

APPROVED

# Town of Lansing

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Monday, July 09, 2012 7:15 PM

PLANNING BOARD

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## PLANNING BOARD MEMBERS

(\*Denotes present)

* Larry Sharpsteen	* Tom Ellis
* Mary McTiernan, Alternate	* Lin Davidson, Chairman
Richard Prybyl	* David Hatfield
* Al Fiorille	
* Jeffrey Overstrom, EIT	
* Lorraine Moynihan Schmitt, Esq.	
* Robert Cree, TB Liaison	

## Public Present

Ruth Hopkins	Andy Sciarabba
Steve Lucente	Dorothy Krizek
Larry Fabbroni Sr.	Larry Fabbroni Jr.
Maureen Cowan	Mary Krizek
David Herrick	Stephen Williamson
Stephen Jolly	Michael Field
Deb Trumbull	Ruth Hopkins
Wayne Britton	Scotty Britton
Mary Lou Garrity	H. Floyd Davis
Sean Scanlon	

## General Business

Lin Davidson, Chairperson called the Planning Board Meeting to order at 7:17 PM. Mr. Davidson inquired if there was any questions or concerns from the Public that is not related to the Agenda. There were none.

## Planning Board Member Nancy Loncto - Resignation

Chairman Davidson announced that he had received an official resignation letter from Member Nancy Loncto which takes effect immediately.

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## Public Hearing-Site Plan Application, Planned Development Expansion-Village Circle Apartments/Village Solars PDA

Larry Sharpsteen made a motion to open the Public Hearing at 7:20 PM. Al Fiorille 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) Al Fiorille, Member
- Vote of Planning Board . . . (Aye) David Hatfield, Member
- Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
- Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

## Further Discussion

Engineer Larry Fabbroni gave a brief overview of the proposed project.



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Maureen Cowan offered the following recommendations on behalf of the Lansing Pathways.



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7/9/12  
PB Mtg. ✓

Pathways Comments and Recommendations for the Village Circle Apartments/Village Solar PDA

To PB, copy to Rachel for minutes 7-9-2012

Thank you for specifying the conditions for pathways in your preliminary site plan review and approval.

Below are comments for the hearing for this review of the Lucente project outlining our proposals for internal pathways and connector easements and showing them on the Lucente Conceptual Site Plan.

The Pathways Committee will submit the requested Master Plan for connector path easements upon receiving the engineering plan for this development.

## A. About the internal paths:

1. We ask that the surfacing of the paths be specified in the detailed plans to be submitted. It is our recommendation that the construction guideline specifications outlined in the Lansing Village Greenway Plan (available on the Village of Lansing website) be consulted for surfaces of either cinder/stone or asphalt and be the recommended 10' width for mixed use such as pedestrians and children on bicycles.
2. We ask that the paths be clearly drawn and specified on the final engineering plans.
3. We ask that the perimeter pathway in the northeast corner currently routed through a parking lot be resituated for safety reasons so that it is outside of the parking lot, and not going through the lot behind parked cars or cars entering the lot.
4. That the path along the old military lot line be 10' wide with shoulders, preferably 5' wide since this is the main connector to the planned East West connector in the Lansing Town trail. We believe a hard surface would be easier to maintain in all seasons.
5. That the maintenance agreement outlined in the PDA include the intention to include and maintain a hard trail surface parallel to Warren Rd for use by residents going to and from the bus.
6. That a footpath be added to go around the pond in the northwest corner, an area that is being retained as a more natural area.
7. We hope the PB will ask about the timing of the rec center in the build out plan. With the large number of people targeted for this extremely

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dense development it seems this building should be built in the first 1-2 years.

We also think we need to reserve the right to review engineering plans for incorporation of internal trails since those trails are not specified in the letter of intent although the trails have been shown in various formats in their conceptual site plans

## B. About the easements for future trail connections

We ask that the following easements be noted on the final drawing and specified as such with the agreement that they will be constructed with similar surfacing to the connecting trail when they are built. The Town should reserve the right to specify when they will be built a request that will most likely be made when the connecting trails are constructed. These easements are shown on the current conceptual site plan. Pathways will submit the requested Master Plan specifications once the developer has submitted a draft design plan.

Connecting easements are requested as follows (see attached map):

1. At the South east corner from the perimeter path to the spot where a continuing path would be adjacent to Dutch Mill property, this will serve as a future connection to Dutch Mill
2. At the Eastern and Western edges of the Military Lot line path to the edge of the property. This will provide a future connector to developments to the East and West and potentially to the Town of Dryden trail system.
3. At the Northern edge from the current path to where the path could logically connect to a trail from the adjacent apartment complex on Springbrook Circle
4. From the perimeter path to the point where any future easement for a water line is given so that the pathway system can connect to a trail that is placed on top of that easement, a trail that would likely go to the intersection of Asbury Rd and Scofield Rd.

Submitted by:  
Maureen Cowen  
Chairperson  
Lansing Pathways  
7/9/2012

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Thomas Ellis inquired if the Developer intended to return to the Planning Board and request for further units of sewer for the proposed common areas that are proposed in the project.

Larry Fabbroni indicated yes, in the future.

Thomas Ellis requested that the Resolution indicate that the Developer will be returning for additional units.

David Herrick stated he agrees with Tom's comment with respect to include language in the Resolution with regards to future additional units being requested. Mr. Herrick further states all discussions with respect to sewer are migrating away from the term "units" and are referred to as "usage".

Larry Sharpsteen made a motion to close the Public Hearing at 7:49 PM. Thomas Ellis 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

Thomas Ellis and Larry Sharpsteen both felt the Town Board should require a pull off for the TCAT bus and requested that the Planning Board's resolution include this condition.

Mr. Overstrom states the 239 has not come back from the County as they are waiting for the conditions of the PDA prior to making their formal recommendation. They will also provide additional recommendations once the PDA goes back to the Planning Board for Site Plan Review.

Larry Sharpsteen requested for the record that the 239 was delivered to the Tompkins County Planning Department on May 21, 2012 and 30 days has lapsed. Legal Counsel advised Mr. Sharpsteen that the clock does not start until the Letter of Intent is received at the County Planning, which in this case was Friday, July 6, 2012.

