

APPROVED

# Town of Lansing

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Monday, January 14, 2013 7:15 PM

PLANNING BOARD

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## PLANNING BOARD MEMBERS

(\* Denotes present)

\* Larry  
Sharpsteen  
\*David Hatfield  
\*Richard Prybyl  
\*Al Fiorille  
\*Gerald Caward  
\*Lorraine Moynihan Schmitt, Esq  
Kathy Miller, TB Liaison

\*Lin Davidson, Chairman

\*Tom Ellis, Member

### Public Present

Larry Fabbroni, David Herrick,

### General Business

Lin Davidson Chairperson called the Planning Board Meeting to order at 7:15 PM. Mr. Davidson inquired if there were any questions or concerns from the Public that are not related to the Agenda. Mr. Davidson indicated that the Floyd Davis driveway matter will be discussed. He also asked about putting a nominating committee together, and it was determined that this will be addressed at the beginning of February.

Mr. Davidson identified the newly appointed Planning Board Members, Gerald Caward and Ray Farkas, Alternate Member as well as the other Planning Board Members present.

### Review Final Plat PDA for Village Solars/Village Circle Apartments, Warren Road & Village Circle

Chairman Davidson suggested that the Planning Board go through the Town Board conditions along with the roughed out Resolution rather than everybody trying to read Dave Herrick's report, then start going one by one going through the report with Mr. Herrick & Mr. Fabbroni answering any questions Planning Board Members might have. Mr. Fiorille asked for additional information on what was finalized on the Community Center, and the bus station.

Clarification was provided by Attorney Moynihan Schmitt that the draft Resolution sets forth the Town Board conditions which largely adopted the Planning Board's conditions. It leaves blanks for findings to be made by the Planning Board based on what they have reviewed to date. Mr. Sharpsteen had concerns about the requirement for an IMA Agreement. He understands that the thought is to go with an agreement to

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agree; however; Attorney Moynihan Schmitt suggests that this would need to be addressed with the Town Supervisor as it will ultimately be a decision of the Town Board to require this as one of the conditions. Mr. Sharpsteen asks the other Board Members to consider if they are comfortable with relaxing the original conditions identified, because the official resolution states that all interested parties should be in agreement. Attorney Moynihan Schmitt advises that the Planning Board should make whatever firm recommendations it chooses to.

Mr. Davidson asked Mr. Fabbroni to share information from the meeting he had with Kathy Miller, Ruth Hopkins, and Jon Kanter with regard to the TCAT request for a bus shelter on the inbound side (southbound side of Warren Road). This would fit in the right of way of the Phase I of the development.

The Planning Board discussed the original conditions, and asked Mr. Herrick to assist in the review process. Mr. Herrick discussed the requirements for accommodating the Water System. This must all be facilitated by the Town Board. Mr. Fiorille asked if the costs would be covered by the Developer or if it was going to be a Town cost. Mr. Fabbroni indicated that each project offered \$35,000 toward this. Mr. Herrick stated that the ultimate funding outside the developer's contributions will be by the Town as part of the overall improvement to the Consolidated Water District.

Mr. Davidson asked how to deal with the agreement to agree, and it was determined that they would move on to the additional conditions. Ms. Moynihan Schmitt noted that for Planning Board findings for 1A the Planning Board has reviewed the comments of David Herrick, and asked if there were any other questions or finding to add to that section. The Town Engineer's report will be attached to the Resolution, and will be referenced in the findings. The next item for review is Sewer, and Mr. Davidson asked Mr. Herrick to cover this. Mr. Herrick discussed the information he reviewed with the Planning Board, and spoke about the joint meeting with the Village of Lansing, and the Village of Cayuga Heights to address the sewer needs of the project. The resolution and findings of the Planning Board will be prepared by Attorney Moynihan Schmitt. Phase I will not be exceeding the capacity as agreed upon. Mr. Sharpsteen wanted to be clear that anything passed in the resolution tonight will not be intended to be insubordinate to the direction of the Town Board and their future resolution.

