

APPROVED

Town of Lansing

Wednesday, October 28, 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
Kathy Miller, Town Supervisor

Public Present

Richard Thaler	Shirley Eagan
Andrew Murphy	Maureen Cowan
Meskie Wolle	Susan Brock
Steve Beyers	Dan Walker
James Stoyell	Daniel Stoyell
John Dennis	Ruth Hopkins
Roger Hopkins	

Other Business

Thomas Ellis, Chairperson called the Planning Board Meeting to order at 7:16 PM. Mr. Ellis inquired if there were any questions or concerns from the Public that is not related to the Agenda.

Subdivision Rules & Regulation Laws

Susan Brock, a resident of the Town appeared before the Board and requested that the Planning Board take a careful look at the Town's Subdivision Laws when it comes to removal of natural features. Ms. Brock states the Cayuga Way Subdivision cleared far more natural features than what was necessary. Other concerns of Ms. Brock are

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Stormwater issues related to slope erosion and sedimentation, and drainage concerns should be addressed upfront.

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

**Sketch Plan Discussion- Whispering Pines Subdivision Phase VI:
Consisting of 30 total lots, proposed to be constructed in Phases.
Applicant: Richard Thaler, Tax Parcel # 40.-3-2.12, to be located at
Asbury and Warren Road, R1 Residential Low Density District.**

Larry Fabbroni, P.E. for the Developer gave an overview of the proposed project of Phase VI. The proposal will be constructed in phases, with the first phase having 9 lots. along Warren Road/Asbury Road, lot 28 and a large lot to the west. The Thaler's will retain most of the flood way along Gulf Stream due to the Federal Wetlands. As part of Phase V, a maintenance easement was granted to take in the ponds should the Town ever have to maintain the pond in place of Mr. Thaler. The second Phase would consist of 10 lots as an extension of Whispering Pines Drive.

Mr. Thaler suggested to the Planning Board that the Town consider taking over the pond lot to make a park for the town residents. Beyond the two Phases discussed above there are no other plans for the remaining land at this time.

The following is a previous Sketch presented to the Board:

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SUBDIVISION PLAT

TOWN OF LANSDALE COUNTY OF TOMPKINS STATE OF NEW YORK

WHISPERING PINES VI 1

OWNER: RICHARD THALER DATE: 09-24-10 REVISION: 1

DESIGNED BY: LAFABRINI HYSPERLTD/34 NYLS0449002

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Mr. Fabbroni has meet with the Town's Engineer, David Herrick and is in the process of working out the fine details for the Stormwater Practice Plan for the entire proposal.

Traffic increase should be minor.

Lin Davidson inquired if the Warren Road water issues have been taken into consideration with the plan. Mr. Fabbroni states yes.

Maureen Cowan, Lansing Pathways Chairman would like to meet with the Developer and Mr. Fabbroni to discuss a possible trail within the Subdivision. Jonathan Kanter indicated on the open space recreation trails aspect of this subdivision, detailed discussions can be held at the preliminary plat stage. It was Mr. Kanter's recommendation to Mr. Fabbroni that a passive park area and trail be a good idea for this subdivision.

Thomas Ellis has concerns with the existing stormwater pond as to who will maintain it. A drainage district should be strongly considered. Larry Sharpsteen agreed with Mr. Ellis.

Jonathan Kanter gave a brief overview of an email between David Herrick and Larry Fabbroni with regards to drainage districts. Mr. Kanter stated basically, a watershed analysis will determine where water is coming from, where it is going and what stormwater facilities will be considered common versus individually owned on lots. From there a determination of what areas should be delineated as a drainage district.

Larry Sharpsteen made a motion to accept the Sketch Plan submitted and classify the proposal as a Major Subdivision. Lin Davidson seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

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

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Continuation of Public Hearings SEQOR & Overall Site Plan Application: Applicant: Distributed Sun, LLC, for site plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District

The Chairman announced that the Public Hearing was being continued from the last Planning Board Meeting held on Monday, October 15, 2013.