Thomas Ellis offered the following conformed Resolution. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

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Vote of Planning Board . . . (Aye) Al Fiorille, Member  
Vote of Planning Board . . . (Aye) David Hatfield, Member  
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member  
Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

## RESOLUTION PB 12-35

### RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD RECOMMENDING TO THE TOWN BOARD

#### CONDITIONS AND SPECIFICATIONS

#### UNDER WHICH THE VILLAGE CIRCLE APARTMENTS/VILLAGE SOLARS PLANNED DEVELOPMENT AREA ("PDA") APPLICATION MAY BE CONSIDERED FOR PDA APPROVAL BY THE TOWN BOARD

**WHEREAS**, Applicant, Rocco Lucente, has filed an Application for formation of a PDA to include a 138 apartment unit expansion of the Village Circle Apartments complex located at Warren Road and Village Circle North, Village Circle South, and Village Place in the Town of Lansing, New York, Tax Parcel Nos. 39.-1-38.7; 39.-1-38.9; 39.-1-38.10; P/O #39.-1-32.2; P/O #39.-1-38.2, within the R-2 Zoning District; and has requested Town Board Approval, and Planning Board preliminary review and referral of said Application; and

**WHEREAS**, Applicant, Stephen Lucente, on behalf of Lucente Holdings, Inc. and Village Solars, LLC, has filed a joint Application for inclusion in the PDA of an additional project to construct 174 new additional "Village Solars" apartments located at Warren Road and Village Circle North, Village Circle South, and Village Place in the Town of Lansing, New York, Tax Parcel Nos. 39.-1-34; 39.-1-38.4; 39.-1-38.3; 39.-1-38.6; 39.-1-38.5; 39.-1-35; 39.-1-38.1; 39.-1-38.11; 39.-1-38.13; 39.-1-38.8; 39.-1-38.16; 39.-1-38.14; 39.-1-38.15; and 39.-1-38.12 within the R-2 Zoning District; and has requested Town Board Approval, and Planning Board preliminary review and referral of said Application; and

**WHEREAS**, the proposed name of the PDA encompassing both projects is Village Circle Apartments/ Village Solars PDA and the combined acreage of the above referenced parcels within the PDA is +/- 33.25 acres within the R2 zoning district; and

**WHEREAS**, the Town of Lansing Planning Board has considered and carefully reviewed the Applications for the Village Circle Apartments/ Village Solars projects and PDA; and

**WHEREAS**, the Town of Lansing Planning Board has conducted several meetings with the Applicants to discuss the projects and the parameters of the projects, including proposed water and sewer infrastructure, and the Applicants have filed Amended Applications and Site Plan(s) respecting the proposed projects and PDA; said Amended Applications being filed in the Planning Department on May 13, 2012; and

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**WHEREAS**, the Planning Board members have offered several comments and proposed conditions to the Applicants respecting the project and the Applications were referred by the Planning Board to the Town Engineer for comment; and Town of Lansing Engineer, David A. Herrick, T.G. Miller, P.C., has reviewed the Applications and commented thereon, by correspondence dated May 28, 2012, respecting proposed conditions for sanitary sewer facilities, water facilities, stormwater management, and Traffic Impact Study; and

**WHEREAS**, the Lansing Planning Board has considered and carefully reviewed the Applications and the Applicants' Statements of Intent to Comply with Conditions and Specifications of the Planning Board, filed July 6, 2012, respecting the Applicants' project proposals and PDA Proposal; and

**WHEREAS**, the Public Comment Period on the Application was commenced on July 6, 2012 upon submission of the Applicants' Statements of Intent to Comply, pursuant to Section 706.5 of the Lansing Land Use Ordinance, and a public hearing was held by the Lansing Planning Board on July 9, 2012 respecting Planning Board site plan review and consideration of the proposed Village Circle Apartments/Village Solars PDA Application materials and the Applicants' Statements of Intent to Comply, as well as consideration of whether the Planning Board should recommend to the Town Board either: (1) disapproval of the proposed PDA development; or (2) conditional approval of the PDA development, subject to such conditions set forth in the Statement of Intent to Comply and/or any other conditions otherwise imposed by the Planning Board; and

**WHEREAS**, at the public hearing held on July 9, 2012, the residents of the Town of Lansing were given a full opportunity to be heard respecting the proposed Village Circle Apartments/Village Solars PDA development, and the Planning Board reviewed said comments and concerns of the residents, including concerns respecting the following potential impacts of the project: increased traffic, drainage and stormwater concerns, density issues, infrastructure capacity; and

**WHEREAS**, on July 9, 2012, the Planning Board, pursuant to Lansing Land Use Ordinance Section 706.5, underwent site plan review of the proposed Village Circle Apartments/Village Solars PDA development, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board 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 consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

**WHEREAS**, at the request of the Planning Board, Town of Lansing Engineer, David A. Herrick, T.G. Miller, has reviewed the Applicants' State Environmental Quality Review (SEQR) Long Environmental Assessment Forms (LEAFs), and was present at the July 9, 2012 Planning Board Meeting to address questions respecting potential adverse environmental impacts of the projects

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and overall PDA from the public and the Planning Board, and stated that both his correspondence of May 28, 2012 and the Planning Board's proposed conditions and specifications for potential approval of the PDA address the potential significant negative environmental impacts of the project identified to date and mitigations thereof; and

**WHEREAS**, the Lansing Town Board, as the determining agency of final approval of the action, is the responsible agency for the formal SEQR review, and will be declaring its intent to act as SEQR Lead Agency and will, as Lead Agency, be reviewing and, with the assistance of the Town Engineer, David A. Herrick, completing Part II of the LEAFs thereby fully identifying all significant negative environmental impacts and mitigations thereof in accordance with its duty under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Tompkins County Department of Planning, respecting its GML 239 -l, -m and -n review, has determined to wait on formal comment until a point of time after the Planning Board has performed its site plan review and made final recommended conditions and specifications for potential referral for approval with conditions to the Town Board which is the subject of this instant resolution; and

**WHEREAS**, the Lansing Pathways Committee (LPC) submitted, for the record at the July 9, 2012 Planning Board public hearing, a statement, dated July 6, 2012, of recommendations and comments, from the LPC, as discussed with the Applicants, respecting trail and pathways within the PDA and connections into and out of the PDA; and

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

**RESOLVED**, that, pursuant to Section 706.5 of the Town of Lansing Land Use Ordinance, the Lansing Planning Board hereby recommends to the Town Board that the Town Board conditionally approve the Village Circle Apartments/ Village Solars PDA Applications, subject to such conditions as set forth in the June 25, 2012 Resolution of the Planning Board and Developer/Applicants' Statements of Intent to Comply and fully set forth again herewith below:

1. Water:

Town creation of new pressure zone in the Warren Road/ Bean Hill areas;

New infrastructure shall include:

- New water tank
- New pump station
- New transmission station

Burdick Hill Pump Station Improvements: Town Engineer, David A. Herrick, to conduct study of pumps and controls at the Burdick Station.

