

APPROVED

# Town of Lansing

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Wednesday, September 9, 2013 7:15 PM

PLANNING BOARD

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## 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

## Public Present

Debora Robertson

Cout Bonthius

Floyd Davis

## Other Business

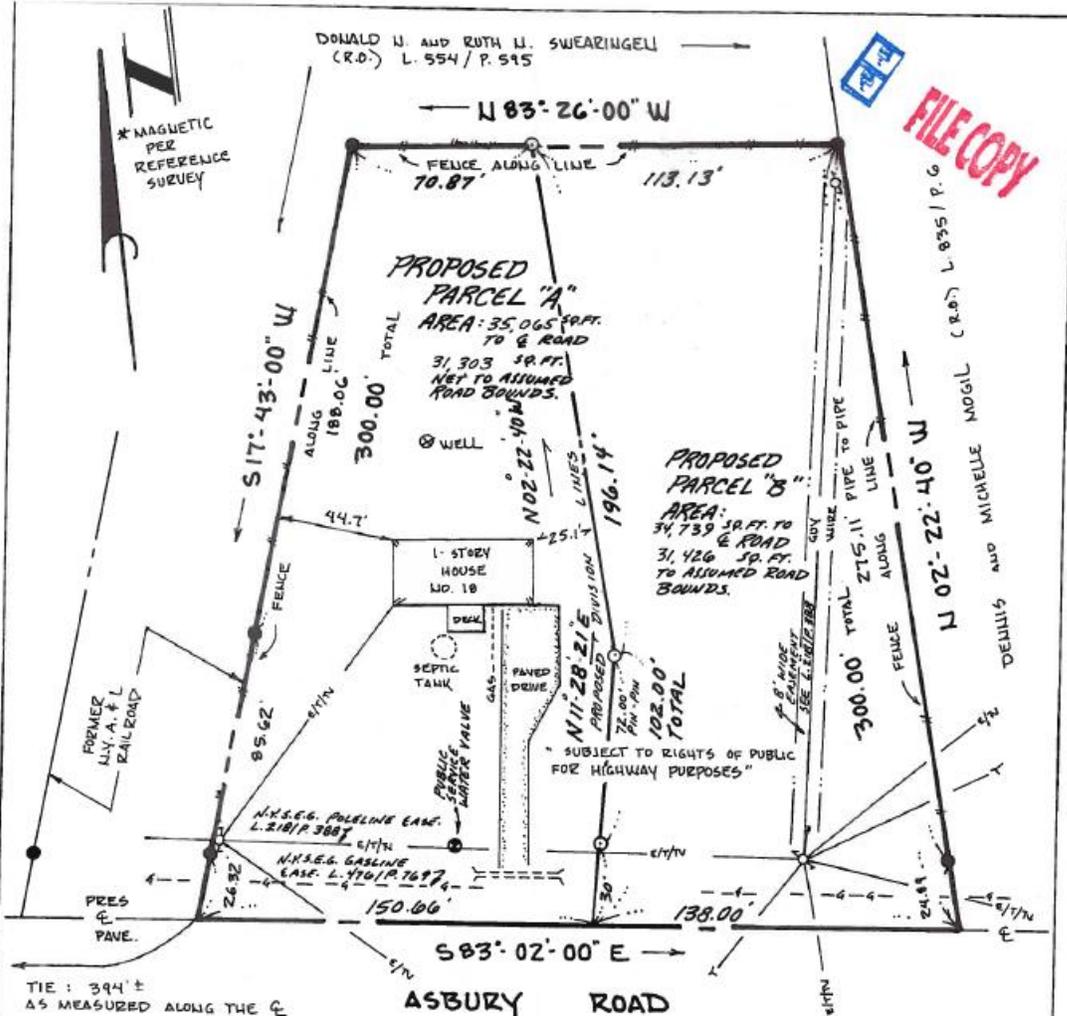
Thomas Ellis, Chairperson called the Planning Board Meeting to order at 7:15 PM. Mr. Ellis inquired if there were any questions or concerns from the Public that is not related to the Agenda. There were none.

Chairman Ellis enacted the Alternate Member to vote due to two Members being absent.

## 1 Lot Subdivision, Applicant: Debora Robertson-Leo, 18 Asbury Road, Tax Parcel # 37.1-8-7, R2 District-Residential-Moderate Density.

