

APPROVED

Town of Lansing

Wednesday, November 25, 2013 4:15 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
Katrina Binkewicz, Town Board Member
Ruth Hopkins, Town Board Member
Ed LaVigne, Town Board Member

Public Present

Larry Beck
Dan Konowalow
George Frantz

Other Business

Thomas Ellis, Chairperson called the Planning Board Meeting to order at 7:15 PM. Mr. Ellis inquired if there was anyone from the Public that would like to speak with an issue that was not listed on the Agenda. There were none.

Chairman Ellis advised all present that he was notified by a Cargill Representative that they will begin their process to install the new shaft. They requested to know if the Planning Board would like any further information from Cargill. Jonathan Kanter advised Mr. Ellis to have the Representative contact the Planning Office directly.

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Mr. Ellis recalls someone from the public inquiring as to how the Town could allow this use in the district. According to the Town's Land Use Ordinance, this is a permitted use.

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

Presentation and Discussion - Draft Town of Lansing Agriculture & Farmland Protection Plan - Monika Roth, Cornell Cooperative Extension Tompkins County.

Ms. Monika Roth, of Cooperative Extension gave an overview of a proposed Agriculture Plan recently prepared. The Agriculture Committee which consists of local residents has helped come up with this plan, as did George Frantz, Planning Consultant, Planning Board Members and Town Board Members.

The State would like to see in these plans is an identification of what farm land area are high priority to protect. In addition, the State would like to see what the general condition of agriculture is and its economic impact.

The Agricultural Committee has reviewed numerous data that have been collected in order to prepare this plan. Ms. Roth states within Tompkins County, Lansing has the largest agricultural happening. Ms. Roth discussed Ag easements within the County, including a couple different ones in Lansing. Lansing has the highest prime soil quality in the County. 1/3 of the total Ag sales in Tompkins County come from Lansing.

Another item the Committee developed was a Vision Statement.

After doing a Zoning Review, George Frantz offered the following recommendations;

1. Have a clear definition of Agricultural
2. Clarify Road Side Stands vs Farm Markets
3. Definition of Junk needs to be amended to allow for farm scrap pile.

Ms. Roth suggested that the Town look at the guidance documents that the State has on their website. Also, the Town should make sure their definition conforms to the State's definition of Agricultural.

A proposed Map change was shown to all and an explanation of the changes was given by Mr. Frantz. Ms. Roth indicated to the Public this is not a final Map, only a proposed Map Plan.

It was suggested that the County Wide Ag District be delineated on the proposed Lansing Map.

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Once approved at the Town Board level, it will then go before the County Agricultural and Farmland Protection Board for their recommendation to the State. Once approved by the State, funds would be available for the local Farmers through the State PDR funding. In addition, the State will provide implementation funds for local municipalities to hire a Consultant to integrate the changes to our zoning.

Lynn Day, Zoning Officer states he see nothing different except for the few changes the Committee made to the map with respect to adding the new district. Mr. Day suggested leaving the majority of the Map as an RA, and then just remove certain uses from it. There is no need for an additional district.

Larry Sharpsteen states by tweaking the current zoning, and leaving the current map as is, that should take care of protecting the farmers.

Larry Sharpsteen stated for the record that he feels when an Ag Committee is enacted it should only include active farmers. Mr. Sharpsteen would encourage the Town Board be appoint only active farmers.

Monica Roth has targeted this document going to the Town Board for final review in December and a Public Hearing in January. Larry Sharpsteen states it was agreed that an additional Meeting with the farming community should be held prior to the Public Hearing.

Thomas Ellis felt this plan is moving way too fast. There should be several Public Meetings for further comments from the community prior to holding the final Public Hearing.

Jonathan Kanter explained the proposed Agricultural Plan will be/should be incorporated into the new Comprehensive plan when that is update. The Comprehensive will take awhile longer to complete leaving changes can be made to the proposed Ag. Plan.

Discussion Regarding Further Revision of Site Plan Modification Thresholds for Proposed Changes of Occupancy or Use in Buildings that Have Already Undergone Site Plan Approval.