Interim hydro-pneumatic system to be constructed by the Town near the Village Circle tanks in compliance with Town Engineer, David A. Herrick specifications. A \$35,000.00 payment from each Applicant/Developer (\$70,000.00 total) shall be made to the Town if the above Booster System is in place to serve the PDA by 12/31/2012. Approval of Phase One PDA build out shall

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be contingent on interim hydro-pneumatic system in compliance with Town Engineer, David A. Herrick specifications.

2. Sewer:

Total number of Village Solars/ Village Circle Warren Road Sewer District (WRSD) units following PDA build out on both applications capped at 470 WRSD units.

Town Engineer, David A. Herrick, to provide calculation of a new 20 year WRSD design flow, given the additional 470 PDA units and other potential future development.

Amendment to the IMA between TOL/WRSD, Village of Lansing, and Village of Cayuga Heights to acknowledge the new 20 year design flow, given the additional PDA units and other potential future development.

3. Stormwater:

Approval of the PDA is contingent upon Town Engineer, David A. Herrick's approval of the Applicants/Developers' storm water control erosion plan (SWPPP).

Applicants/Developers shall provide Runoff reduction volume (RRv) sizing criteria in compliance with NYSDEC GP-0-010-01 regulations, as addressed by the Town Engineer, David A. Herrick.

Applicants/Developers shall adhere to NYSDEC Design Manual specifications for green infrastructure. Adherence to be confirmed by Town Engineer, David A. Herrick.

Applicants/Developers shall provide full description of PDA large water feature sources and impact of bedrock conditions regarding initial construction and long term sustainability; Final design to be approved by David A. Herrick.

4. Bus Shelter to be constructed and located on Warren Road near east/west walkway if TCAT approves placement of proposed bus shelter on Warren Road.

5. Community Areas to be completed within two (2) years of commencement of PDA construction.

6. Trails/Pathways:

Applicants/Developers shall construct and maintain all trails and pathways located within the PDA.

If requested by the Town, Applicants/Developers shall dedicate land in fee or easement to the Town of Lansing for the PDA trails and pathways within 6 months of final approval of the projects and PDA.

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The Lansing Pathways Committee, in conjunction with the Town of Lansing Department of Parks and Recreation, shall produce, in a timely manner, a Master Plan delineating how the trails/pathways shall connect into and out of the PDA and also depicting precisely where the proposed easements of fee dedications of land to the Town for said trails/pathways shall be located.

7. Roads:

Applicants/Developers shall dedicate to the Town a 60 foot right of way / easement for a potential future road and/or pathway within the PDA linking Dutch Mill and Village South roads.

Applicants/Developers shall dedicate to the Town a 60 foot right of way / easement for a potential future road and/or pathway within the PDA linking Village Circle North and Springbrook Circle roads.

The road section on Village Place within the PDA shall be deeded to the Town pursuant to a prior agreement between Rocco Lucente and the Town.

The new PDA road depicted in the PDA site plans shall be the primary entrance into the project and remain a private road to be maintained by the Developers.

8. Approval of the PDA is contingent upon the Town of Lansing Highway Superintendent review of the road infrastructure layout within the proposed PDA.

9. Stephen Ferranti, SRF Associates, traffic consultant shall be retained on behalf of the Town to determine the scope and extent of a traffic impact study intended to address Town and County concerns, as recommended by Town Engineer, David A. Herrick.  
Stephen Ferranti, SRF Associates, to review and comment on the final traffic study to be conducted by Applicants/Developers' Engineer.

*and it is further*

**RESOLVED**, that, pursuant to Section 706 *et seq.* of the Town of Lansing Land Use Ordinance, the Lansing Planning Board hereby recommends to the Town Board that the Town Board adopt the following additional conditions recommended by the Planning Board, based on its site plan review on July 9, 2012 and the recommendations Town of Lansing Engineer, David A. Herrick, T.G. Miller, P.C. in conjunction with the Planning Board's preliminary overall site plan review and environment assessment:

1. Applicants to submit additional projected WRSD sewer unit projections and calculations (in both projected units and projected usage gallons per day) respecting sewer projection and capacity for the common areas within the PDA;
2. The TB should consider the desirability of construction of a TCAT bus pull-off area on Warren Road or elsewhere to safely service citizen bus transit to and from the PDA.

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*and it is further*

**RESOLVED**, that, pursuant to Section 706 *et seq.* of the Land Use Ordinance, the Planning Board recommends that the Town Board declare its Notice of Intent to act as SEQR Lead Agency and set public hearing(s) for Town Board consideration of the PDA and SEQR review, said hearing(s) to be held by the Town Board within 45 days of this resolution, pursuant to Section 706.6.1 of the Town of Lansing Land Use Ordinance. Pursuant to Section 706.6.1 of the Town of Lansing Land Use Ordinance, Town Board conditional approval or disapproval of the PDA is to be issued by the Town Board within 30 days of said Town Board public hearing(s).

July 9, 2012

## **Waive Public Hearings**

Larry Sharpsteen made a motion to waive the Public Hearings on SEQR and Overall Site Plan Review for the following cases;

- Bill Duthie, Verizon Lane
- Stephen Williamson, Meyers Park
- Davis, H. Floyd, Lake Forest Lane, P/O 32.-1-37.428

Thomas Ellis 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

## **Site Plan & SEQR Review, Bill Duthie-United Storage, Verizon Lane, Tax Parcel # 30.-1-16.32**

Mr. Duthie appeared before the Board requesting Site Plan Review in order to erect a cold storage building on the above parcel.