Ms. Robertson-Leo appeared before the Board requesting approval of a one lot subdivision. See Map;

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Board Members reviewed material provided to them which includes the following letter from the Tompkins County Health Department;

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RECEIVED  
9/3/13

Frank Kruppa  
Public Health Director  
55 Brown Road  
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION  
<http://www.tompkins-co.org/health/eh>

Ph: (607) 274-6688  
Fx: (607) 274-6695

August 28, 2013

Cheryl Petrulis  
Cayuga Country Homes  
451 Lake Rd  
Dryden, NY 14882

Re: Asbury Road (T) Lansing, Tax Map #37.1-8-7

Dear Ms. Petrulis,

On August 26, 2013, you submitted an Onsite Wastewater Treatment System Application and a survey map for the above referenced property. Your application can not be processed at this time.

According to the survey map you submitted with your application there is not one acre of usable land or 150 foot diameter circle which is required for new construction for a lot created after August 17, 1977. It appears from your survey map that you are proposing on separating a lot off of the property where there is an existing dwelling (#18 Asbury Road).

The Tompkins County Sanitary Code section indicates that where an individual or non-municipal sewage system is constructed, the minimum lot area requirements and the minimum lot dimensions are necessary to obtain a construction permit must be retained for the lot as long as the sewage system is needed. This means that for the property that you will retain for the house #18 you will also need to have one acre of land in which you can inscribe a 150 foot diameter circle. According to the survey map you submitted it does not appear as if you will be retaining one acre of land for the property with the existing house.

The Sanitary Code also states "Where a design professional is responsible for the sewage system design and all other parts of Article VI are met, the minimum lot size and lot dimensions maybe waived by the permit issuing official." If you want to proceed with your project you will need to hire a Design Professional to submit plans to our office for review. The plans must show how all provisions of State and County Sanitary Codes can be met, and that an adequate level of environmental and public health protection is provided for both lots.

For your convenience, a list of Design Professionals is enclosed. A plan review fee of \$200 must accompany the plans when submitted. Submitting a plan to our office does not guarantee a permit will be issued. Your design professional may contact our engineer Steve Maybee at 274-6688, Monday-Friday if he has any questions.

Sincerely,

Janice Koski  
Public Health Sanitarian

PC: (T) Lansing CED  
Brenda Coyle, TCHD  
EC: Steve Maybee, P.E., TCHD  
File: SSW6 (T) Lansing

*Inclusion Through Diversity*

F:\EH\SEWAGE (SSW)\Facilities (SSW-7)\Lansing\37.1-8-7AsburyRd18.doc

Ms. Robertson-Leo indicated she did not receive this particular letter. However, she was made aware of the situation via the Realtor and also received a copy of a letter prepared by Ms. Petrulis to the Health Department with regards to hiring an Engineer to design a plan for the proposed lot.

Lynn Day, Zoning Officer states he spoke directly with Ms. Koski and it was his understanding that plans would have to be designed to accommodate both lots.

Jonathan Kanter states the Board could approve this tonight, however, the signing of the Final Plat by the Chair would be conditioned upon obtaining Health Department approval.

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Lin Davidson made a motion to waive the Public Hearing on the SEQR and Subdivision Application. Richard Prybyl 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) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Alternate**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

The Planning Board Members reviewed Part I completed by the Applicant and reviewed Part II completed by Jonathan Kanter, Planning Consultant of the Full Environmental Assessment Form.

Lin Davidson offered the following Resolution, Richard Prybyl seconded the motion and it was carried by the following roll call vote:

## RESOLUTION PB 13-16

**TOWN OF LANSING PLANNING BOARD  
RESOLUTION OF STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
NEGATIVE DECLARATION FOR THE PROPOSED  
DEBORA ROBERTSON ONE-LOT MINOR SUBDIVISION**

**WHEREAS**, an application was made by Debora B. Robertson for subdivision approval for one new residential building lot on Tax Parcel # 37.1-8-7 located at 18 Asbury Road, Lansing, New York, the current parcel consisting of a total of 1.602 +/- acres, R-2 Residential - Moderate Density Zone; and

**WHEREAS**, the proposed subdivision, shown on a "Survey Map Showing Proposed Subdivision Lands of Debora Robertson - Leo, Lot 90, Town of Lansing, Tompkins County, New York," dated 12/11/2012, would consist of Parcel A (31,303 square feet net with existing house) and Parcel B (31,426 square feet net for a new building lot); and

