

APPROVED

Town of Lansing

Monday, February 18, 2014 7:15 PM

PLANNING BOARD

PLANNING BOARD MEMBERS

(*Denotes present)

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

Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer

Public Present

Jack Jensen

John Andersson

Other Business

Tom Ellis, Chairperson called the Planning Board Meeting to order at 5:00 PM.

No Public comments/concerns voiced.

Final Plat Approval of Amended Subdivision Plat for the addition of two new lots (Lots 20 and 21) and the modification of existing Lot 19, Farm Pond Circle Subdivision, Farm Pond Circle & Peruville Road, Applicant: Jack Jensen Development Co. LLC, Tax Parcel #'s 38.-1-4.121 & 38.-1-4.122, RA Rural Agricultural District and R3 Residential Mixed-Use District.

A brief discussion with respect to the Drain District occurred. Jonathan Kanter gave an explanation of how the drainage district works.

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Lin Davidson offered the following Resolution; 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, Member
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

RESOLUTION PB 14-03

RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING WITH CONDITIONS FARM POND CIRCLE AMENDED FINAL SUBDIVISION PLAT, PERUVILLE ROAD AND FARM POND CIRCLE

WHEREAS, an application was made by Jack Jensen Development Co. LLC for Final Plat Approval of an Amended Subdivision Plat for the addition of two new lots (Lots 20 and 21) and the modification of existing Lot 19, Farm Pond Circle Subdivision, Farm Pond Circle & Peruville Road, Tax Parcel #'s 38.-1-4.121 & 38.-1-4.122, RA Rural Agricultural District and R3 Residential Mixed-Use District; and

WHEREAS, the proposed amended subdivision, shown on a survey map entitled, "Farm Pond Circle Subdivision, Lots 19/20/21, Town of Lansing, Tompkins County, New York," dated January 20, 2014, and labelled as Sheet S-1 – Proposed Lots, would consist of two new building lots (Lot 20 - +/- 48,150 square feet net area to include one single-family dwelling, and Lot 21 - +/- 80,700 square feet net area to include two dwelling units in a duplex configuration) and a modification of existing Lot 19 (currently Tax Parcel # 38.-1-4.122 consisting of +/- 8.32 acres) to provide the lot area necessary for Lots 20 and 21, thereby reducing the lot area of Lot 19 to +/- 6.76 acres; and

WHEREAS, the Town of Lansing Planning Board (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 Planning Board has also considered the Town's Comprehensive Plan and compliance therewith; and

WHEREAS, on January 13, 2014, the Planning Board determined that the proposed subdivision

meets the definition and requirements for an amendment to a previously approved major

subdivision (the original Farm Pond Circle Subdivision received final plat approval in 2010), and

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based on that determination, the Planning Board classified the subject proposal as an amendment to a previously approved major subdivision, pursuant to the provisions of Article 5, Section 509 of the Subdivision Regulations of the Town of Lansing, enacted as Town of Lansing Local Law No. 2 of 2008; and

WHEREAS, the Planning Board has determined that the proposal is an Unlisted Action under the State Environmental Quality Review Act which requires environmental review; and

WHEREAS, the Planning Board is an involved agency pursuant to State Law governing local environmental review; and

WHEREAS, the 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

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 January 13, 2014, 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

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WHEREAS, on February 10, 2014, the Planning Board, acting on an uncoordinated environmental review of the proposed action, reviewed and accepted as adequate the Full Environmental Assessment Form (“EAF”) Part I, submitted by the Applicant, the comments (if any) of the Town Engineer, and other application materials, and the Planning Board completed Part II of the EAF; and

WHEREAS, by Resolution adopted on February 10, 2014, the 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, on February 10, 2014, the Planning Board made a finding that the two new lots (Lots 20 and 21) of the modified Farm Pond Circle Subdivision were at least partially benefitted by the existing Town of Lansing Farm Pond Drainage District and should be wholly included in said Farm Pond Drainage District; and

WHEREAS, on February 10, 2014, the Applicant confirmed that the Applicant had no objection to the inclusion of Lots 20 and 21 within the Farm Pond Circle Drainage District and it was determined that said lots would have been included in said Drainage District had they been included in the original Farm Pond Circle Preliminary Final and Final Subdivision Plats; and

WHEREAS, on February 10, 2014, the Planning Board scheduled a special meeting to be held on February 18, 2014 at 5:00 p.m. to consider approving with conditions the Farm Pond Circle amended Final Subdivision Plat; and

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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 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 Planning Board, *now therefore be it*

RESOLVED: that the Town of Lansing Planning Board hereby grants Final Plat Approval of an Amended Subdivision Plat for the addition of two new lots (Lots 20 and 21) and the modification of existing Lot 19 as described above, Farm Pond Circle Subdivision, Farm Pond Circle & Peruville Road, Tax Parcel #'s 38.-1-4.121 & 38.-1-4.122, RA Rural Agricultural District and R3 Residential Mixed-Use District, as shown on a survey map entitled, "Farm Pond Circle Subdivision, Lots 19/20/21, Town of Lansing, Tompkins County, New York," dated January 20, 2014, and labelled as Sheet S-1 – Proposed Lots; *subject to the following conditions:*