Tompkins County Planning Department offered the following comments/recommendations;

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**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850



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6/15/12

Edward C. Marx, AICP  
Commissioner of Planning  
and Community Sustainability

Telephone (607) 274-5560  
Fax (607) 274-5578

June 12, 2012

Ms. Rachel Jacobson, Zoning Clerk  
Town of Lansing  
Box 186  
Lansing, NY 14882

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: Site Plan for Additional Storage Building at 431 Auburn Road, Town of Lansing Tax Parcel No. 30.-1-16.32, Bill Duthie, Owner/Applicant.**

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

**Recommended Modifications**

- To help protect water quality, we recommend that the Town require a minimum 50-foot, no-build buffer to the intermittent stream that follows the parcel's southern boundary. This buffer should be measured from the top of the stream bank and maintained as natural vegetation. Although this may require relocation of the proposed building there appears to be more than adequate room on the site to accommodate both the buffer and the new building.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

Edward C. Marx, AICP  
Commissioner of Planning  
and Community Sustainability

*Inclusion through Diversity*

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Larry Sharpsteen states the construction should not block the drainage per normal consideration, however, he does not ever remember this being a stream, but maybe a ditch. Mr. Sharpsteen suggested that the building not impede or impose on the existing drainage, and reduce the buffer to 35 ft.

Larry Sharpsteen made a motion stating the 35 ft projected between the building and the existing drainage is adequate and the 50 ft is excessive. David Hatfield 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

The Planning Board Members reviewed Part I and completed Part II of the Full Environmental Assessment Form.

Thomas Ellis offered the following Resolution. David Hatfield 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

## RESOLUTION PB 12-38

### **RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQR ENVIRONMENTAL REVIEW OF BILL DUTHIE STORAGE BUILDING SITE PLAN**

**WHEREAS**, Bill Duthie (“Applicant”), has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for the proposed 6000 square foot commercial rental storage facility located on Verizon Lane, Lansing, New York, Tax Map Parcel # 30.-1-16.32 to be located on a 9.14 +/- acre parcel, owned by the Applicant and located on Verizon Drive, Lansing, New York and otherwise known as Map Parcel # 30.-1-16.32 within the IR Zoning District; and

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

**WHEREAS**, the Town of Lansing Planning Board has responsibility for approving or carrying out the action pursuant to State Law governing local environmental review; and

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 and any 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 have been duly reviewed and considered by the Lansing Planning Board; and

**WHEREAS**, by correspondence dated June 12, 2012, the Tompkins County Department of Planning has formally recommended a 50 foot no build buffer to the intermittent stream that follows the parcel's southern boundary; and

**WHEREAS**, the Planning Board, by super-majority vote, and upon a thorough review of the application and site plan materials, a discussion of the potential water quality impacts, the lack of slope of the parcel at issue, and the nature of the intermittent stream at issue, has determined that a 35 foot no-build buffer clearance area to the intermittent stream that follows the parcel's southern boundary is sufficient, and

**WHEREAS**, the Town of Lansing Planning Board determined to waive a public hearing concerning the environmental review, pursuant to the State Environmental Quality Review Act ("SEQR"), of the proposed site plan application ; and

**WHEREAS**, on January 9, 2012, the Town of Lansing Planning Board, in performing its 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 Short Environmental Assessment Form ("EAF") 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 EAF, 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 EAF, 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 EAF, Part II (and, if applicable, Part III), including the

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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, *if a Type I action*, 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, *if a Type I Action*, 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: July 9, 2012

Thomas Ellis offered the following conformed Resolution. David Hatfield 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

## RESOLUTION PB 12-39

### **RESOLUTION OF THE LANSING PLANNING BOARD APPROVING THE BILL DUTHIE STORAGE BUILDING SITE PLAN**

**WHEREAS**, Bill Duthie (“Applicant”), has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for the proposed 6000 square foot expansion of the commercial rental storage facility located on Verizon Lane, Lansing, New York, Tax Map Parcel # 30.-1-16.32 to be located on a 9.14 +/- acre parcel, owned by the Applicant and located on

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Verizon Drive, Lansing, New York and otherwise known as Map Parcel # 30.-1-16.32 within the IR Zoning District; and

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 and any 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 have been duly reviewed and considered by the Lansing Planning Board; and

**WHEREAS**, by correspondence dated June 12, 2012, the Tompkins County Department of Planning has formally recommended a 50 foot no build buffer to the intermittent stream that follows the parcel's southern boundary; and

**WHEREAS**, the Planning Board, by super-majority vote, and upon a thorough review of the application and site plan materials, a discussion of the potential water quality impacts, the lack of slope of the parcel at issue, and the nature of the intermittent stream at issue, has determined that a 35 foot no-build buffer clearance area to the intermittent stream that follows the parcel's southern boundary is sufficient, and

**WHEREAS**, this action is classified as an Unlisted Action, pursuant to 6 NYCRR Part 617 *et seq.* of the State Environmental Quality Review Act, which requires environmental review of the impacts of the project; and

**WHEREAS**, at the Lansing Planning Board Meeting, held on July 9, 2012 at the Lansing Town Hall, the Planning Board reviewed the overall revised Site Plan for proposed project; and

**WHEREAS**, on July 9, 2012, the Planning Board determined to waive public hearing on both the SEQRA review and overall site plan review, due to non-complexity of the application and lack of public controversy associated with the proposal; and

**WHEREAS**, on July 9, 2012, the Planning Board, acting on an uncoordinated environmental review, reviewed and accepted, as adequate, a short form Environmental Assessment Form ("EAF") Part I, submitted by the Applicant; and the Lansing Planning Board completed Part II on the record (and, if applicable, Part III of the EAF); and

**WHEREAS**, by resolution adopted July 9, 2012 the Town of Lansing Planning Board determined that, pursuant to the provisions of the State Environmental Quality Review Act, the

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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; and

**WHEREAS**, on July 9, 2012, the Planning Board duly considered and carefully reviewed the Applicant's 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 proposed 6000 square foot commercial rental storage facility located on Verizon Lane, Lansing, New York, Tax Map Parcel # 30.-1-16.32 to be located on a 9.14 +/- acre parcel, owned by the Applicant and located on Verizon Drive, Lansing, New York and otherwise known as Map Parcel # 30.-1-16.32 within the IR Zoning District *subject to the following condition:*

1. 35 foot no-build Buffer zone to the intermittent stream that follows the parcel's southern boundary.

July 9, 2012

# APPROVED

## Site Plan & SEQOR Review, Stephen Williamson, Meyers Park, Tax Parcel # 33.-1-74

Partners Stephen Williamson & Steve Jolly appeared before the Board requesting site plan for a portable Bait & Tackle Shop.