Member reviewed example material provided to them from Jonathan Kanter. It has been suggested by the Planning Department that a further amendment to the Land Use

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Ordinance under the Site Plan Review process to make it clear that proposed interior changes to a building (where no exterior changes are proposed) for a use allowed in the zoning district in question, even if the proposal involves a change of use or occupancy classification, would not have to go back to the Planning Board for review and approval, as long as the other thresholds listed in the amendment (e.g., pertaining to drainage, parking, traffic, access, etc) would not be exceeded or triggered. The following is the proposed change;

Site Plan review and Approval Procedures

Modifications of site plans

A site plan that has received final site plan approval may be modified upon the application of the owner for such modification. Such application shall be in accordance with the provisions of this article and the procedures applicable to such application shall be the same as are applicable to an initial application for site plan approval. Notwithstanding the foregoing, Planning Board approval of a modification shall not be required:

A. (1) Construction of an addition of more than 1,000 square feet of enclosed space whether on one or more stories, 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 pursuant to Subsection A(1) above, construction of a second addition larger than 300 square feet would require Planning Board approval of a modified site plan; nor

(2) 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 planned parking area; nor

(3) 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

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

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(5) A significant (in 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

(6) 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

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

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

(1) Such shift does not alter proposed traffic flows or access; and

(2) 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.

C. 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.

D. Notwithstanding the other sections of this Article, Planning Board approval of a modification of a site plan shall not be required if the modification only involves the construction, alteration, or renovations of the interior of a building, regardless of whether a change of occupancy or use is involved, and none of the threshold listed in sections A or B of this Article are exceeded.

After discussing above (D), the Board agreed to recommend the additional Modification.

SUBDIVISION OF LAND (Exempt and Minor Subdivisions)

Members reviewed example material provided to them by Jonathan Kanter. Mr. Kanter explained in the material it clearly discusses definitions and procedures for exempt and minor subdivisions. Both are intended to provide for expedited reviews and approvals for certain small-scale subdivisions. To qualify for the expedited procedures, both exempt and minor subdivisions include certain conditions that must be met, including a

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maximum number of lots (4 or less lots) created within any consecutive 3 year period. This can create potential problems with the cumulative aspects of subdivisions that may never have to go through Planning Board review and approval. In particular, the provisions of the Town's Stormwater and Erosion Control law (2009) require the preparation of a stormwater management plan and possible permanent stormwater practices for land disturbance equal to or greater than one acre. This will usually be triggered with a 3 lot subdivision. Mr. Kanter further indicated it would make sense to amend the Subdivisions Regulations by changing the number of lots qualifying for expedited review to no more than 2 lots and to also delete the timeframe of "within any consecutive 3 year period", since this can worsen the cumulative impacts relating to not only stormwater, but also other impacts, such as traffic and access to a busy road (e.g., multiple curb-cuts on State, County or local roads).

EXPIRATION OF SUBDIVISION APPROVAL

Members reviewed example material provided to them by Jonathan Kanter. Members felt there should be provisions in the Town's Subdivision Rules and Regulations with regards to time limits on projects that have not begun infrastructure placement or construction. Members agreed to table the discussion on this subject for a future Meeting.

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Tuesday, October 8, 2013

Chapter 234. SUBDIVISION OF LAND

Article VII. Expiration of Subdivision Approval

[Added 4-10-1995]

§ 234-39. Conditions; procedures.

- A. In addition to any other provisions of law governing expiration of subdivision approvals, including those provisions which provide the subdivision approval expires if the approved subdivision map is not filed with the Tompkins County Clerk within a specified time of approval, a subdivision approval will also terminate under the circumstances set forth below.
- B. If the proposed subdivision requires construction of any facilities such as roads, drainage courses, water or sewer lines, or other similar facilities, unless within 10 years of the date the Planning Board gave final subdivision approval 1) work has materially commenced on such facilities in accordance with the finally approved subdivision plat; or 2) one or more lots have been transferred from the developer and the deeds for same duly recorded in the Tompkins County Clerk's Office, the subdivision approval (both final and preliminary) shall expire and the permissible uses and construction on the property shall revert to those that would otherwise be in effect in the absence of such subdivision approval. Notwithstanding the foregoing, if final subdivision approval was granted prior to April 1, 1995, the time for work to materially commence or lots to be sold shall be extended to April 1, 2005.
- C. For the purposes of this § 234-39:
- (1) Work will not have "materially commenced" unless, at a minimum:
 - (a) A building permit, if required, has been obtained for at least one structure in the subdivision; and
 - (b) Construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and

