

APPROVED

Town of Lansing

Monday, September 12, 2011 7:15 PM

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		
*	Lorraine Moynihan Schmitt, Esq.		
*	Robert Cree, TB Liaison		

Public Present

Jane Nicholson	Mary Krizek
Ed LaVigne	Dorothy Krizek
Kathy Miller	Robb Jetty
Connie Wilcox	Andy Sciaribba
Larry Fabbroni	L.J. Fabbroni
Ruth Hopkins	Roger Hopkins
Carol Eastman	Charles Speta
Maureen Cowan	Steve Lucente
Glynnis Hart	George Breuhaus

General Business

Lin Davidson, Chairperson called the Planning Board Meeting to order at 7:15 PM. Mr. Davidson requested to know if there was anyone from the Public that wished to speak with concerns other than what was on the Agenda.

Roger Hopkins, Lansing Pathway Member advised the Board that The Finger Lakes Trails and Greenways Conference will take place at Cornell University at the end of this month. This will be a two day Conference focusing on connecting communities, promoting health and strengthening local economies.

Public Hearing - SEQR Review, Minor Subdivision (2 Flag, 1 Regular) Applicant, Carol Eastman, 359 Munson Road, Tax Parcel # 20.-1-7.111

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Mrs. Eastman appeared before the Board for a proposed Subdivision. Legal Counsel, Lorraine Moynihan Schmitt advised the Board that after review by her and partner, Guy Krogh, they have determined that this is a 6 Lot Major Subdivision. In addition, a "land swap" is going to take place, not a Boundary Change. Ms. Moynihan Schmitt states there is a waiver provision in the Town's Subdivision Local Law which can be applied to this action, making this a Minor 4 Lot Subdivision. It was Legal Counsel's recommendation to move forward with the waiver process.

ARTICLE 9: VARIANCES AND MODIFICATIONS:

Sec. 900. Purpose & General Requirements: The purpose of this Article is to set forth those conditions and circumstances under which the requirements of this Local Law may be modified or waived by the Planning Board (or, where applicable, the Town Board). Where the Planning Board finds that, due to the special circumstances of a particular case, a waiver of certain requirements or procedures is justified, a waiver may be granted. In all cases, no waiver shall be granted unless the Planning Board finds and records in its minutes that: (1) granting the waiver would be keeping with the intent and spirit of this Local Law, and is in the best interests of the community; (2) there is no adverse effect upon the character, appearance, or welfare of any neighborhood or the environment; (3) there are special circumstances involved in the particular case; (4) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and (5) the waiver is the minimum necessary degree of variation from the requirements of this Local Law.

Planning Board Reply;

1. This prevents land locking land. It provides a method of infill in an existing property, allows a more efficient use of the land as far as density of land that is otherwise not suitable for Agricultural land and lastly meets the needs outside of the Applicant/Community.
2. Over the past 30 years, this location has taken a shift from Agricultural to Residential. There is no negative effect to the character of the neighborhood due to the lots being large enough that they will not crowd anybody. The land is not well drained, therefore, it is not good for agriculture.
3. Denying Variance would result in an undue hardship, and the hardship is not necessarily self imposed. There is no other way to get to the back lots.
4. This waiver would have minimal effect on the existing Land Use Ordinance and does not set an unusual precedence.

Larry Sharpsteen made a motion stating the Planning Board has reviewed and met the requirements of Article 9, Section 900 (1-5) and now considers this an approved Variance for a Minor 4 Lot Subdivision. Nancy Loncto seconded the motion and it was carried by the following roll call vote:

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Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

Thomas Ellis moved to recommend to the Zoning Board of Appeals that the Variance for the longer length of the driveways be granted for the reasons stated above. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

The Board has requested Mrs. Eastman to revise a couple items on her original Application. Those items are the Zone/District the property is located in and # 8 where it says exceptions, it should be written in that the Applicant would like the Article 9, Section 900 waiver considered for this proposal.