Larry Sharpsteen inquired as to how the waste (bait) would be handled. Mr. Williamson states he will take them home with him and freeze for frozen bait. The water in the tanks will be recycled.

Lin Davidson inquired about a License to operate a Bait Shop. The Board provided Mr. Williamson with a copy of the Fish Health Regulations. This will be a seasonal business (April to November).

The Planning Board Members reviewed Part I and completed Part II of the Full Environmental Assessment Form.

Thomas Ellis offered the following Resolution to declare a negative declaration. 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

### RESOLUTION PB 12-40

#### **RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING SEQOR ENVIRONMENTAL REVIEW OF STEPHEN WILLIAMSON BAIT & TACKLE FACILITY SITE PLAN**

**WHEREAS**, Stephen Williamson (“Applicant”), has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for a proposed 12 x 16 Bait & Tackle retail facility to service recreational fishing at Myers Park, located at Lansing Park Road in the Town of Lansing, New York, Tax Map Parcel # 33.-1-74 owned by the Town of Lansing and otherwise known as Map Parcel # 33.-1-74 within the L1 Zoning District; and

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

**WHEREAS**, the Town of Lansing Planning Board has responsibility for approving or carrying out the action pursuant to State Law governing local environmental review; and

## APPROVED

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 and any 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 have been duly reviewed and considered by the Lansing Planning Board; and

**WHEREAS**, the Town of Lansing Planning Board determined to waive a public hearing concerning the environmental review, pursuant to the State Environmental Quality Review Act (“SEQR”), of the proposed site plan application ; and

**WHEREAS**, on July 9, 2012, the Town of Lansing Planning Board, in performing its 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 Short Environmental Assessment Form (“EAF”) 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 EAF, 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 EAF, 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 EAF, 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, *if a Type I action*, 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, *if a Type I Action*, 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.

# APPROVED

Dated: July 9, 2012

Thomas Ellis offered the following Resolution to approve the Site Plan. David Hatfield 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

# APPROVED

## RESOLUTION PB 12-41

### RESOLUTION OF THE LANSING PLANNING BOARD APPROVING THE STEPHEN WILLIAMSON BAIT & TACKLE RETAIL FACILITY AT MYERS PARK

**WHEREAS**, Stephen Williamson (“Applicant”), has submitted, for consideration and approval from the Lansing Planning Board, a Site Plan for a proposed 12 x 16 Bait & Tackle retail facility to service recreational fishing at Myers Park, located at Lansing Park Road in the Town of Lansing, New York, Tax Map Parcel # 33.-1-74 owned by the Town of Lansing and otherwise known as Map Parcel # 33.-1-74 within the L1 Zoning District; and

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 and any 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 have been duly reviewed and considered by the Lansing Planning Board; and

**WHEREAS**, this action is classified as an Unlisted Action, pursuant to 6 NYCRR Part 617 *et seq.* of the State Environmental Quality Review Act, which requires environmental review of the impacts of the project; and

**WHEREAS**, at the Lansing Planning Board Meeting, held on July 9, 2012 at the Lansing Town Hall, the Planning Board reviewed the overall revised Site Plan for proposed project; and

**WHEREAS**, on July 9, 2012, the Planning Board determined to waive public hearing on both the SEQRA review and overall site plan review, due to non-complexity of the application and lack of public controversy associated with the proposal; and

**WHEREAS**, on July 9, 2012, the Planning Board, acting on a uncoordinated environmental review, reviewed and accepted, as adequate, a short form Environmental Assessment Form (“EAF”) Part I, submitted by the Applicant; and the Lansing Planning Board completed Part II on the record (and, if applicable, Part III of the EAF); and

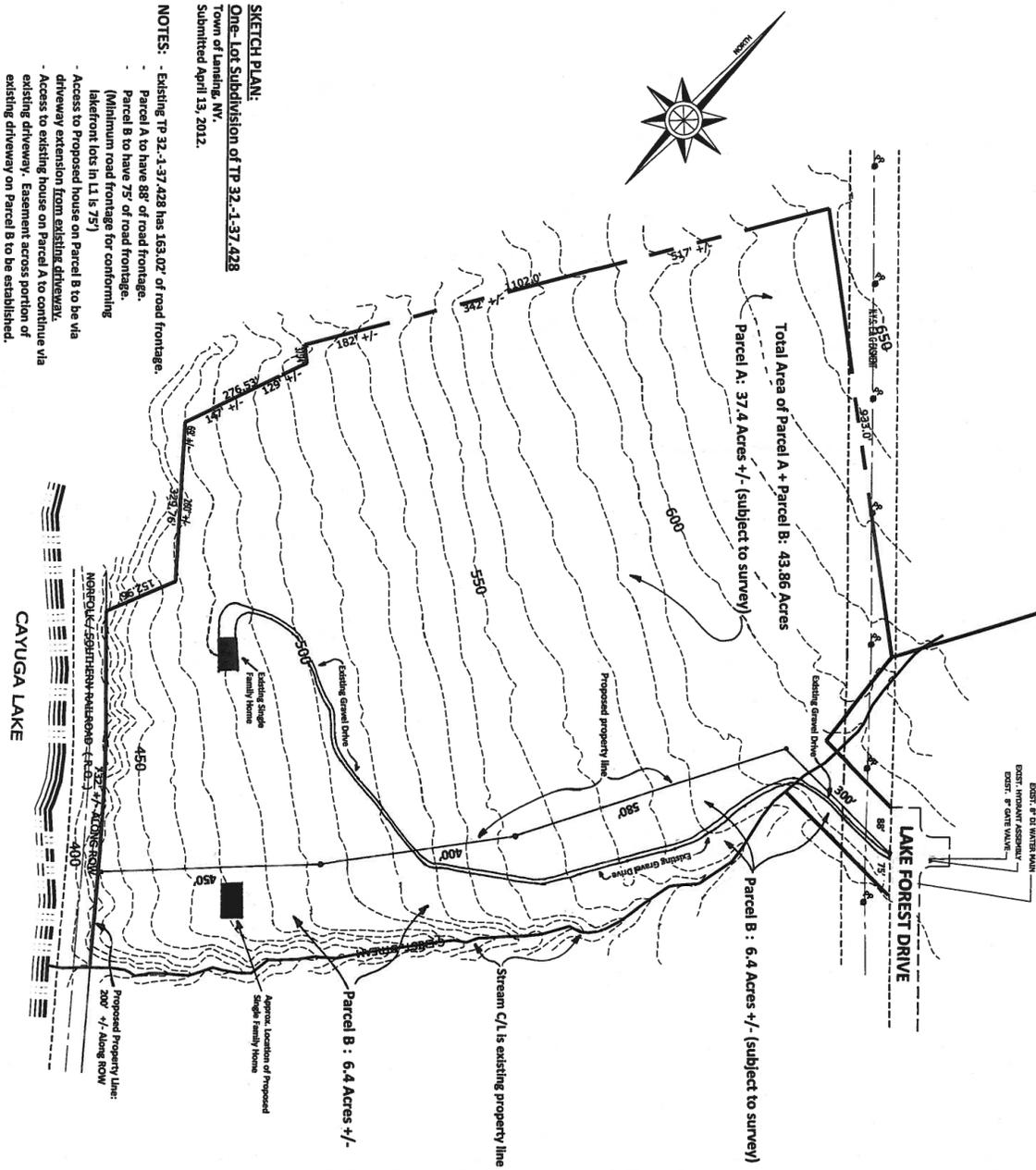
**WHEREAS**, by resolution adopted July 9, 2012 the Town of Lansing Planning Board determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed site plan will result in no significant impact on the environment and issued a Negative Declaration of environmental significance for purposes of Article 8 of the Environmental Conservation Law; and