The next condition discussed by Mr. Herrick was Storm Water. At some point the project will have to submit to the town official forms that will have to be executed by the Storm Water Management Officer for the project to receive coverage. Ms. Moynihan Schmitt will draft the appropriate attachments of the comments made. Mr. Davidson moves on to the bus shelter and notes that we talked about it being in south bound lane and the possibility of more ridership and potential for a pull off. Does anyone have any more to add? Dave Herrick noted we will need a permit from the county highway. Mr. Davidson discussed the community areas approval of future PDA phrases and the issuance of building permits and certificates of compliances. Mr. Davidson asks if we are all comfortable with the Trails and Pathways. No buildings are in the way of the trails and pathways only a few large trees on the east/ west area creating a winding pathway about eight feet wide The two main paths that will be

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paved will be the east/west area and the area that substitutes as a sidewalk along Warren Rd. There will be other paved areas around the handicap sites and to give access to the buildings where we have to provide handicap access. Some lots will not be paved and haven't been paved for 40 years. Lorraine noted the developer will be responsible for the maintenance of the pathway. Torn Ellis said there will be access to the business park with a 60 foot right away within the industrial park. Larry's concern along with the planning board is continuing to agree that a master plan in a timely manner. Mr. Davidson's comment and certainly not speaking for the whole board unless they are in general agreement that if we are asking the developer to do this then we have to come up with the criteria in a timely manner and that means in a time that will not affect his design and/or construction plans. Larry Sharpsteen states that the master plan will be ready within 12 months. Ms. Moynihan Schmitt describes plan C is a delineation of the width construction methodologies, materials, maintenance plans for any pathways and trails; recommend to the town that within the next 12 months that the developer have ready. Mr. Davidson has moved on to Roads and states that this is the question of the great corner. It needs a 60 foot right of way into the industrial park.

. B - has a section that will be dedicated; if the town board wants that piece dedicated we will have to do that too. C - The Town will need to have the right way deeded over to be able to complete the project. D - This is treated as private driveway. Town Board will discuss in greater detail. Mr. Sharpsteen requests that we clarify their requirement Mr. Davidson moves on to Traffic Study. Mr. Herrick the project involves no new infrastructure, no new roads, no new ditches, no new water, no new sewer is all services off of the plan. There will be permits for driveways and such. Ms. Moynihan Schmitt says the SRF traffic comments are attached to the last page. The SRF completed their review and finds acceptable level of service of all intersections, no significant

adverse impacts on safety or traffic operations at similar sections. Mr. Herrick adds that TCAT had requested a pull off on both sides of the highway. Everybody seems happy with that phase. The second thing is they criticized our depiction of the buildings solar. If you need to look into that further Mr. Sharpsteen can explain some of the design concepts. Mr. Herrick added the buildings will be designed to maximize as much light as you can to capture passive solar energy and allow every unit to have cross ventilation. Mr. Sharpsteen is satisfied with the passive solar energy and states that the developer never presented the design to be solar converted to energy.

Ms. Moynihan Schmitt asked if everyone agrees with the passive solar and traffic study all board members feel confident and no further information is needed at this time. The same with TCAT no further information is needed and in terms to sewer for the airport to refer to the Town Board on that issue.

Mr. Sharpsteen moved the Resolution as follows;

RESOLUTION PB 13-01

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## **RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD RECOMMENDING TO THE TOWN BOARD THE VILLAGE CIRCLE APARTMENTS/VILLAGE SOLARS ("VCVS") PDA FINAL DEVELOPMENT PLAN WITH CONDITIONS**

**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 +1- 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 tiled 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

**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, tiled July 6, 2012, respecting the Applicants' project proposals and PDA Proposal; and

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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 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 declared 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, completed 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

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WHEREAS, the Tompkins County Department of Planning, respecting its GML 239 —I, -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 respecting the final development plan; 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, on July 9, 2012, upon due consideration and deliberation, the Town of Lansing Planning Board issued a resolution resolving that pursuant to Section 706.5 of the Town of Lansing Land Use Ordinance, the Lansing Planning Board recommended 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 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.

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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.

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.