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- (c) Significant construction of roads or utilities, or significant framing, erection, or construction of a material structure, has been started and is being diligently pursued; and
- (2) A lot will not have been "transferred" unless conveyed by a deed, duly executed and recorded in the Tompkins County Clerk's Office, to:
 - (a) A person unrelated to the subdivider in a bona fide transaction for value; or
 - (b) A person related to the subdivider or for less than reasonable value in accordance with circumstances related to the Planning Board as part of the subdivision approval (e.g., a subdivision where the intention is to convey a lot to a relative or to convey a lot to an adjacent landowner for less than full value).
- D. If the proposed subdivision does not require the construction of any facilities, the subdivision approval (both final and preliminary) shall expire within the time limits set forth above with the consequences set forth above and subject to the ability to obtain extensions as set forth below, unless at least one lot of the subdivision has been transferred.
- E. In addition to the foregoing, a subdivision approval for a subdivision requiring construction of facilities shall likewise terminate as to any untransferred lots in the event that the facilities are not substantially completed within 10 years of the date of final subdivision approval.
- F. The Planning Board, upon request of the subdivider, after a public hearing, may extend the time limits for such additional periods and upon such conditions as the Planning Board may reasonably determine. An application for such extension may be made at the time of filing of the original application or at any time thereafter up to, but no later than, six months after the expiration of the time limits set forth above.
 - (1) The Planning Board shall grant the request for such extension if the Board finds:
 - (a) The imposition of the time limits set forth above in Subsections **B**, **D** and **E** would create significant hardship on the subdivider; and
 - (b) There has not been a significant change in zoning, subdivision, engineering, environmental, or other relevant review requirements or standards since the initial approval or any subsequently granted extensions.
 - (2) For the purposes of this section, a "significant hardship" includes, but is not limited to:
 - (a) A significant economic loss that the subdivider would suffer if an extension were not granted; or
 - (b) The subdivider's inability to timely proceed because of:
 - [1] A generally adverse economic climate; or

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[2] The subdivider's own economic circumstances have changed detrimentally; or

[3] An adverse event or events in the subdivider's personal affairs.

G. In the event of any termination of subdivision approval pursuant to these provisions, the Planning Board or Town Planner shall cause a notice of such termination to be delivered personally to the subdivider, or forwarded by certified mail, return receipt requested, to the subdivider at the last address for the subdivider on file at the Town of Ithaca Planning Department and shall cause a copy of such notice, together with an affidavit of service (personally or by mail) to be recorded in the Tompkins County Clerk's Office in Miscellaneous Records or other appropriate location.

H. Any subdivider who believes the termination of approval pursuant to this section is not warranted may file an application for a hearing before the Planning Board. Such application shall be filed within 30 days of the delivery of the notice referred to above (for this purpose "delivery" shall be deemed to occur on the date the notice is personally delivered or the day it is delivered to the postal service for mailing). The Planning Board shall hold a public hearing on such application on at least five days prior notice given in the same manner as required for public hearings on subdivision approvals, within 60 days of receipt of such application. The burden of establishing that the approval should not be terminated shall rest upon the applicant. If the Planning Board determines that the approval was improperly terminated, it shall render a decision so stating and shall cause a notice to that effect to be forwarded to the Tompkins County Clerk's Office for recording in the same location as the notice previously effecting such termination. Any determination of the Planning Board regarding such termination may be reviewed by a proceeding brought pursuant to Article 78 of the Civil Procedure Law and Rules. Such proceeding shall be commenced no later than 30 days after the decision being reviewed has been filed by the Planning Board with the appropriate Town Clerk.

I. Nothing in this § 234-39 is intended to alter the effect of Town Law § 265-a on lots in a subdivision when zoning is changed to increase lot sizes or other requirements thereby rendering an existing subdivision's lots nonconforming.

Consider Approval of October 28, 2013 and November 4, 2013 Meeting Minutes.

Gerald Caward made a motion to approve the Minutes of October 28, 2013 as presented. Lin Davidson 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) Al Fiorille, Member
Vote of Planning Board . . . (Abstain) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Lin Davidson made a motion to approve the Minutes of November 4, 2013 as presented. Richard Prybyl seconded the motion and it was carried by the following roll call vote:

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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 . . . (Abstained) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Joint Meeting w/ Town Board

The Town Board would like to have a joint Meeting to go over the results of the Comprehensive Survey. The Meeting has been set for Wednesday, December 18, 2013 at 6:00 PM (for approximately 1 hour) in the Town Hall Board Room.

Consultant Position

Mr. Kanter will be leaving the Consultant position and the Lansing area in late March. He will continue to work with the Planning Board and Town Board until such time.

Larry Sharpsteen made a motion to adjourn the Meeting at 9:15 PM. 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) Ray Farkas, Alternate
Vote of Planning Board . . . (Aye) Al Fiorille, Member
Vote of Planning Board . . . (Aye) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member