Larry Sharpsteen made a motion to postpone the scheduled Public Hearing until after the Zoning Board of Appeals Hearing and then place it on the earliest available Planning Board Meeting Agenda. Richard Prybyl seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

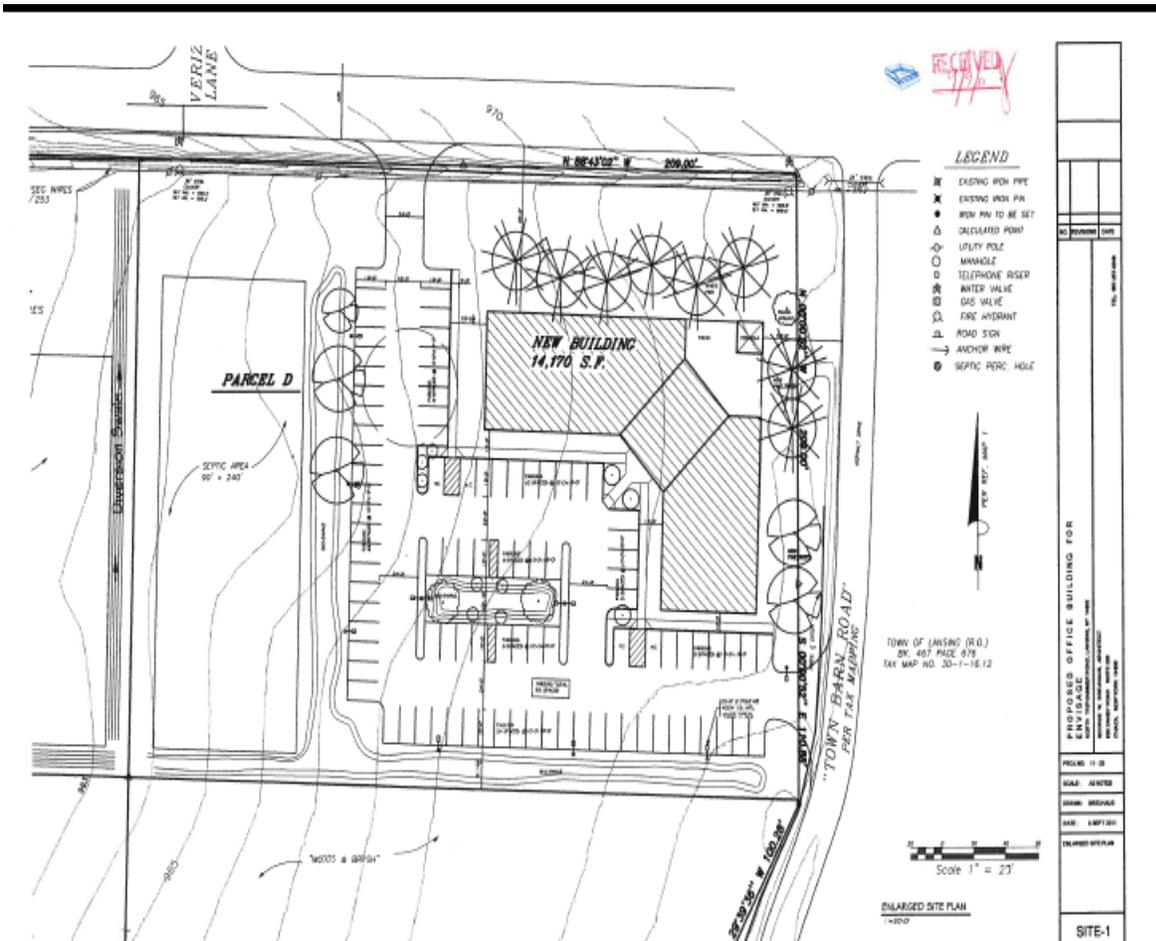
Lorraine Moynihan Schmitt states this proposal will require a Stormwater Review and a SWWP. Larry Sharpsteen totally disagreed with Legal Counsels determination and feels this is over kill. Mr. Overstrom can further consult with both Attorneys with respect to this issue.

Ms. Moynihan Schmitt states for the record, the proper procedure for a Subdivision Application is outlined in Section 502.

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SEQR Review & Site Plan Review, Applicant, Andrew Sciarabba, Town Barn Road, Tax Parcel # P/O 30.-1-16.22, Erection of a 15,000 Sq. Ft. +/- Office Building

Andy Sciarabba and George Breuhaus, P.E. appeared before the Planning Board with a proposed Site Plan for a permitted use in the B2 District. It is the Planning Board responsibility to dictate the setbacks and complete a SEQR.



Andy Sciarabba gave a brief overall of the proposed project. The proposed building will be approximately a 15,000 Sq. Ft. to house a software company that currently does business in Cayuga County, Tompkins County and Atlanta Georgia. There will be approximately 75 to 100 employees, which some work out of their homes.

