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Town of Lansing

Wednesday, August 12, 2013 7:15 PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

- Tom Ellis, Chairman
- * Lin Davidson, Vice-Chairman
- * Larry Sharpsteen
- * David Hatfield
- * Richard Prybyl
- * Al Fiorille
- * Gerald Caward
- Jonathan Kanter, Planning Consultant
- * Ray Farkas (Alternate Member)

Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer
Sue Munson
Kathy Miller, Town Board Liaison

Public Present

None

Other Business

Lin Davidson, Acting Chairperson called the Planning Board Meeting to order at 7:15 PM.

Acting Chairman Davidson enacted the Alternate Member to vote due to a Member being absent.

No public present.

Other Business

Kathy Miller, Town Supervisor advised the Members that Budget Time is approaching and the Town Board will need to have some sort of idea of who from the Planning Board are considering attending the Planning Federation Conference in 2014. Ms. Miller encouraged all to attend.

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Continue Discussion Regarding Possible Code Revisions -

Fences & Walls

Except as otherwise specified or in other provisions of this Ordinance, fences and walls up to six feet high are permitted as of right in all zones and in all locations, including yards, setbacks and buffer areas, notwithstanding any other provisions of this chapter.

A fence or wall may be built up to a common lot line but may not encroach on the adjoining property nor interfere with adequate sight distance for vehicles exiting from driveways on the parcels sharing the common lot line.

Fences and walls are not allowed within public street right-of-way lines without written permission from the public entity that holds the right-of-way.

Deer fences up to eight feet in height are permitted as of right in all zones and in all locations, including yards, setbacks and buffer areas. Building permits are required for deer fences exceeding six feet in height.

Fences and walls up to eight feet in height are permitted as of right in all locations, including yards, setbacks and buffer areas, for lawful farm operations. Building permits are required for fences and walls exceeding six feet in height.

Fences and walls up to eight feet in height are permitted as of right in all locations, including yards, setbacks and buffer areas, in light industrial zones and industrial zones. Building permits are required for fences and walls exceeding six feet in height.

Fences shall be erected with the finished side (if any) facing the street and abutting properties, and with backers, supports, and posts on the inside of the fence, unless they constitute an integral part of the finished side, or unless the fence is of the type that requires posts to be placed in an alternating pattern inside and outside the fence to maintain stability.

Fence and wall heights shall be measured vertically from the natural trade to the top of the fence or wall at each point along the fence or wall.

Modifications of Site Plans

Construction of an addition of more than 1,000 square feet of enclosed space whether on one or more stories; nor

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Construction or relocation of more than three parking spaces nor construction or relocation of any parking spaces to an area that is not adjacent to the original Construction, alteration, or renovation of the interior of a building involving a change in occupancy or use; nor planned parking area; nor

Construction, alteration, or renovation of the interior of a building involving a change in occupancy or use; nor

Enlargement of an existing or previously approved building that involves an increase of square footage of more than 15% of the existing square footage of the existing or previously approved building; nor

Alteration of traffic flows and access nor a significant increase in the volume of traffic; nor

A significant (in the judgment of the Director of Planning) change in the aesthetic appearance of any structure or site plan element including landscape and lighting details from that presented at the time of the prior approval; nor

A change in the impacts of the project on surrounding properties, such as an increase in noise, water run-off, light illumination, or obstructions to views; nor

Violation of any express conditions (including, without limitation, buffer zones, setbacks, and similar restrictions) imposed by the Planning Board in granting prior site plan approval, or

If the modification does not involve a movement or shift of a location of one or more buildings more than two feet laterally or six inches vertically from the location or elevation shown on the final site plan where:

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- Such shift does not alter proposed traffic flows or access; and The numerical criteria for the exceptions from the requirement of obtaining Planning Board approval are an aggregate maximum [i.e., if a seven-hundred-square-foot addition is constructed without obtaining Planning Board approval, construction of a second addition larger than 300 square feet would require Planning Board approval of a modified site plan].

- Such shift does not directly violate any express conditions (including, without limitation, buffer zones, setbacks, etc.) imposed by the Planning Board in granting prior site plan approval.

A demolition, or a proposed demolition, of an existing building, or of a previously approved building on a previously approved site plan, is a modification of a site plan subject to the terms of this section.

Solar Collectors

- Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town. Building permits shall be required for installation of rooftop and building-mounted solar collectors.
- Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:
 - The location of the solar collector meets all applicable setback requirements of the zone in which it is located.
 - The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
 - The total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed 1,000 square feet.
- A building permit has been obtained for the solar collector.
- The solar collector is located in a side or rear yard.
 - Where site plan approval is required elsewhere in this chapter for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors. Where a site plan exists, an approved modified site plan shall be required if any of the thresholds specified in this chapter

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are met, including but not limited to proposed changes to or additions of solar collectors where such changes or additions meet this chapters threshold.