**WHEREAS**, this proposed action is an Unlisted Action for which the Town of Lansing Planning Board is an involved agency for the purposes of environmental review; and

**WHEREAS**, the Town of Lansing Planning Board, in performing its independent and uncoordinated environmental review in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act

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("SEQR"), (i) pursued its thorough review of the applicant's completed Environmental Assessment Form 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;

## **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.

Dated: September 9, 2013

## **VOTE AS FOLLOWS:**

**Thomas Ellis - Aye**  
**Lin Davidson - Aye**  
**Gerald Caward, Jr. - Aye**  
**Ray Farkas - Aye**  
**Al Fiorille - Aye**  
**David Hatfield - Aye**  
**Richard Prybyl - Aye**

Lin Davidson offered the following Resolution, Gerald Caward seconded the motion and it was carried by the following roll call vote:

## **RESOLUTION PB 13-17**

**RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD  
APPROVING WITH CONDITIONS  
DEBORA ROBERTSON ONE-LOT MINOR SUBDIVISION, 18 ASBURY ROAD**

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**WHEREAS**, an application was made by Debora B. Robertson for subdivision approval for one new residential building lot on Tax Parcel # 37.1-8-7 located at 18 Asbury Road, Lansing, New York, the current parcel consisting of a total of 1.602 +/- acres, R-2 Residential – Moderate Density Zone; and

**WHEREAS**, the proposed subdivision, shown on a “Survey Map Showing Proposed Subdivision Lands of Debora Robertson - Leo, Lot 90, Town of Lansing, Tompkins County, New York,” dated 12/11/2012, would consist of Parcel A (31,303 square feet net with existing house) and Parcel B (31,426 square feet net for a new building lot); 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 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**, on September 9, 2013, the Planning Board determined that the proposed subdivision meets the definition and requirements for a minor subdivision in that the subdivision of this parcel involves 4 or less lots in any consecutive 3 year period, and there are no roads or infrastructure proposed to be developed, and based on that determination, the Planning Board classified the subject proposal as a minor subdivision, pursuant to the provisions of Article 5, Section 502.C of the Subdivision Regulations of the Town of Lansing, enacted as Town of Lansing Local Law No. 2 of 2008; 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 is an involved agency pursuant to State Law governing local environmental review; and

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

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**WHEREAS**, this action is exempt from the General Municipal Law County Planning referral requirements of 239-l, 239-m, and 239-n (of Article 12-B) through an Inter-governmental Agreement between the Tompkins County Planning Department and the Town of Lansing, dated December 17, 2003, as “residential subdivisions of fewer than 5 lots all of which comply with local zoning standards and Tompkins County Sanitary Code requirements, and do not involve new local roads or streets directly accessing a State or county road” are excluded from the General Municipal Law referral requirements; **and**

**WHEREAS**, on September 9, 2013, the Planning Board reviewed and considered the aforementioned subdivision application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and resolved to waive public hearings on the subdivision application and on the State Environmental Quality Review (SEQR) review on this action; and

**WHEREAS**, on September 9, 2013, this Board, acting on an uncoordinated environmental review of the proposed action, reviewed and accepted as adequate a Short Environmental Assessment Form (“EAF”) Part I, submitted by the Applicant, the comments (if any) of the Town Engineer, and other application materials, and the Town of Lansing Planning Board completed Part II of the EAF; and

**WHEREAS**, by Resolution adopted on September 9, 2013, the Town of Lansing Planning Board has 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

**WHEREAS**, the Planning Board has duly considered the proposed subdivision in accordance with the provisions of the Subdivision Regulations of the Town of Lansing including existing

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development in the surrounding area, public facilities and services available, the Town's Comprehensive Plan and Land Use Ordinance, site characteristics and issues, and any potential on and off site environmental impacts; 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 Subdivision Approval with conditions of the Application for one new residential building lot on Tax Parcel # 37.1-8-7 located at 18 Asbury Road, Lansing, New York, the current parcel consisting of a total of 1.602 +/- acres, R-2 Residential – Moderate Density Zone as shown on a “Survey Map Showing Proposed Subdivision Lands of Debora Robertson - Leo, Lot 90, Town of Lansing, Tompkins County, New York,” dated 12/11/2012, consisting of Parcel A (31,303 square feet net with existing house) and Parcel B (31,426 square feet net for a new building lot); *subject to the following conditions:*

(2) filing of the signed plat in the Tompkins County Clerk's Office, followed by provision of proof of such filing with the Town of Lansing Code Enforcement Office; and

(3) obtaining the necessary curb-cut/work permit from the Tompkins County Public Works Department for any driveway connecting with Asbury Road prior to issuance of any building permit on Parcel B.