Distributed Sun, LLC, is requesting Site Plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District. The proposal is for Distributed Sun, LLC, to enter into a site license with Cornell University for a +/- 11.3 acre portion of the parcel for the purpose of installing a +/- 2 MW Solar PV array consisting of approximately 6,766 high-efficiency, ground mounted solar panels, two inverters, an access road, and 8 foot high fencing around the perimeter of the site.

Dan Walker updated the Board on the status of the SWWP report. Mr. Walker states the DEC and the Town Engineer, David Herrick has given the okay for the project to move forward.

Al Fiorille inquired if the 8 foot gate would be adequate for Fire protection equipment to enter? Mr. Walker indicated the gate size would be updated to two 12 foot size gates.

Updated Tompkins County Planning 239 Reply

The following updated 239 reply is as follows;

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Tompkins County
DEPARTMENT OF PLANNING

121 East Court Street
Ithaca, New York 14850

Edward C. Marx, AICP
Commissioner of Planning

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

October 25, 2013

Ms. Rachel Jacobsen, Plan/Zoning/Code Clerk
Town of Lansing
PO Box 186
29 Auburn Road
Lansing, NY 14882

Re: Review Pursuant to §239 -l, -m and -n of the New York State General Municipal Law
Action: Site Plan Approval for proposed 2MWdc Solar PV Array on Snyder Road, Town of Lansing Tax Parcel No. 44.1-50.2, Industrial/Research Zone, Cornell University, Owner/Applicant.

Dear Ms. Jacobsen:

This letter acknowledges your referral of the proposal identified above for review and comment by the Tompkins County Planning Department pursuant to §239 -l, -m and -n of the New York State General Municipal Law. The Department has reviewed the proposal, as submitted, and has determined that it has no negative inter-community, or county-wide impacts.

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

Sincerely,



Edward C. Marx, AICP
Commissioner of Planning

Inclusion through Diversity

The Board Members reviewed information provided to them from the Tompkins County Environmental Management Council. Planning Board Members indicated it was not in their purview.

Members again discussed the proposal as presented with respect to public funds being used to install the project on tax exempt property. The Board would like to see a little cooperation and neighborly consideration by the people making the money on this project.

A Gentlemen in the audience brought to the Board's attention an article in a Ca paper that indicated Firemen may have hazardous conditions around the solar panels during a fire. It stated it was not safe for firefighters to come within 30 feet of the panels. Has the local Fire Chief been consulted with the risk management on this?

Thomas Ellis stated our local Firefighters go through vigorous training and they most

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likely are aware of this.

For the record, the grass that will be grown around the fencing will not be high risk for fires according to Dan Walker.

Lin Davidson made a motion to close the Public Hearing. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

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

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

Lin Davidson offered the following Resolution. Gerald Caward seconded the motion and the vote was carried.

RESOLUTION 13-22

**TOWN OF LANSING PLANNING BOARD
RESOLUTION OF STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE
DECLARATION FOR THE PROPOSED
CORNELL SNYDER ROAD PV ARRAY (SOLAR PROJECT) - SITE PLAN**

WHEREAS, an application was made by Distributed Sun, LLC, for site plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District; and

WHEREAS, the proposal is for Distributed Sun, LLC, to enter into a site license with Cornell University for a +/- 11.3 acre portion of the parcel for the purpose of installing a +/- 2 MW Solar PV array consisting of approximately 6,766 high-efficiency, ground mounted solar panels, two inverters, an access road, and 8 foot high fencing around the

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perimeter of the site, as shown on the site plan drawings and documents provided by the applicant; 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 the lead agency function for 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 ("SEQR"), (i) pursued its thorough review of the applicant's completed Full 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 Full EAF, Part II on the record; and

WHEREAS, the Town of Lansing Planning Board held a Public Hearing on October 7, 2013 regarding the SEQR review, and continued the Public Hearing on October 28, 2013;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town of Lansing Planning Board, based upon (i) its thorough review of the Full 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 Full EAF, Part II (and, if applicable, Part III), including the findings noted thereon (which findings are incorporated herein as if set forth at length), and (iv) comments received from the public at the Public Hearing held on October 7, 2013 and continued on October 28, 2013, 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: October 28, 2013

Motion by: Lin Davidson

Seconded by: Gerald Caward, Jr.