## APPROVED

### **1 Lot Subdivision- Davis, H. Floyd, Lake Forest Lane, P/O 32.-1-37.428**

Mr. Floyd Davis appeared before the Board for a minor Subdivision. On June 19, 2012 the Zoning Board of Appeals approved Mr. Davis's Area Variance request that would allow him to Subdivide his property (2 Lots) granting each lot have non conforming road frontage as shown on the below diagram.

APPROVED



<p><b>H. Floyd Davis</b>                  54 Lake Forest Drive, Lansing NY 14882                  (607) 227-2583</p>	<p>SKETCH PLAN- ONE LOT SUBDIVISION</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>BY</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		No.	Date	BY	Description																
	No.	Date	BY	Description																				
<p>DATE: 4-13-2012                  SCALE: 1" = 100'                  DRAWN: HFD                  CHECKED: HFD                  SHEET: 54-11</p>	<p>LAKE FOREST SUBDIVISION                  LANSING ( T ) TOMPKINS CO</p>	<p>54 LAKE FOREST DRIVE                  LANSING, NEW YORK 14882</p>	<p>DESIGN: H. FLOYD DAVIS                  CHECKED: H. FLOYD DAVIS</p>																					

# APPROVED

The Tompkins County Planning Department offered the following comments/recommendations;

APPROVED

**Tompkins County**  
**DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850



RECEIVED

5/3/12

Edward C. Marx, AICP  
Commissioner of Planning  
and Community Sustainability

Telephone (607) 274-5560  
Fax (607) 274-5578

May 2, 2012

Ms. Rachel Jacobson, Zoning Clerk  
Town of Lansing  
Box 186  
Lansing, NY 14882

**Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law**  
**Action: One lot subdivision at 54 Lake Forest Drive, Town of Lansing Tax Parcel No. 32.-1-37.428, H. Floyd Davis, Owner/Applicant.**

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it may have negative inter-community, or county-wide impacts as described below. We recommend modification of the proposal. If the Board does not incorporate the recommendations, such approval will require a vote of a supermajority (meaning a majority plus one) of all members of the decision-making body.

**Recommended Modifications**

- The Unique Natural Area in which this subdivision is proposed, Lake Cliffs (UNA-24) was established in large part due to the rare and scarce plant species found along the dry cliffs. These plant species include the rare species of Cooper's milk vetch, creeping bush clover and elm-leaved goldenrod. Care should be taken to inventory these plant species and adequate mitigation measures, including possibly restricting the area of site disturbance, should be required in order to reduce the impacts of the proposed development.
- To help protect water quality, we recommend that the Town require a minimum 50-foot, no-build buffer to the intermittent stream which follows the parcel's southern boundary. This buffer should be measured from the top of the stream bank and maintained as natural vegetation.

Please inform us of your decision so that we can make it a part of the record.

Sincerely,

Edward C. Marx, AICP  
Commissioner of Planning  
and Community Sustainability

*Inclusion through Diversity*

## APPROVED

Thomas Ellis states the Applicant's statement indicates that the bank is steep and does not support much vegetation, which only supports the 239 recommendation of 50 ft buffer zone.

Larry Sharpsteen states the County's 239 phrase is not entirely accurate. The idea of the buffer is to protect steep slopes. People have been building homes closer than 50 ft to the top of the bank for years and still are. It is possible to keep the roadway back 50 ft. from the top of the bank, but to limit the house to 50 ft is a bit overboard. The Board agreed to have a 35 ft set back from the top of the bank. The top of the bank will have to be delineated by T.G. Miller's at the Applicant's expense. Mr. Overstrom will be a witness and observe.

Members did not feel it was necessary to take inventory of the plant species.

Larry Sharpsteen stated for the record, there should be no further subdivision of this property unless the Planning Board has a full subdivision plat presented for review and approval.

The Common driveway agreement should be executed the by the Applicant.

The Members felt that any stair/ deck construction can't be constructed in the no build zone. In addition, the deck/ stair construction must be inspected and approved by the Town Code Enforcement Office.

Members would like to see signage where the private driveway splits as well as at the road for emergency vehicles.

Any deed restrictions of the subdivided properties are subject to Planning Board and Town Legal Counsel review and approval prior to reverting any land frontage back to the Applicant (H. Floyd Davis) parcel A.

For reasons previously discussed, the Board's consensus was to override the County.

Larry Sharpsteen made a motion to override the county recommendations as follows; reducing the 50 ft no build zone to 35 ft for the house, accepting the 50 ft no build zone for any road, and disagreeing on the inventory of the plants. Thomas Ellis 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**

# APPROVED

## Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman

The Planning Board Members reviewed Part I and completed Part II of the Full Environmental Assessment Form.