(1) obtaining approval from the Tompkins County Health Department for septic systems on both Parcels A and B prior to signing of the subdivision plat by the Planning Board Chair. The Tompkins County Health Department may require certified plans by a licensed engineer demonstrating that septic systems will be able to be designed and function adequately on both Parcels A and B given the limited land area available on each parcel resulting from the subdivision; and.

September 9, 2013

## VOTE AS FOLLOWS:

**Thomas Ellis - Aye**  
**Lin Davidson - Aye**  
**Gerald Caward, Jr. – Aye**  
**Ray Farkas - Aye**  
**Al Fiorille – Aye**  
**David Hatfield – Aye**  
**Richard Prybyl – Aye**

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**Sketch Plan Review & Classification: Proposed Lake Forest Circle Subdivision to Include 17 +/- Lots on Approximately 43 Acres, Located off of Lake Forest Drive, Tax Parcel No's. 32.-1-37.428 and 32.-1-37.440, L1 Lakeshore Zone, H. Floyd Davis, Owner/Applicant; Timothy C. Buhl, P.E., Engineer**

Mr. Davis and his Engineer, Tim Buhl appeared before the Board for a sketch plan review and classification of the proposed Lake Forest Circle Subdivision.

Jonathan Kanter, Planner offered the following comments;

This is a follow-up to the informal discussion that was held at the June 24<sup>th</sup> Planning Board meeting. Sketch plan materials have been submitted by the applicant, including a revised subdivision plat showing a slope analysis of the site and approximate building envelopes on each lot, as requested by the Board. Article 5, Section 502 of the Town of Lansing Subdivision Regulations indicates that the Planning Board should discuss the sketch plan with the applicant and address issues such as existing development, public facilities and services, the Comprehensive Plan, zoning issues, adjacent landowners and uses, community concerns and issues, site characteristics and issues, and any requested, potential, and/or required changes to the sketch plan proposal. The meeting may be adjourned to allow the applicant to develop final or revised sketch plans and to submit any additional data requested by the Planning Board.

The Tompkins County Planning Department has sent a letter (dated September 3, 2013), with an informal review and comments regarding the sketch plan proposal (letter is included in packet materials). In that letter the County Planning Department indicates concerns with disturbance to the Unique Natural Area (UNA-24) that has been identified on parts of the site. The County recommends including a minimum 50 foot no-disturbance buffer to the stream on the southern edge of the site and avoidance of any disturbance to the UNA. In order to accomplish these objectives, the County Planning Department recommends modifying the sketch plan to eliminate certain of the proposed lots (Lots 10, 11 and 16) in order to establish an appropriate buffer and reconfiguring remaining lots to place all development and disturbance (including septic systems) outside of the UNA. There may be ways to reconfigure the proposed lot layout to accomplish the County Planning Department recommendations without necessarily losing three lots, since all proposed lots exceed the minimum lot size required in the L1 Zone (min. 40,000 square feet per dwelling unit). In addition lot configurations may need to be modified to accommodate the stormwater management plan that will have to be developed. These objectives may also be able to be accomplished through appropriate deed restrictions and "no disturbance areas" shown on the subdivision plat.

The Planning Board should discuss the possible modifications discussed above and then decide whether to adjourn the sketch plan review to address possible modifications or to proceed with classification of the subdivision (as per Article 5, Section 502.C of the Subdivision Regulations). According to the definitions in the Subdivision Regulations, the proposal would qualify as a "Major Subdivision" (5 or more lots in any consecutive 3 year period where there are roads or infrastructure that need to be developed ...). If the Board decides that the sketch plan is "final" and ready to be classified, then such classification can be made with a simple resolution of the Board.

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Thomas Ellis suggested that the Board consider requesting a plant inventory of the proposed project area.