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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*

WHEREAS, on July 9, 2012 the Planning Board further issued a resolution resolving that, pursuant to Section 706 *et seq.* of the Town of Lansing Land Use Ordinance, the Lansing Planning Board 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.

*and*

WHEREAS, on July 9, 2012 the Planning Board further issued a resolution further resolving that that, pursuant to Section 706 *et seq.* of the Land Use Ordinance, the Planning Board recommended 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); and

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WHEREAS, on August 15, 2012, after a duly scheduled and noticed public hearing thereupon, the Town Board duly issued a negative determination of environmental significance under and pursuant to SEQRA; and

WHEREAS, the Town duly delivered a the GML § 239-1, -m, and —n referral to the Tompkins County Department of Planning, together with related documents, and County Planning declined to comment upon this preliminary approval and instead determined to provide official comments and recommendations, if any, at the time of review of the Final Development Plan; and

WHEREAS, the Town did duly consider all other input received, including comments made and evidence received, if any, at a duly noticed and scheduled public hearing upon the project and on August 15, 2012 the Town Board issued a resolution resolving that a Conditional Approval of the proposed Planned Development Area, pursuant to and under Section 706.6 of the Town o Lansing Land Use Ordinance, be granted, subject to the conditions and findings set forth below; and

WHEREAS, on August 15, 2012 the Town Board further resolved that **such approval was made upon the following conditions and findings, each and all of which must be satisfied or adequately addressed in the Final Development Plan before any approval of the Final Development Plan;** and

WHEREAS, on or about December 3, 2012. the Applicant/Developers submitted their final development plan to the Planning Department; and

WHEREAS, **on** January 14, 2013, the Planning Board was presented with further materials from the Applicants/Developers respecting potential satisfaction of Town Board conditions, including the January 9, 2013 SRF Traffic Impact Study Review Report and the January 14, 2013 report and comments of the Town Engineer, David Herrick, T.G. Miller P.C., respecting water, sewer and stormwater SWPPP conditions (said comments and reports are attached to this resolution), and, upon review of the Applicant/Developers' Final Development Plan and updated submissions and the above comments and reports thereon, the **Planning Board has made its findings in respect to completion of those Town Board conditions and the status of progress toward completing any outstanding conditions as outlined below:**

## **1. TOWN BOARD CONDITION: WATER:**

A. Approval contingent upon the Town's creation of a new pressure zone in the Warren Road/Bean Hill areas, with such new infrastructure to include: (i) a new water tank, new pump station, and new transmission station; (ii) improvements to the Burdick Hill Pump Station, if any, to be identified by the Town Engineer, David A. Herrick, who will conduct a study of pumps and controls at the Burdick Station; (iii) the placement of interim hydro-pneumatic systems to be constructed by the Town near the Village Circle tanks in compliance with Town Engineer, David A. Herrick's specifications; (iv) payment by Developers of \$70,000.00 total to cover the above costs of study and hydro-pneumatic system infrastructure, if such Booster System is in place to serve the PDA by 12/31/2012.

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### PLANNING BOARD FINDINGS IN RESPECT TO COMPLETION OF WATER CONDITION:

**The Planning Board finds that this condition, as originally proposed by the Planning Board and adopted by the Town board is on-going with appropriate progress to date and recommends continued tracking of the condition by both the Planning Department and the Town Board in its review and determination of the Final Development Plan. The Planning Board has reviewed and supports the recommendations of the Town Engineer respecting this condition, as set forth in the attached January 14, 2013 Report of Town Engineer, David Herrick, T.G. Miller P.C.**

**B. Approval of Phase One PDA build out shall be contingent on an interim hydro-pneumatic system being in place and in operation in compliance with Town Engineer, David A. Herrick's specifications.**

### PLANNING BOARD FINDINGS IN RESPECT TO COMPLETION OF WATER CONDITION:

**The Planning Board finds that this condition, as originally proposed by the Planning Board and adopted by the Town board is on-going with appropriate progress to date and recommends continuing tracking of the condition by the Town Board in its review. The Planning Board has reviewed and supports the recommendations of the Town Engineer respecting this condition, as set forth in the attached January 14, 2013 Report of Town Engineer, David lierrick, T.G. Miller P.C.**