Thomas Ellis offered the following Resolution declaring a negative declaration. David Hatfield 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

## RESOLUTION PB 12-43

### RESOLUTION OF THE LANSING PLANNING BOARD ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RESPECTING THE STATE ENVIRONMENTAL QUALITY REVIEW ("SEQR") OF THE H. FLOYD DAVIS MINOR SUBDIVISION

**WHEREAS**, after submission thereof, the Lansing Planning Board has reviewed the revised Subdivision Application submitted by H. Floyd Davis, dated June 21, 2012, for approval of a minor residential subdivision of a 43.86 +/- acre parcel into two (2) non-conforming lots (due to inadequate road frontage) of certain land, located at 54 Forest Lake Drive, Lansing, New York and otherwise known as Tax Map Parcel # 32.-1-37.428 in the L1 District; and

**WHEREAS**, the proposed subdivision contains two non-conforming frontage lots, Parcel "A" and Parcel "B", both of which have less than the 150 feet of road frontage required for the L1 District; and

**WHEREAS**, the Applicant was granted a variance by the Town of Lansing Zoning Board of Appeals, by Decision dated June 19, 2012, permitting new lot parcel B, a variance permitting 75 feet of road frontage and the residual lot parcel, Parcel A, a variance of road frontage of 88 feet, subject to the Condition that the Planning Board consider the recommendations of the Tomkins County Department of Planning, dated May 2, 2012, respecting a recommended 50 foot no-build buffering zone and a rare and

## APPROVED

scarce plant species inventory with mitigation measures, given the location of the Parcels are located in a Unique Natural area (Lake Cliffs- UNA-24); and

**WHEREAS**, the Tompkins County Department of Planning, by correspondence dated May 2, 2012, made the following GML 239 recommended modifications which if not adopted will require a super - majority (majority plus one) vote of all members of the Planning Board in order to approve the Application:

- *The Unique Natural Area in which this subdivision is proposed, Lake Cliffs (UNA-24) was established in large part due to the rare and [scarce] plant species found along dry cliffs. These plant species include the rare species of Cooper's milk vetch, creeping bush clover and elm- leaved goldenrod. Care should be taken to inventory these plants species and adequate mitigation measures, including possibly restricting the area of site disturbance, should be required in order to reduce the impacts of the proposed development.*
- *To help protect water quality, we recommend that the Town require a minimum 500-foot, no build buffer to the intermittent stream which follows the parcel's southern boundary. This buffer should be measured from the top of the stream bank and maintained as natural vegetation.*

and,

**WHEREAS**, the Application seeks approval of a portion of shared driveway located on Parcel B by Parcel A and the Applicant has submitted a shared driveway agreement and an offer to provide a provision in the Deed to Parcel B "that in the future, if and when the Town road is built, a portion of Parcel B would be deeded over to the Town for the purpose of road construction, or back to us [Parcel A] in order to create other lots"; and

**WHEREAS**, the Tompkins County Environmental Management Council, by correspondence dated February 13, 2012, has made comments on a preliminary proposal and the Planning Board has duly reviewed those comments; and

**WHEREAS**, the subject parcel is a non-conforming minor subdivision, due to inadequate road frontage, and this is an Unlisted Action under the State Environmental Quality Review Act which requires environmental review; and

**WHEREAS**, the Applicant has submitted a Short Form Environmental Assessment Form (EAF) for the State Environmental Quality Review (SEQR) of the proposed Eastman minor Subdivision, said review to be Uncoordinated Review without declaration of Lead Agency; and

## APPROVED

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 referrals were duly effected by the Town of Lansing Planning Department, as set forth above, and formal recommendations of the Tompkins County Department of Planning have been duly considered and the Planning Board determined, by supermajority vote, not to require the Applicant to undergo a rare and scarce plant inventory, as suggested by the Tompkins County Department of Planning, finding that such an inventory is unnecessarily onerous upon the Applicant and the site's slope plant species shall be protected by a no-build buffer; and the Planning Board, by super-majority vote, determined to require a 35 no-build buffer from the house and a 50 foot no-build buffer from the road, instead of the overall 50 foot buffer recommended by the Tompkins County Department of Planning and the 25 foot buffer requested by the Applicant, and, upon a full review of the application and site plan materials, the Planning Board determined that a 35 foot buffer from the house shall be adequate to protect the water quality upon and off the site, and adequate to protect the intermittent stream and the slopes and plant species upon the site; and

**WHEREAS**, on July 9, 2012, the Town of Lansing Planning Board, in performing its reviewing 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 Short Form Environmental Assessment Form ("EAF") 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 EAF, Part II on the record (and reviewed and completed, if necessary, Part III of the EAF);

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

The Town of Lansing Planning Board, based upon (i) its thorough review of the EAF, 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 EAF, 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 SEQRA for the above referenced proposed action, and determines that an Environmental Impact Statement will not be required.

# APPROVED

Dated: July 9, 2012

David Hatfield offered the following conformed Resolution. 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**

## RESOLUTION PB 12-44

### RESOLUTION OF THE LANSING PLANNING BOARD APPROVING THE H. FLOYD DAVIS SUBDIVISION, A ONE LOT MINOR SUBDIVISION CONTAINING TWO NON CONFORMING LOTS

**WHEREAS**, after submission thereof, the Lansing Planning Board has reviewed the revised Subdivision Application submitted by H. Floyd Davis, dated June 21, 2012, for approval of a minor residential subdivision of a 43.86 +/- acre parcel into two (2) non-conforming frontage lots of certain land, located at 54 Forest Lake Drive, Lansing, New York and otherwise known as Tax Map Parcel # 32.-1-37.428 in the L1 District; and

**WHEREAS**, the proposed subdivision contains two non-conforming frontage lots, Parcel "A" and Parcel "B", both of which have less than the 150 feet of road frontage required for the L1 District; and

**WHEREAS**, the Applicant was granted a variance by the Town of Lansing Zoning Board of Appeals, by Decision dated June 19, 2012 permitting new lot parcel B a variance permitting 75 feet of road frontage and the residual lot parcel, Parcel A, a variance of road frontage of 88 feet, subject to the Condition that the Planning Board consider the recommendations of the Tomkins County Department of Planning, dated May 2, 2012, respecting a recommended 50 foot no-build buffering zone and a rare and scarce plant species inventory with mitigation measures, given the location of the Parcels are located in a Unique Natural area (Lake Cliffs- UNA-24); and