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye

Lin Davidson, - Aye

Ray Farkas - Aye

Al Fiorille - Aye

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David Hatfield - Aye
Larry Sharpsteen - Aye
Thomas Ellis - Aye

Lin Davidson offered the following Resolution. Al Fiorille seconded the motion and the vote carried.

RESOLUTION 13-23

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING CORNELL SNYDER ROAD PV ARRAY (SOLAR PROJECT) – SITE PLAN APPROVAL

WHEREAS, an application was made by Distributed Sun, LLC, for site plan approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District; and

WHEREAS, the proposal is for Distributed Sun, LLC, to enter into a site license with Cornell University for a +/- 11.3 acre portion of the parcel for the purpose of installing a +/- 2 MW Solar PV array consisting of approximately 6,766 high-efficiency, ground mounted solar panels, two inverters, an access road, and 8 foot high fencing around the perimeter of the site, as shown on the site plan drawings and documents provided by the applicant; and

WHEREAS, the proposal is a permitted use in the IR Industrial/Research District subject to obtaining site plan approval from the Planning Board; and

WHEREAS, the Town has considered and carefully reviewed the requirements of the Town's Laws relative to 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 the Town has also considered the Town's Comprehensive Plan and compliance therewith; 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

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

WHEREAS, General Municipal Law County Planning referrals 239-l and 239-m (of Article 12-B) were sent to the Tompkins County Planning Department by the **Town of Lansing Planning Department, and supplemental materials were sent to Tompkins County Planning in a letter dated October 23, 2013, and the Tompkins County Planning Department in a letter dated October 25, 2013 determined that the proposed action has no negative inter-community or county-wide impacts; and**

WHEREAS, on October 7, 2013, and October 28, 2013, the Planning Board reviewed and considered the aforementioned site plan application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and held public hearings on the site plan application and on the State Environmental Quality Review (SEQR) review on this action, providing the public with a full opportunity to be heard respecting the proposed Cornell Snyder Road PV Array (Solar Project); and

WHEREAS, on October 28, 2013, this Board, acting on an uncoordinated environmental review of the proposed action, reviewed and accepted as adequate a Full Environmental Assessment Form ("EAF") Part I, submitted by the Applicant, the comments (if any), of the Town Engineer, the Tompkins County Department of Planning County 239-l and m review and other application materials, and the Lansing Planning Board completed Part II of the Full EAF; and

WHEREAS, by Resolution adopted on October 28, 2013, the Town of Lansing Planning Board has determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed installation of the +/- 2 MW Solar PV array and related facilities as described above

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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 site plan in accordance with the provisions of the Town of Lansing Land Use Ordinance Section 701.4 *et seq.*, including consideration of site characteristics, site lighting, nearby residences and other uses, landscaping, parking, and screening, 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 does hereby grant Final Site Plan Approval for the proposed Cornell Snyder Road PV Array (Solar Project) on land owned by Cornell University located on Snyder Road in the Town of Lansing, New York and otherwise known as Tax Parcel #44.-1-50.2, IR Industrial/Research District, as shown on the site plan drawings and documents provided by the applicant, *subject to the following conditions:*