- (1) obtaining approval from the Tompkins County Health Department for septic systems and wells on Lots 20 and 21, prior to issuance of any building permits for each respective lot; and
- (2) Demolition and removal of the existing dilapidated barn on Tax Parcel # 38.-1-4.121, prior to issuance of any building permits for either Lot 20 or 21; and
- (3) obtaining the necessary curb-cut/work permits from the Town of Lansing Highway Department for any driveways connecting to Farm Pond Circle and any new or modified culverts in the road right-of-way, prior to issuance of any building permits for each respective lot; and
- (4) obtaining any necessary approval from the Lansing Town Board for any extension of the existing Farm Pond Circle Drainage District determined to be required by the Attorney for the Town and the Town's Engineer as the Planning Board is recommending that all of Lot 20 and 21 be included in a future Town of Lansing Farm Pond Circle Drainage District Extension If such extension is determined to be necessary, such approval shall be obtained from the Lansing Town Board, based upon the preparation of an amended Engineer's Report and submission of such report to the Town's Engineer, prior to the issuance of any building permits for either Lot 20 or 21. If such an extension is not adopted by the Town Board, then the benefited portions of Lots 20 and 21 which are already contained in the Drainage District (because said lots contain portions of prior Lot 19), shall be assessed their *pro rata* benefit share of the Drainage District Assessments and
- (5) Lot 20 shall be limited to not more than one (1) dwelling unit, and Lot 21 shall be limited to not more than two (2) dwelling units in a duplex configuration. Such limitations shall be added as notes on a revised final subdivision plat, prior to signing of the plat by the Planning Board Chair, and such limitations shall also be described in deed restrictions to be filed with the deed for each respective lot, the language for such restrictions to be submitted to the Attorney for the Town for review and approval, prior to signing of the plat by the Planning Board Chair. Upon signing of the revised plat by the Planning Board Chair, said plat and deed restrictions shall be filed in the Office of the Tompkins County Clerk with the restrictions for each lot to be filed as

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attachments to each deed, and evidence of filing of such deed restrictions shall be provided to the Town of Lansing Planning and Code Office, prior to issuance of any building permits for each respective lot; and

- (6) Submission of five revised final subdivision plat maps, prepared by a licensed land surveyor or licensed engineer, and signed and sealed by the surveyor or engineer who prepared the revised plat, showing the exact boundary lines of the new and modified lots, including all dimensions to the nearest one-hundredth of a foot, all bearings of each lot line, and all property pins to be set, and showing the notes required in Condition #5 above, such revised plats to be submitted to the Town of Lansing Planning and Code Office for signing by the Planning Board Chair, followed by filing of the signed final plat in the Tompkins County Clerk's Office, and provision of proof of such filing to the Town of Lansing Planning and Code Office; and
- (7) Submission of an erosion and sediment control plan to the Town's Engineer for review and approval, prior to issuance of any building permits for either Lots 20 or 21; and
- (8) Applicant/Developer shall provide the following respecting post-construction stormwater management practices:

- a. Deed covenants and restrictions, in a form acceptable to Town of Lansing Town Attorney and Town Board, shall be set forth within all deeds of title of the future lots to be conveyed, to include a deed covenant that shall require owner operation and maintenance of the post-construction stormwater management practices that are privately owned, including but not limited to individual lot rain gardens, in accordance with the SWPPP operation and maintenance plan and any modifications thereto. Said restrictions shall also be noted upon the Final Preliminary Plat/Final Plat together with all permanent stormwater practices required in the SWPPP;

- b. Right-of-way(s) and/or easement(s), in a form acceptable to Town of Lansing Town Attorney and Town Board, for the purpose of Town access and maintenance and/or repair of privately owned post-construction stormwater practices, at owner expense, should the owner/deed holder fail to abide by the owner's deed covenant obligation to maintain/repair privately owned post-construction stormwater practices including, but not limited to individual rain gardens. Said right-of-way(s) and/or easement(s) shall be noted upon the Final Preliminary Plat/Final Plat. The Applicant shall also provide Right-of-way(s) and/or easement(s) in a form acceptable to Town of Lansing Town Attorney and Town Board, for access for Town maintenance/inspections of all other permanent stormwater post-construction practices pursuant to the SWPPP and the Town of Lansing Farm Pond Circle Drainage District and any modifications or extensions thereto. Said right-of-way(s) and/or easement(s) shall also be noted upon the Final Preliminary Plat/Final Plat.

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VOTE AS FOLLOWS:

Thomas Ellis - Aye
Lin Davidson - Aye
Gerald Caward, Jr. - Aye
Al Fiorille – Aye
Richard Prybyl – Aye
Larry Sharpsteen – Aye
Raymond Farkas - Aye

Larry Sharpsteen made a motion to adjourn the Meeting at 5:20 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, Member
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