**WHEREAS**, the Tompkins County Department of Planning, by correspondence dated May 2, 2012, made the following GML 239 recommended modifications which if not

## APPROVED

adopted will require a super – majority (majority plus one) vote of all members of the Planning Board in order to approve the Application:

- *The Unique Natural Area in which this subdivision is proposed, Lake Cliffs (UNA-24) was established in large part due to the rare and [scarce] plant species found along dry cliffs. These plant species include the rare species of Cooper’s milk vetch, creeping bush clover and elm- leaved goldenrod. Care should be taken to inventory these plants species and adequate mitigation measures, including possibly restricting the area of site disturbance, should be required in order to reduce the impacts of the proposed development.*
- *To help protect water quality, we recommend that the Town require a minimum 50-foot, no build buffer to the intermittent stream which follows the parcel’s southern boundary. This buffer should be measured from the top of the stream bank and maintained as natural vegetation.*

and,

**WHEREAS**, the requisite General Municipal Law 239 Referrals of Article 12-8 referrals were duly effected by the Town of Lansing Planning Department, as set forth above, and formal recommendations of the Tomkins County Department of Planning have been duly considered and the Planning Board determined, by supermajority vote, not to require the Applicant to undergo a rare and scarce plant inventory, as suggested by the Tompkins County Department of Planning, finding that such an inventory is unnecessarily onerous upon the Applicant and the site’s slope plant species shall be protected by a no-build buffer; and the Planning Board, by super-majority vote, determined to require a 35 no-build buffer from the house and a 50 foot no-build buffer from any road, instead of the overall 50 foot buffer recommended by the Tompkins County Department of Planning and the 25 foot buffer requested by the Applicant, and, upon a full review of the application and site plan materials, the Planning Board determined that a 35 foot buffer from the house shall be adequate to protect the water quality upon and off the site, and adequate to protect the intermittent stream and the slopes and plant species upon the site; and

**WHEREAS**, the Application seeks approval of a portion of shared driveway located on Parcel B by Parcel A, and the Applicant has submitted a shared driveway agreement and an offer to provide a provision in the Deed to Parcel B “that in the future, if and when the Town road is built, a portion of Parcel B would be deeded over to the Town for the purpose of road construction, or back to us [Parcel A] in order to create other lots”; and

## APPROVED

**WHEREAS**, the Tompkins County Environmental Management Council, by correspondence dated February 13, 2012, has made comments on a preliminary proposal and the Planning Board has duly reviewed those comments; and

**WHEREAS**, this action is classified as an Unlisted Action, pursuant to 6 NYCRR Part 617 *et seq.* of the State Environmental Quality Review Act, which requires environmental review of the impacts of the project; and

**WHEREAS**, at the Lansing Planning Board Meeting, held on July 9, 2012 at the Lansing Town Hall, the Planning Board reviewed the overall revised Site Plan for proposed project; and

**WHEREAS**, on July 9, 2012, the Planning Board determined to waive public hearing on both the SEQRA review and overall site plan review, due to non-complexity of the application and lack of public controversy associated with the proposal; and

**WHEREAS**, on July 9, 2012, the Planning Board, acting on a uncoordinated environmental review, reviewed and accepted, as adequate, a short form Environmental Assessment Form ("EAF") Part I, submitted by the Applicant; and the Lansing Planning Board completed Part II on the record (and, if applicable, Part III of the EAF); and

**WHEREAS**, by resolution adopted July 9, 2012 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; and

**WHEREAS**, on July 9, 2012, the Planning Board underwent preliminary and final plat review of the proposed minor subdivision with two non conforming lots, and has considered and carefully reviewed the requirements of the Land Use Ordinance Section 701 *et seq.*, relative to Planning Board 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 consideration of storm water drainage, erosion control, parking, water and sewer facilities, driveways, site lighting, off site impacts, roadways and walkways, height regulations, landscaping, open space, and compliance with other state, county and local agency regulations; and the Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

**WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to subdivisions and the unique needs of the Town due to the topography, the soil types and distributions, and other natural and

## APPROVED

man-made features upon and surrounding the area of the proposed Subdivision, and the Town has also considered the Town's Comprehensive Plan and compliance therewith; and

**WHEREAS**, the subject parcel is a minor subdivision and this is an Unlisted Action under the State Environmental Quality Review Act which requires environmental review; and

**WHEREAS**, on July 9, 2012, this Board, acting in Uncoordinated SEQR environmental review without Lead Agency, reviewed and accepted as adequate a Short Environmental Assessment Form (EAF) Part 1, submitted by the Applicant, and completed Part II and, if applicable, Part III, on the record; and

**WHEREAS**, by Resolution adopted on July 9, 2012, the Town of Lansing Planning Board determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed subdivision will result in no significant impact on the environment and has issued a Negative Declaration of environmental significance for purposes of Article 8 of the Environmental Conservation Law; and

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**RESOLVED:** that the Town of Lansing Planning Board grant Approval of the H. Floyd Davis Subdivision, an Application for a minor two lot residential minor subdivision of certain land located at 54 Forest Lake Drive, Lansing, New York and otherwise known as Tax Map Parcel # 32.-1-37.428 in the L1 District *subject to the following conditions:*

1. Execution of Common Driveway Agreement produced by the Applicant;
2. 35 foot No-build Buffer from the house and 50 foot no-build buffer from any road; Town Engineer, David A. Herrick, T.G Miller, to determine the delineation of the top of the bank upon the site, so as facilitate measurement of the no-build buffer zones;

# APPROVED

- Said delineation shall be at the expense of the Applicant;
3. No further subdivision of these parcels shall be permitted without a full preliminary subdivision plat presented to the Planning Board for review and approval;
  4. Stair construction on the site to be inspected and approved by the Town Codes Office;
  5. The Applicant and future owners of the parcels shall post signage at the split of the shared driveway so as to alert fire and rescue service personnel as to the location of each specific lot; and
  6. Any and all requested deed restrictions of the subdivided properties, respecting reverted of lands of Parcel B back to lands of Parcel A, are subject to Planning Board and Town Board legal counsel review and approval. Said restrictions shall not be permitted without Planning Board and Town Board legal counsel review and Planning Board approval.

**July 9, 2012**

Thomas Ellis made a motion to adjourn the Meeting. 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) Al Fiorille, Member**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . . . (Aye) Norman L. Davidson, Chairman**