The Tompkins County Planning Department offered the following informal recommendations;

Edward C. Marx, AICP  
Commissioner of Planning

**Tompkins County  
DEPARTMENT OF PLANNING**

121 East Court Street  
Ithaca, New York 14850

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

September 3, 2013

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

**Re: Review Pursuant to §239 -1, -m and -n of the New York State General Municipal Law**  
**Action: Proposed Lake Forest Circle Major Subdivision, Town of Lansing Tax Parcel Nos. 32.-1-37.428 & 32.-1-37.440, L1 (Lakeshore) District**

Dear Ms. Jacobson:

This letter acknowledges your referral of the proposal identified above for informal review and comment by the Tompkins County Planning Department pursuant to §239 -1 and -m of the New York State General Municipal Law. The Department has reviewed the provided materials and has the following initial comments:

- As stated in our May 2 and December 3, 2012 letters on previous subdivisions of this property, 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 require adequate mitigation measures, including the design a subdivision in which all future development and related structures like stormwater ponds occur outside of the UNA.
- As was also previously stated, we recommend that the Town require a minimum 50-foot, no-disturbance buffer to the intermittent stream which follows the parcel's southern boundary to help preserve water quality. This buffer should be measured from the top of the stream bank, exclude any disturbance including driveways and be maintained as natural vegetation. The subdivision should be designed so as to: 1) eliminate proposed lots 10, 11 and 16 in order to establish an appropriate buffer area; 2) reconfigure the remaining lots to allow all development to occur outside of the UNA boundary; and 3) require that areas that will be allowed to be disturbed are identified on each lot with all development activities including septic systems restricted to those areas.

We look forward to conducting the formal review of this project under General Municipal Law §239 -1, -m and -n and making formal recommendations as the project progresses.

Sincerely,

  
Edward C. Marx, AICP  
Commissioner of Planning

Cc: Steve Maybee, Tompkins County Department of Environmental Health

*Inclusion through Diversity*

Tom Ellis inquired about lots 2, 3, 4, & 5 having their own on site rain gardens. Mr. Buhl states they are going to have them on most of the lots to minimize the foot print of the large ponds. The homeowners would be responsible for the gardens.

Mr. Kanter indicated the Town would want to establish a drainage district for the Stormwater facilities. This would also ensure that the individual gardens are taken care of by the Homeowners.

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Lin Davidson made a motion to classify this as a Major Subdivision. Richard Prybyl 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) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Alternate**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

### Approval/Denial of August 26, 2013 Meeting Minutes

Page 5, under Other Business: last sentence the word **teacher is** should read **tacit**.

Lin Davidson made a motion to approve as amended. Ray Farkas 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) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Alternate**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

### Change of Schedule

Jonathan Kanter suggested that the Board consider scheduling a second Meeting for October due to a large number of projects coming before the Board. In addition, the Board may want to consider have a Public Hearing on the solar project. After some discussion, it was decided that the Planning Board would hold an additional Meeting on Monday, October 7, 2013 at 7:15 PM.

Lin Davidson made a motion to add an additional date to the October schedule as follows; Monday, October 7, 2013 at 7:15 PM. Richard Prybyl 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) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Alternate**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**

Jonathan Kanter will move forward with setting a Public Hearing on the Solar project for Monday, October 7, 2013 at 7:20PM.

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## Other Business

Lynn Day states Jeanine Kirby who owns property on Goodman Road previously came before the Planning Board requesting to do a 9 Lot Subdivision. At that time, the Board advised Ms. Kirby she would have to do Stormwater Practices for the overall Major Subdivision. Ms. Kirby has now changed her mind and would like to do a 1 lot exempt subdivision. She states she will never do the 9 lots. Mr. Day would like to know if the Planning Board would accept a rain garden on this lot. The Planning Board Members felt Mr. Day should contact David Herrick, Engineer for the Town or Ellen Hahn from the DEC to obtain their recommendations.

## Up-coming Stormwater Training

Lynn Day advised all the Members present that a 4 hours Training will be held at the Town Hall and at a construction site in Lansing on October 28, 2013 from 8:30 AM to 1:00 PM. Rachel Jacobsen will send the material out to all the Members.

Richard Prybyl made a motion to adjourn the Meeting at 8:24 PM. Gerald Caward 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) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Alternate**  
**Vote of Planning Board . . . (Aye) David Hatfield, Member**  
**Vote of Planning Board . . . (Aye) Richard Prybyl, Member**  
**Vote of Planning Board . . . (Aye) Thomas Ellis, Member**