## 2. TOWN BOARD CONDITION: SEWER:

A. Approval is contingent upon and subject to a total build-out limit — the total number of Village Solars-Village Circle Warren Road Sewer District (WRSD) units following PDA build-out on both applications is capped at 470 WRSD units.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF SEWER CONDITION:

**The Developers have consented to this condition, originally proposed by the Planning Board and adopted by the Town Board. Additional capacity has been verified by the Town Engineer. The Planning Board has reviewed and supports the recommendations of the Town Engineer respecting this condition, as set forth in the attached January 14, 2013 Report of Town Engineer, David Herrick, T.G. Miller P.C.**

B. Approval is contingent upon Town Engineer, David A. Herrick's, providing updated 20-year WRSD design flow calculations, which calculations will now be required to take into effect the above-reference 470 WRSD/PDA units and other potential future development.

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### FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF SEWER CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, is on-going with appropriate progress to date and the Planning Board recommends continued tracking of the condition by both the Planning Department and the Town Board in its review of the final development plan. The Planning Board has reviewed and supports the recommendations of the Town Engineer respecting this condition, as set forth in the attached January 14, 2013 Report of Town Engineer, David Herrick, T.G. Miller P.C. The Town Engineer has confirmed that the additional flows from the PDA are supported by the 20 year flow calculations and supports allowances for additional growth that can be feasibly treated at the VCHWTP, subject to an amendment of the current municipal agreement.**

C. Approval is contingent upon an amendment to the IMA between the Town of Lansing (o/b/o and including the Warren Road Sewer District Extension) and the Villages of Lansing and Cayuga Heights to acknowledge the updated 20-year design flow and to verify sewer transportation and treatment capacity for this project and its surrounding areas and future growth in such area.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF SEWER CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board is on-going and the Planning Board recommends continued tracking of the condition by the Planning Department and the Town Board in its review of the final development plan. The Planning Board has reviewed and supports the recommendations of the Town Engineer respecting this condition, as set forth in the attached January 14, 2013 Report of Town Engineer, David Herrick, T.G. Miller P.C. The Planning Board has not been provided with any documents confirming the Villages' commitment in regard to the IMA Amendment which the Planning Board finds is critical to an approval of this PDA. The Planning Board has been advised that the Town Board is working with the Villages of Dryden and Cayuga Heights in making progress on this condition and defers to the Town Board in its determination on the process and timing of the fulfillment of this condition.**

### 3. TOWN BOARD CONDITION: STORMWATER

A. Approval is contingent upon Town Engineer, David A. Herrick's approval of the Applicants/Developers' stormwater control erosion plan (SWPPP) and such SWPPP's final design. In connection therewith the Applicants/Developers shall: (i) provide Runoff reduction volume (RRv) sizing criteria in compliance with NYSDEC GP-0-010-01 regulations, as addressed by the Town Engineer; (ii) shall adhere to NYSDEC Design Manual specifications for green infrastructure; and (iii) provide full descriptions of PDA

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large-water feature sources and their impacts upon bedrock conditions regarding both initial construction and long term sustainability.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF STORMWATER CONDITION:

The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, is on-going with appropriate progress to date. The Planning Board has reviewed the attached January 14, 2013 Report of Town Engineer, David Herrick, T.G. Miller P.C., and is satisfied that this condition is satisfied to date.

#### 4. TOWN BOARD CONDITION: BUS SHELTER

A. Approval shall be contingent upon a bus shelter to be constructed and located on Warren Road near the proposed PDA east-west walkway, but only if TCAT approves such placement and such proposed bus shelter.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF BUS SHELTER CONDITION:

The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, is on-going with appropriate progress to date. The Developers have consented to building a bus shelter on the west side of Warren Road on the shoulder of the southbound lane, opposite the proposed East/West community walkway. The Developers have additionally requested consent from TCAT for a future proposed shelter within the development. John Lampman of the Tompkins County Highway Department will review the forthcoming designs and comment thereon. The Planning Board recommends that both the Planning Department the Town Board continue to track progress on this condition in conjunction with the Town Board review and determination on the Final Development Plan.