- All solar collector installations must be performed by a qualified solar installer, and prior to operation, the electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Tompkins County and other applicable laws and regulations.
- If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

Small Wind Energy Facilities

Development standards. Small wind energy facilities are permitted in all zoning districts in the Town as accessory structures providing power primarily to structures on the same lot, and as principal structures providing power primarily to structures on an adjacent lot, with any excess power net-metered to the public utility system if the facility is grid-connected, subject to the following requirements:

- Small wind energy facilities are permitted as a matter of right, except facilities located in or within 500 feet of public parkland, a natural area (as defined in this chapter), or nature preserves (as designated by the Town of Lansing, Cornell Plantations or a land trust), or within 500 feet of the ordinary high-water line of the Cayuga Lake shoreline, shall be permitted only upon receipt of a special permit for same by the Planning Board in accordance with the procedures set forth in this chapter. Notwithstanding the foregoing, building-mounted small energy facilities shall not require a special permit, regardless of location in or proximity to such areas or the Cayuga Lake shoreline.
- No small wind energy facility shall exceed 145 feet in height as measured from the lowest level or portion of the wind energy facility (slab or base) in contact with the ground surface to the highest point of any part of the facility, with moving parts measured at the highest points of their extension (see Figure i below). Building- mounted small wind energy facilities are subject to the height restrictions in this Ordinance.

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- The fall zone around any ground-mounted tower constructed as part of a small wind energy facility shall be a circular area around the tower, the center point of which is marked by the center of the base of the tower, with a radius at least equal to the facility's height plus 10 feet. The entire fall zone may not include public roads, overhead transmission lines, aboveground fuel storage or pumping facilities, or human-occupied buildings and must be located on property owned by the tower owner or for which the owner has obtained an easement or deed restriction. The minimum setback between the center of the base of the tower and any unoccupied buildings or other structures is 15 feet. (Check on Fall Zone)
- No exposed moving part of any small wind energy facility shall, at the lowest point of its extension, be less than 30 feet above the ground. Notwithstanding the foregoing, the lowest extension of any blade or other exposed moving component of a building-mounted small wind energy facility shall be at least 15 feet above the ground (at grade level) and in addition at least 15 feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the facility.
- For wind speeds in the range of zero miles per hour to 25 miles per hour, the sound pressure level produced by a small wind energy facility or a combination of small wind energy facilities shall not exceed 55 dB(A), measured at any site property line abutting a property owned by an entity other than the owner of the property on which the small wind energy facility or facilities are located. The sound pressure level shall be determined by successively measuring the sound pressure with the facility or facilities turned on and off and referring to the accompanying chart (Figure 2). This level, however, may be exceeded during short-term events such as utility outages or wind speeds exceeding 25 miles per hour. (Check on Engineering)

The number of wind energy towers per lot shall be limited to one for lots of less than two acres in size. For lots of two acres or more, one wind energy tower shall be permitted as a matter of right, and one additional tower shall be permitted upon receipt of a special permit for same by the Planning Board in accordance with the procedures set forth in this chapter. Notwithstanding the foregoing, there is no limit on the number of building-mounted small wind energy facilities. (Wait to find out about # 3)

- The location of a small wind power facility shall meet all applicable setback and buffer requirements of the zone in which it is located, but in no event shall the setback from the adjacent property lines be less than 50 feet. (Subject to Fall Zone)

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- Co-located Cell Towers must go to the Town Board for a Special Permit. Other situations are a function of engineering and design fall under the jurisdiction of the Code Enforcement Officer.
- When required by the Town of Lansing, (Building Construction and Fire Prevention), a Building Permit is required.
- Where site plan approval is required elsewhere in this chapter for a development or

activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed small wind energy facilities. Where a site plan exists, an approved modified site plan shall be required if any of the thresholds specified in § 270-191 of this chapter are met, including but not limited to proposed changes to or additions of small wind energy facilities where such changes or additions meet a § 270-191 threshold.

Safety Standards

- The small wind energy facility must meet all applicable New York State Uniform Fire Prevention and Building Code requirements.
- All wiring connected with the small wind energy facility shall be underground, except for:
 - Wiring that runs from the turbine to the base of the facility; and
 - All wiring associated with building-mounted small wind energy facilities.
- The small wind energy facility shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades and other wind energy components.
- The small wind energy facility shall not interfere with electromagnetic communications such as radio, telephone or television or emergency communication systems.
- All small wind energy facilities shall be installed by a qualified wind energy installer, and, prior to operation, the electrical connections and structural integrity must be inspected by a Town Code Enforcement Officer and by appropriate electrical and structural inspection persons or agencies, as determined by the Town.

