-APPOINTMENT WITH ADDING THOMAS BUTLER AS AN ADDITIONAL ALTERNATE MEMBER

Jerry Caward made a motion recommending the Town Board re-appoint Larry Sharpsteen to the Planning Board for an additional seven (7) year term as a board member and re-appoint Dean Shea for an additional one (1) year term as an alternate member. The board would also recommend adding Thomas Butler as a second alternate member for a one (1) year term. Norman (Lin) Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member
Vote of Planning Board . . . (Aye) Jerry Caward, Member

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Vote of Planning Board . . . (Aye) Sandra Dennis Conlon, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Dean Shea, Alternate
Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman

RECOMMENDATION TO TOWN BOARD FOR PLANNING BOARD OFFICERS FOR 2018

Members felt the Chairman is doing an excellent job and should continue for the 2018 year and the Vice Chairman should be Jerry Caward as Lin Davidson is stepping down due to Ag Commitments.

Larry Sharpsteen made a motion to recommend the Slate of Officers as follows; Thomas Ellis, Chairman and Jerry Caward, Vice Chairman. Sandy Dennis Conlon seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Norman (Lin) Davidson, Member
Vote of Planning Board . . . (Aye) Jerry Caward, Member
Vote of Planning Board . . . (Aye) Sandra Dennis Conlon, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Dean Shea, Alternate
Vote of Planning Board . . . (Aye) Thomas Ellis, Chairman

Chairman Tom Ellis would like to respond to the Tompkins County Planning & Sustainability 239 review letter that was received late on Friday, December 8, 2017.

COMPREHENSIVE PLAN 239 RESPONSE FROM TOMPKINS COUNTY - COMPLIMENTS - SUGGEST MINOR CHANGES

Chairman Tom Ellis stood up and gave all the Planning Board Members a standing ovation for a job well done for the 2017 Comprehensive Plan Update. The County review gave the Town of Lansing compliments on creating such a comprehensive document. The County was only concerned about two aspects of the Plan. Only two aspects from a document with over 100 pages plus all the Appendixes.

The County offered a few minor modifications that are so simple. The Planning Board members feel it would be in the Towns best interest to recommend making the minor changes to the Town Board and move it forward.

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Planning Board Chairman Tom Ellis stated “I think the 2017 Comprehensive Plan Update is ready to be approved after 5 years of review with the Committee with countless public hours and fourteen meetings with the Planning Board each meeting approximately two hours per meeting equating to roughly 196 person hours. That does not include the Town Planner, Joseph Shepard, Code Officer and many others. After all the extensive editing with countless hours of intensive thought and discussion, to do anything but move this Comp Plan forward at this point would be a dis-service to everyone involved over the last 6 years. We have professionals sitting hear that have dealt with planning, we deal with planning year after year, and we have a Professional Planner from the County who reviewed the plan and gave compliments to the Town on creating such a comprehensive document.” Chairman Tom Ellis “does not see what we are waiting on or what we are looking for it is ready for prime time.”

In response to the 239 review from the County - minor modifications:

1. **Chapter 4, Future Land Use Sections on Residential - Mixed Use/Moderate Density Areas.** After much discussion about this topic, the Planning Board determined that the County recommended language altered (c) be adopted as proposed. The Planning Board considers every application with regards to traffic impacts and density issues. There was a transportation study included by the Cornell Design Connect and Tompkins County Transportation Council Staff that projects traffic impacts of the by projected development.

Planning Board Recommendation to the Town Board:

1(c) Include in the resolution adopting the Plan a statement that these impacts will be analyzed in detail before any zoning amendments to implement the Plan are adopted.

2. Chapter 3, Sections on Infrastructure and Housing and Neighborhoods

The discussion continues about the Tompkins County Comprehensive Plan and Guy Krogh pointed out the 2017 proposed Lansing Comprehensive Plan update does in fact comply with the Tompkins County Comprehensive Plan. They next reviewed the language and offered the following amendment to the change the word “expand” to “enhance” as recommended but exclude the “(not necessarily expand)”.

2(a) the word changed to “enhance” and exclude the (not necessarily expand)

a)Modify recommendation I-1A to indicate that the Town will work with NYSEG to **enhance** ~~(not necessarily expand)~~ the electrical and natural gas distribution systems to increase capacities, while encouraging the transition to alternative forms of energy, and

2(b) add “and discuss with” after NYSEG, and change to “all uses in the Town of Lansing”

b)Modify recommendation HN-3B to indicate that the Town will work with NYSEG **and discuss with** the Town of Dryden and Tompkins County on the

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means of enhancing capacity of natural gas to service residential or industrial or commercial uses in the Town of Lansing.

MOTION TO RECOMMEND THAT THE TOWN BOARD HOLD A PUBLIC HEARING ON DECEMBER 20TH AND TO APPROVE THE 2017 COMPREHENSIVE PLAN UPDATE

Larry Sharpsteen made a motion to RECOMMEND THAT THE TOWN BOARD HOLD A PUBLIC HEARING ON DECEMBER 20, 2017 AND TO APPROVE THE 2017 COMPREHENSIVE PLAN UPDATE at 7:42pm. Jerry Caward seconded the motion:

All in Favor - 7

Opposed - 0

REVIEW DRAFT SOLAR LAW FROM THE SOLAR COMMITTEE

The board likes the draft and feels it is consistent with what other towns use. Should be ready for the 239 review in January or February and should move along, as it is consistent with the Counties Solar Law.

MIKE LONG REVIEWS PLANNING UPDATES

- Floyd Davis - Lake Forest - SWPPP
 - Public Hearing has been completed but will probably hold another one.
- Verizon Tower on Conlon Road
- The year-end summary of the approved site plans will be ready soon.

Lynn brought up that the Planning Board is the main group that uses the Projector Screen in the Board Room. They were ok with removing it. There have been some complaints with it limiting the screen size. Without the screen, Developers could keep the view larger and make it easier to see.

Larry Sharpsteen made a motion to adjourn at 8:07 PM. Lin Davidson seconded the motion.