#### 5. TOWN BOARD CONDITION: COMMUNITY AREAS:

A. Approval of future PDA phases and the issuance of building permits and Certificates of Compliance and Occupancy are conditioned upon the Developer/Applicants completing the public, quasi-public, and community improvements and buildings within the proposed PDA within 2 years of the date of commencement of initial PDA construction.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF COMMUNITY AREAS CONDITION:

The Planning Board finds that this condition, originally proposed by the Planning

Board and adopted by the Town Board, is on-going with appropriate progress to date.

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The Developers have consented to the construction of future community areas within 2 years of commencement of the PDA construction. Planned Phase 1 construction of community areas includes shared yards, courtyards, trails, community grills, outdoor community recreation areas and community fire pits. Community Area building construction is anticipated in later phases of the project and the Planning Board recommends that both the Planning Department and the Town Board continue to track this condition in conjunction with a time frame for build-out of same.

## 6. TOWN BOARD CONDITION: TRAILS PATHWAYS:

A. Approval shall be contingent upon Applicants/Developers agreement to construct and maintain all trails and pathways located within the PDA. If requested by the Town, Applicants, Developers shall dedicate land in fee or by easement to the Town of Lansing for the PDA trails and pathways within 6 months of final approval of the projects and PDA.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF TRAILS/PATHWAYS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been agreed to by the Developers and complied with in the Developers Final Development Plan. The Planning Board recommends that both the Planning Department and the Town Board continue to track progress on this condition in conjunction with the Town Board's determination on the Final Development Plan.**

B. Applicants/Developers shall cooperate and coordinate with the Lansing Pathways Committee and the Town of Lansing Department of Parks and Recreation to produce, in a timely manner, a Master Plan delineating how the PDA trails and pathways shall interconnect with other existing and planned pathways and trails in the area.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF TRAILS/PATHWAYS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, is still in progress and recommends that a Master Plan should be developed in a timely manner reflecting the precise location easements or fee dedications placements of the trails and inter-connections to existing trails or planned future trails.**

C. Final approval shall be contingent upon a delineation of the width, construction methodologies and materials, and maintenance plans for any pathways and trails.

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### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF TRAILS/PATHWAYS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, is satisfied with the exception of a maintenance plan which may be required in the event of future dedication to the trails to the Town. In addition, the Planning Board concurs with the Applicants/Developers that a proposed change should be permitted respecting the width of the East/West trail in order to accommodate some large trees on either side of the projected trail/pathway. Specifically, the Planning Board recommends a reduction of width from 10 feet to 8 feet as a reasonable modification. The Applicants/Developers have agreed to this projected modification should the Town Board determine to adopt same.**

### 7. TOWN BOARD CONDITION: **ROADS:**

A. Approval is conditioned upon Applicants/Developers dedicating a 60-foot right of way and easement for a potential future road and/or pathway within the PDA linking Dutch Mill and Village South roads.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been agreed to by the Applicants/Developers and complied with in the Developers' Final Development Plan but should be notated and delineated on the final plat materials and final development plan/plat to be filed with the Tompkins County Clerk if the Final Development Plan is Approved.**

B. Approval is conditioned upon Applicants/Developers dedicating a 60-foot right of way and easement for a potential future road and/or pathway within the PDA linking Village Circle North and Springbrook Circle roads.

### PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been agreed to by the Applicants/Developers and complied with in the Developers' Final Development Plan but should be notated and delineated on the final plat materials and final plat filing with the Tompkins County Clerk if the Final Development Plan is Approved.**

C. Approval is conditioned upon the Developer dedicating in fee the road section on Village

Place within the PDA, pursuant to a prior agreement between such Developer and the Town.

# APPROVED

## PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been agreed to by the Developers and complied with in the Developers' Final Development Plan but should be notated and delineated on the final plat materials and final plat filing with the Tompkins County Clerk if the Final Development Plan is Approved.**

D. Approval is conditioned upon the acceptance or adoption of suitable maintenance agreements for the new PDA road, as depicted in the PDA site plans as a private road and as the primary entrance into the project, between the Town and the Developers, which agreements may be by direct contract or through the implementation of HOA requirements and/or declarations.

## PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

**This condition was not originally a Planning Board recommended Condition and is a Condition from the Town Board objected to by the Applicants/Developers on the basis that the Developers shall be solely responsible for maintenance of the trails/pathways. The Planning Board defers to the Town Board respecting its determination on the imposition of this Town Board condition.**

E. Approval of the PDA is contingent upon the Town of Lansing Highway Superintendent's review and approval of the final road infrastructure layout within the proposed PDA.

## PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

**The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been complied with based on the assertions of the Applicants/ Developers in respect with the Town of Lansing Highway Superintendent's review and oral comments to the Developer's Engineer in respect to the final road infrastructure layout.**

F. Approval is conditioned upon an updated and/or completed traffic study to be conducted by Stephen Ferranti, SRF Associates, as traffic consultants, who shall be retained on behalf of the Town at the expense of the Developers/Applicants to determine the scope and extent of a traffic impact study intended to address Town and County concerns, all as recommended by Town Engineer, David A. Herrick. Said traffic consultant shall also review, report, and comment upon the final traffic study to be conducted by Applicants/Developers' Engineer.

# APPROVED

## PLANNING BOARD FINDINGS IN RESPECT TO SATISFACTION/COMPLETION OF ROADS CONDITION:

The Planning Board finds that this condition, originally proposed by the Planning Board and adopted by the Town Board, has been fulfilled and the comments for the SRF review are positive and support the Applicants/Developers' submitted traffic report. A copy of the January 9, 2013 SRF review is annexed hereto.

*and*

WHEREAS, in response to the Planning Board and Town's request for formal comment on the final development plan in response to the Town's GML § 239-1, -m, and —n referral, the Tompkins County Department of Planning has provided informal comments and recommendations, by correspondence dated January 14, 2013 on the issues of: (1) Collaboration with TCAT to devise a complete system of safe options for northbound and southbound bus service and also pedestrian access to transit from the Woodland Park adjacent PDA; (2) Improved Building Solar Orientation of the project to take advantage of passive solar orientation and also allow rooftop solar access for photovoltaic or solar thermal systems; (3) Inclusion in the traffic analysis on impacts to the Warren road, Route 13 intersection; and (4) Confirmation that the sewer capacity needed for the PDA will not impact in any way the capacity committed to other properties in the sewer district, including the Tompkins County owned portion of the Ithaca-Tompkins Regional Airport. A complete copy of the Tompkins County Department of Planning Comments, dated January 14, 2013, and the Applicants/Developers' Engineer's response thereto of the same date are attached to this resolution;

*and*

WHEREAS, in respect to the January 14, 2013 Tompkins County Department of Planning comments and recommendations, the Town of Lansing Planning Board finds that (1) the bus shelter design proposed by the Applicant/ Developers is satisfactory such that further work for a complete system of options with TCAT is not recommended; (2) the Applicants/ Developers have never represented the solar portion of the development plan in any other manner than passive solar, and most buildings appropriately face to the south; (3) future sewer capacity for other current and future users in the district has been confirmed by the Town Engineer; and (4) the Planning Board is fully satisfied with the Applicant's traffic report and SRF review thereof; and

WHEREAS, the Tompkins County Department of Planning formal comments and recommendations in response to the Planning Board and Town's GML § 239-1, -m, and —n referral continue to remain outstanding, and the Planning Department will again be requesting formal comment and recommendations from the Tompkins County Department of Planning for the Town Board's upcoming review of the Final Development Plan; and

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

## APPROVED

RESOLVED, that, pursuant to Section 706.7 *et seq* 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 Final Development Plan, subject to the continuing conditions of approval as set forth in the above Planning Board Findings and also subject to such additional conditions as set forth below:

**1. The final filed development plan plat should be revised to delineate individual tax map parcel numbers for the disparate parcels; and**

**2. The final filed development plan plat should be revised to delineate all future road dedications in fee or easement referenced in conditions #7 (A)(B) and (C) with a notation upon the final development plan/plat in regard to same.**

*and it is*

**FURTHER RESOLVED AND DECLARED** that the final development plan be provided by the Planning Department to the Town Board for review and that, pursuant to Land Use Ordinance Section 706.7, a copy of this recommendation of the Planning Board shall be filed by the Planning Department with the Town Board and with the Code Enforcement Officer.

*and it is*

**FURTHER RESOLVED AND DECLARED** that Town Board Action on the Final Development Plan is governed by Land Use Ordinance Section 706.8 which requires that a duly notice a public hearing be scheduled by the Town Board for review of the final development plan, said hearing to be conducted within 45 days of the Town Board's receipt of the final development plan.

January 14, 2013

Al Fiorille seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board ... (Aye) Lin Davidson, Member**  
**Vote of Planning Board ... (Aye) Al Fiorille, Member**  
**Vote of Planning Board ... (Aye) Gerald Caward, Member**  
**Vote of Planning Board ... (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board ... (Aye) David Hatfield, Member**  
**Vote of Planning Board ... (Aye) Rick Prybyl, Member**

# APPROVED

## Other Business- H.Floyd Davis, Driveway Concern, 54 Lake Forest Drive, Tax # 32.-1-37.428

Lin Davidson states the Planning Board previously asked that the driveway be approved for Emergency Vehicles. After much discussion, the Highway Supervisor and Fire Chief don't feel that they should be in the middle of that process, as well as some Planning Board Members that said that from the beginning. As it turns out, the NYS fire code that deals with driveway specifications can and shall apply to the Subdivision. Fire service features dimension shall be twelve feet width, with thirteen feet six inches height, in excess of five hundred feet in length, does not exit to other fire apparatus, access to road or other public street, a turnaround shall be provided suitable for use by fire apparatus. Driveways in excess of 500 feet in length and less than twenty feet in width shall be provided with turn outs along the driveway.etc.etc. The drive stability including bridge and other supporting structures shall be constructed to support fire apparatus in all weather conditions.

Ms. Moynihan Schmitt inquired from the Planning Board Members whether they would consider revising Resolution 12-64, condition number 9 as there has been a lot of discussion regarding it?

Kathy Miller, Town Supervisor stated the Code Enforcement Officer will do the required inspection, supporting the NYS Fire Code.

Mr. Ellis wants to make sure the Developer are made aware of the space requirements that are needed in order to turn around.

Larry Sharpsteen stated it is in the original Minutes (December 17, 2012) that state the owner/developer will follow whatever it takes to get the job done, and will be consist with Floyd Davis's driveway.

Larry Sharpsteen offered a motion to revise the condition #9 of Resolution 12-64 by removing the Town Highway Supervisor and Fire Department to perform the Inspection on the driveway. The Inspection will fall back on the Town of Lansing Code Enforcement Officer, and shall reflect 511 of the NYS Fire Code in terms of Specs. Richard Prybyl seconded.

**Vote of Planning Board ... (Aye) Lin Davidson, Member**  
**Vote of Planning Board ... (Aye) Al Fiorille, Member**  
**Vote of Planning Board ... (Aye) Gerald Caward, Member**  
**Vote of Planning Board ... (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board ... (Aye) David Hatfield, Member**  
**Vote of Planning Board ... (Aye) Rick Prybyl, Member**

# APPROVED

Mr. Davidson motioned to approve the minutes of December 17, 2012. A decision was made hold this item for next meeting.

Larry Sharpsteen made a motion to adjourn the Meeting at 8:25 PM. David Hatfield seconded the motion and it was carried by the following roll call vote:

**Vote of Planning Board .. (Aye) Lin Davidson, Member**  
**Vote of Planning Board ... (Aye) Al Fiorille, Member**  
**Vote of Planning Board ... (Aye) Larry Sharpsteen, Member**  
**Vote of Planning Board . .. (Aye) David Hatfield, Member**  
**Vote of Planning Board . .. (Aye) Rick Prybyl, Member**