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- Building-mounted small wind energy facility standards. The following additional requirements apply to building-mounted small wind energy facilities only:
- A letter or certificate bearing the signature of a certified New York State professional engineer must be submitted to the Code Enforcement Officer, indicating that the existing structure onto which the building-mounted small wind energy facility will be attached is capable of withstanding the additional load, force, torque, and vibration imposed by the building-mounted small wind energy facilities for the foreseeable future; will comply with seismic and structure provisions set out in state and national building codes; all related components have been designed in accordance with generally accepted good engineering practices and in accordance with generally accepted industry standards; and if constructed in accordance with the plans the entire facility, including the building onto which the wind energy facility will be attached, will be safe, will be in accordance with all applicable governmental building codes, laws, and regulations, and in accordance with generally accepted good engineering practices and industry standards, including, without limitation, acceptable standards for stability, wind and ice loads.

Appearance

- Small wind energy facilities shall be painted or finished with a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and shall incorporate non-reflective surfaces to minimize visual disruption.
- No small wind energy facility shall be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority.

Removal

- If a small wind energy facility ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall the Code Enforcement Officer, who shall notify the Town Clerk in writing within 30 days after the end of such twelve-month period, and the property owner shall remove the tower, rotor, guy wires, and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

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- If the property owner fails to remove the small wind energy facility within the time frame described above, the Town Code Enforcement Officer may issue the property owner a notice of violation directing facility removal within a specified time frame. Said notice of violation shall further advise that, should the violator fail to meet the established deadline, the work may be done by a designated governmental agency or a contractor, with the expense thereof to be charged to the violator and/or to become a lien against the premises.
- If removal of the small wind energy facility is not completed to the satisfaction of the Code Enforcement Officer within the period set forth in the Town's notice of violation or Town Board's decision after any appeal, the Town may enter the premises to perform the removal or cause it to be made. The Town's entry onto such premises shall be pursuant to an agreement between the Town and landowner. If no agreement exists or can be obtained in a timely manner, the Town may enter such property to remove an imminent danger to life, property or safety of the public caused by the nonfunctioning small wind energy facility. The Town further may seek a warrant from a court of competent jurisdiction for access to the premises and/or may seek a court order requiring or authorizing all actions reasonably necessary to remove the facility, with the costs of such actions the sole responsibility of the violator.
- The Town shall present the landowner with a bill for all costs and expenses incurred by the Town in connection with the removal and disposal of the small wind energy facility. If the landowner fails to pay such costs and expenses within 15 days after the demand for same, or within 30 days of the final decision on any administrative or judicial contest the landowner may pursue, then such unpaid costs, expenses and interest (at the statutory interest rate for money judgments in New York State courts) incurred from the date of the removal activities shall constitute a lien upon the land on which such measures were undertaken. A legal action or proceeding may be brought to collect such costs, expenses, interest, and recoverable attorney's fees or to foreclose such lien. As an alternative to the maintenance of any such action, the Town may file a certificate with the Tompkins County Department of Assessment stating the costs and expenses incurred and interest accruing as aforesaid, together with a statement identifying the property and landowner. The Tompkins County Department of Assessment shall, in the preparation of the next assessment roll, assess such unpaid costs, expenses and interest upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Lansing. The assessment of such costs, expenses and interest shall be effective even if the property would otherwise be exempt from real estate taxation.

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- Any person receiving a notice of violation or a bill for Town costs and expenses may appeal to the Town Board by, within 15 days of receipt of such notice or bill, delivering to the Town Clerk at the Town offices an appeal requesting a reconsideration and administrative hearing before the Town Board. Such appeal shall state the basis for the request for reconsideration and shall be accompanied by any supporting materials. Failure to serve such an appeal within 15 days shall be deemed a waiver of any claim or defense that the notice or bill is not justified, and the violator shall comply with the requirements of the notice or pay the bill. If the appeal is timely filed, the Town Board shall, within 40 days of the filing, hold a hearing and, based upon any relevant materials presented by the Town and the appellant, shall issue a resolution deciding the appeal within 30 days after the hearing. Such resolution shall be filed with the Town Clerk, who shall arrange for delivery of a copy of the decision to the appellant within five days after such filing, at the address for such person designated in the appeal or at such other address as the appellant may thereafter designate in writing to the Town Clerk. The Town Board's decision after the hearing shall constitute a final agency action.
- In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is hereby deemed and declared to be a threat to public health, safety, and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be undertaken by the Town in its sole discretion.

*Larry Sharpsteen excused from the Meeting at 8:40 PM.

Approval/Denial of July 22, 2013 Meeting Minutes

Lin Davidson states on Page 1, Chief's should say **Chef's**

TC3 is developing a training farm to raise food and train young farmers as well as setting up a local culinary facility in Ithaca to train Chef's.

Rick Prybyl motion to accept as amended. David Hatfield seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Absent), Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member

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Richard Prybyl made a motion to adjourn the Meeting at 9:00 PM. Al Fiorille seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Absent), Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member