- (1) There shall be no disturbance to the wetland that has been identified on the project site, as shown on revised Sheet A-103 of the site plan drawing submission and as has been described in the Wetland Delineation Report, prepared by LaBella Associates, P.C., dated September 2013; and
- (2) An erosion and sediment control plan shall be prepared and submitted to the Town's Engineer and/or Stormwater Management Officer (SMO) for review and approval prior to the issuance of any building permit, showing appropriate erosion and sediment control measures on the project site both during and after construction; and
- (3) In regard to the potential presence of radioactive or other hazardous substances under the surface of the project site that may have migrated from the adjacent former Radioactive Disposal Site (RDS), appropriate occupational safety measures shall be employed during construction, as recommended by the Cornell University Environmental Health and Safety (EH & S) office. If any evidence of buried waste or contamination is observed during the execution of the project, the Cornell University EH & S should be notified to investigate, and the Town Code Office shall also be notified; and
- (4) The permanent erosion control measures shall include a methodology for soil restoration to decompact the site soils adjacent to the rows of panels; and
- (5) Submission of a modified Stormwater Pollution Prevention Plan (SWPPP) to the Town's Engineer for review and approval, prior to issuance of any building permit, to include permanent practice(s) for the permanent access road and pads for inverters, in accordance with NYS Department of Environmental Conservation Region 7 guidance; and
- (6) A building permit shall be obtained from the Town Code Office prior to any disturbance on the project site, subject to any structural inspections that may be required by the Code Enforcement Officer.

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October 28, 2013

Motion by: Lin Davidson
Seconded by: Al Fiorille

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Lin Davidson, - Aye
Ray Farkas - Aye
Al Fiorille - Aye
David Hatfield - Aye
Larry Sharpsteen - Aye
Thomas Ellis - Aye

Special Meeting

Chairman Ellis states previously the Planning Board approved a Site Plan for Jump Around Inflatables to use the West side of 8 Cayuga Vista Drive. Issues have arisen whereas the Applicant cannot use the West side of the Building and would like to use the East side as soon as possible. The Board Members agreed that a quorum could be met to hold a Meeting on Monday, November 4, 2013 @ 4:15 PM. Board Members agreed to waive all fees and Public Hearings on the proposal.

Larry Sharpsteen made a motion to waive the Public Hearings' on SEQR & the new Application with modifications. Lin Davidson seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

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

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Thomas Ellis made a motion requesting the Planning Board hold a Special Meeting on Monday, November 4, 2013 @ 4:15 PM. Larry Sharpsteen seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

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

A future discussion will take place with respect "Site Plan Reviews" in Commercial Buildings.

Approval/Denial of October 7, 2013 Meeting Minutes

Page 3, 2nd paragraph, last word **side** should say **site**

Page 3, 3rd paragraph, **Burt** to **Bert** and **Attainability** to **Sustainability**.

Page 4, 1st paragraph, 1 grant.

Lin Davidson made a motion to approve as amended. Gerald Caward seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

Vote of Planning Board . . . (Aye) Gerald Caward, Member
Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Abstained) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) David Hatfield, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Larry Sharpsteen-Trails

Larry Sharpsteen was approached by a Son of a property owner on East Shore Circle after the opening of the Jonas Trail where there was problems with trespassing. The problem was not with the trail, it was the people that were there to use the trail. These

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people were off the trail by 300 yards. A large bunch of users ended up parking in people's yard and alongside the road. The people using the trail need to realize there are going to be people legally hunting down in the trail area and should dress appropriately using safety colors. With Additional signage put up, by the Trail Committee and property owners this should alert users of the requirements for using the Trail.

Larry Sharpsteen indicated the trails are an activity that does affect the environment and the Planning Board may want to research to see if a SEQR is required. Mr. Kanter will check in to this and get back to the Board.

Roger Hopkins states the Trail Committee has erected 6 new signs, also some about the hunting situation. Mr. Hopkins states if the Town would like the Trail Committee to go through more of a formal process, they would certainly welcome it. Roger suggested that some research be under taken to see how other municipalities handle trails.

Larry Sharpsteen made a motion to adjourn the Meeting at 9:17 PM. Al Fiorille seconded the motion and it was carried by the following roll call vote:

VOTE AS FOLLOWS:

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