Mr. Breuhaus states the tenants have requested privacy for the building on the property, therefore, several large trees will remain to the east. The building will be an L shaped, with a small atrium in the middle of the building to house executive office. At

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the request of the tenant, an outside patio will be designed. Access to the site can come from two directions on Town Barn Road. Mr. Breuhaus states he has spoken with the Town Highway Department and they are not adverse to opening a portion of the road coming from Peruville Road. 95 parking spaces have been allotted for with space for expansion. As for the Stormwater, Bio Swales (large ditches that hold water) will probably be used as the DEC has changed their view on the Stormwater ponds. The Swales will most likely drain down to the existing pond. To date they have not been designed.

The Planning Board is requesting the following;

- A Map from the Developer showing all four parcels.
- A Stormwater Plan
- David Herrick to review the County 239 comment on Traffic
- David Herrick to review the EAF
- Letter from Jack French regarding opening the North-South end of Town Barn Rd
- Letter from Scott Purcell, Fire Chief regarding fire access

Larry Sharpsteen states the Board is putting the cart before the horse when it comes to the SWPPP. Mr. Sharpsteen further indicated the Board reviews the SEQR before the Stormwater Plan. The Stormwater Plan Review comes in at the Building Permit process level.

Ms. Moynihan Schmitt further stated that the Planning Board is responsible for reviewing environmental impacts, which include drainage.

The Board expressed to Mr. Sciarabba that they are in favor of the proposed plan.

Developer's Conference - Preliminary Proposal by Applicant(s) Lucente Holding & Lucente Homes for a Planned Development Area Expansion, Warren Road & Village Circle

At the Planning Board Meeting of June 13, 2011 the Board advised Mr. Fabbroni to return to the Board once the Sewer issues have been worked out. Larry Fabbroni, Larry Jr. and Stephen Lucente appeared before the Board on this night. Mr. Fabbroni again gave a brief overview of the proposed PDA expansion as follows; 174 new units will be built for Lucente Holdings and 138 units for Lucente Homes. Currently there are 146 units in this development. As for the sewer capacity, Mr. Fabbroni provided a work sheet he prepared based upon the history and consumption use over the last twenty years for the current development and to include the proposed increase. In addition, a copy of "Intermunicipal Wastewater Agreement" dated December 31, 2003 in which six municipalities agreed upon was included in the paperwork. Mr. Fabbroni states he met with Brent Cross, P.E. for the Village of Cayuga Heights and was point blank told that it was as simple as the Town Supervisor and Town Engineer sitting down with him and discussing the matter.

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Legal Counsel advised Mr. Fabbroni

Ms. Moynihan Schmitt stated provision 4 in the IMA is clear that any future changes or expansions have to be based on written consent from all the parties. The Town must approach the Villages and request to modify the agreement. Ms. Moynihan Schmitt recommended that the David Herrick meet with Brent Cross and discuss this. Once that is done, Mr. Herrick can provide the Town Board with his recommendation.

Nancy Loncto made a motion requesting the following;

- David Herrick make a capacity determination regarding Sewer
- David Herrick conduct a Traffic Study
- Town Supervisor & David Herrick meet with the Village of Cayuga Height's P.E.
- Town Board provides Town Planning Board with a Resolution amending the 2010 IMA Agreement, also in the Resolution it should indicate the amount of sewer capacity the Planning Board may anticipate allowing for, over the next 10 years
- David Herrick review the SWPPP
- Recommendations from David Herrick returned to Planning Board within 60 days.

Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

Ms. Moynihan Schmitt indicated a Developer's Agreement is in the process and should be presented before the Town Board next Wednesday, therefore, she may now be able to speak directly with Mr. Fabbroni.

Lin Davidson indicated the Town will need Developer's Agreements for two current projects (Lucente & Sciarabba).

Approval/Denial of Minutes for:

July 25, 2011

Richard Prybyl states on page 2, second sentence, the word answers should be answer.

Richard Prybyl made a motion to approve as amended. Nancy Loncto seconded the motion and it was carried by the following roll call vote:

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Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Abstain) Norman L. Davidson, Chairman

August 8, 2011

Thomas Ellis made a motion to approve as presented. Richard Prybyl seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Abstain) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

August 22, 2011

Thomas Ellis made a motion to approve as presented. Nancy Loncto seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Abstain) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

Nancy Loncto moved to **ADJOURN THE September 12, 2011 PLANNING BOARD MEETING AT 9:00 PM.** Norman L. Davidson seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Thomas Ellis, Member
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Nancy Loncto, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman