

APPROVED

# Town of Lansing

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Monday, April 14, 2014 6:30 PM

PLANNING BOARD

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## PLANNING BOARD MEMBERS

(\*Denotes present)

- \* Tom Ellis, Chairman
  - \* Lin Davidson, Vice-Chairman
  - \* Larry Sharpsteen
  - \* Richard Prybyl
  - \* Al Fiorille
  - \* Gerald Caward
  - \* Ray Farkas
  - \* Deborah Trumbull (Alternate)
- Lorraine Moynihan Schmitt, Esq.

## Other Staff

Lynn Day, Zoning, Code, Fire Enforcement Officer  
Kathy Miller, Town Supervisor, TB Liaison  
Doug Dake, Town Board Member  
Robert Cree, Town Board Member  
Ed LaVigne, Town Board Member

## Public Present

Matt Montague      Ray Burger  
Ron Ostman         Stefan Lutter  
Emily Franco        Jose Baese  
Suzanne Hinderliter  
Kathy Yen

## Other Business

Tom Ellis, Chairperson called the Planning Board Meeting to order at 6:30 PM.

## Public Comments/Concerns other than Agenda Items

### Al Fiorille- Comprehensive Plan Survey

Al Fiorille, Planning Board Member states he attended the Comprehensive Plan Presentation held on April 9<sup>th</sup> and a question was asked if the phone survey included the Village of Lansing residents. The response given was no. Mr. Fiorille states the

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Village of Lansing residents are Town residents also. Anyone that pays Town taxes, which the Village residents do, should be considered in that Survey. In addition, part of the Survey included an internet question. However, those polls were not included in the Survey. It was mentioned that those polls could be bias. During the Meeting, the Public broke up into 4 groups to voice their opinions, so is the difference between the opinion people responding via email or the people within the group? In Mr. Fiorille opinion, everyone's opinion should have been considered.

Mr. Davidson agreed with Mr. Fiorille.

## **Thomas Ellis-Update Planning Federation Conference**

Thomas Ellis states after attending the Planning Federation Conference in Saratoga NY this year and hearing the questions by the attendees to the presenters, he is very pleased with how the Town of Lansing's Planning Board are knowledgeable and how far the Town has come along.

## **Thomas Ellis - Lansing School Meeting**

Mr. Ellis states he met with Lansing School Principal(s) to discuss what affect the Town's Subdivisions have on the School District enrollment numbers. Currently all three Schools could each handle an additional 50 students with no problem.

## **Consider Approval of March 24, 2014, 2014 Meeting Minutes.**

Chairman Ellis requested the Planning Clerk to add page numbers to the Minutes.

Page 8, Second sentence add: the water course traveling through this project from the east.

Page 9, Third Q the word line should read lane.

Larry Sharpsteen made a motion to approve the Minutes 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, 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**

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**Public Hearing -Lansing Library Minor Subdivision Approval,**  
**Applicant: The Town of Lansing, 29 Auburn Road, Tax Parcel P/O 37.1-**  
**2-8**

Lin Davidson made a motion to open the Public Hearing. 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, 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**

## **Public Comments/Concerns**

Emily Franco: This is a positive move for the Library. Once the Subdivision is complete, the Library can then apply for Grants that are offered through different programs.

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 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**

Lin Davidson offered the following Resolution; 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, 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 14-05**

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## RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD APPROVING WITH CONDITIONS LANSING COMMUNITY LIBRARY SUBDIVISION AND SITE PLAN APPROVAL

**WHEREAS**, an application was made by the Town of Lansing for subdivision and site plan approval to subdivide off a lot consisting of approximately 0.421 acres which includes the existing Lansing Community Library located at 27 Auburn Road. This also requires site plan approval from the Planning Board to authorize building setbacks and lot size (as per Section 504, Schedule II in the Town of Lansing Land Use Ordinance). The Town of Lansing owns the overall parcel totaling approximately 6.7 acres, which also includes the Town Hall and Community Center Building, and proposes to convey the land to the Lansing Community Library. The Town-owned parcel is identified as Tax Parcel # 37.1-2-8, and is located in the B-1 Commercial Mixed Use Zone; and

**WHEREAS**, the proposed subdivision and site plan are shown on a plat titled, "Survey Map Showing a Portion of Lands of Town of Lansing to be Conveyed to Lansing Community Library, Town of Lansing, Tompkins County, New York," dated 8/16/2012; and

**WHEREAS**, the Town of Lansing Planning Board has considered and carefully reviewed the requirements of the Town's Laws relative to subdivisions and site plans 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 site plan, and has also considered the Town's Comprehensive Plan and compliance therewith; and

**WHEREAS**, on March 24, 2014, the Town of Lansing Planning Board reviewed and considered the aforementioned subdivision and site plan application in the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882 and resolved to waive a public hearing on the State Environmental Quality Review (SEQR) review on these actions; and

**WHEREAS**, on March 24, 2014, the Town of Lansing Planning Board decided to schedule a public hearing for Monday, April 14, 2014 at 6:45 p.m. to allow an opportunity for the public to comment on the proposed subdivision and site plan approval; and

**WHEREAS**, these are Unlisted Actions under the State Environmental Quality Review Act which requires environmental review; and

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**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 actions and is conducting an uncoordinated environmental review of these actions pursuant to State Law governing local environmental review; and

**WHEREAS**, General Municipal Law County Planning referrals 239-l, 239-m and 239-n (of Article 12-B) were sent to the Tompkins County Planning Department by the **Town of Lansing Planning Department, and the Tompkins County Planning Department in a letter dated March 27, 2013 determined that the proposed action has no negative inter-community or county-wide impacts; and**

**WHEREAS**, on March 24, 2014, the Town of Lansing Planning Board, acting on an uncoordinated environmental review of the proposed actions, 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 March 24, 2014, the Town of Lansing Planning Board has determined that, pursuant to the provisions of the State Environmental Quality Review Act, the proposed subdivision and site plan 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 April 14, 2014, the Town of Lansing Planning Board, after holding a public hearing on the proposed subdivision and site plan approval, determined that the proposed

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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**, the Town of Lansing Planning Board has duly considered the proposed subdivision and site plan in accordance with the provisions of the Subdivision Regulations of the Town of Lansing and Site Plan Review requirements listed in Section 701 of the Town of Lansing Land Use Ordinance, 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 Town of Lansing Planning Board, *now therefore be it*

**RESOLVED:** that the Town of Lansing Planning Board does hereby grant approval of the application for subdivision approval to subdivide off a lot consisting of approximately 0.421 acres which includes the existing Lansing Community Library located at 27 Auburn Road on Tax Parcel # 37.1-2-8 in the B-1 Commercial Mixed Use Zone, as shown on a plat titled, "Survey Map Showing a Portion of Lands of Town of Lansing to be Conveyed to Lansing Community Library, Town of Lansing, Tompkins County, New York," dated 8/16/2012; *subject to the following conditions:*

(1) signing of the approved subdivision plat by the Planning Board Chair and 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

(2) the subdivision and conveyance shall be subject to easements and cross easements as listed in the proposed deed, provided to and reviewed by the Town of Lansing Planning Board, regarding access, parking, and use of common facilities such as sidewalks, septic or sewer systems on the overall Town-owned site due to the multiple public purposes being served upon the subject land where the Town Hall and Library are situate; and

**BE IT FURTHER RESOLVED:** that the Town of Lansing Planning Board does hereby grant approval of the application for site plan approval of the above-referenced proposal, as shown on

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a plat titled, "Survey Map Showing a Portion of Lands of Town of Lansing to be Conveyed to Lansing Community Library, Town of Lansing, Tompkins County, New York," dated 8/16/2012, authorizing the building setbacks as shown on the survey map and as follows: front yard – 34.9 feet +/-; side yards – 44.3 feet +/- on the west side and 39.8 feet +/- on the east side; and rear yard – 39.1 feet +/-, finding that the above-referenced setbacks are adequate and provide sufficient separation from other buildings on the remainder of Tax parcel # 37.1-2-8, and authorizing the lot size of 0.421 acres, finding that such lot area provides sufficient space for the existing building and amenities associated with the building, all pursuant to the provisions of Town of Lansing Land Use Ordinance Section 504, Schedule II regarding establishment of setbacks and minimum lot area in the B1 Zone; and

**BE IT FURTHER RESOLVED:** that the Town of Lansing Planning Board hereby finds that existing parking on the overall Tax parcel #37.1-2-8 is adequate to serve all of the buildings and facilities on the site, subject to the easements and cross easements for sharing of the parking areas as referenced in condition (2) above, as evidenced by the history of shared use of parking spaces on this site.

April 14, 2014

## 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**

## Discussion-Proposed Subdivision/Land Use Ordinance Changes

### Subdivision Rules & Reg.

Flag Lots: Eliminate 500 Ft. requirement as this creates too many Variances. All Flag Lots are required to go thru the Planning Board for Site Plan Review. Under the New York State Fire Code, Emergency Vehicle Access for One & Two Family Dwellings is addressed.

### Amendment to Local Law 2 Of 2008- Expiration of Approve and Filed Final Subdivision Plat

There are a number of Subdivisions in the Town that received final plat approval by the Planning Board, the endorsed Plats were filed in the County Clerk's Office and no constructor or improvements have been initiated. The current Town's Subdivision Regulations contain no provisions for expiration of approved, filed or extensions

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thereof. This can cause potential problems due to the final plat may no longer meet current regulations or standards. Many municipalities in New York State have a (3) year sunset or expiration provision. On (c) page 2 of the proposal presented, the work and should read; or

Legal Counsel needs to review verbiage.

## **Amendment to Local Law No. 2 of 2008 Exempt and Minor Subdivisions**

Lynn Day, Zoning Officer requested to Reduce Exempt Subdivision from 4 Lots to 2 Lots. Mr. Day feels this will make it easier to work with the Stormwater Practices. A discussion took place with respect to how the Subdivision is looked at/calculated with the parent parcel. The Board agreed to take Lynn's request and move forward.

## **501.0 - 502.0 Excluded Uses or Activities**

Members reviewed material provided to them by the Zoning Officer and agreed with the updated information.

## **Expiration of Site Plan**

Members reviewed material provided to them by the Zoning Officer and agreed on the 3 year limit.

## **Article X**

Lynn Day, Zoning Officer feels this article should be looked at again. There are a couple of issues in it that he does not agree with. The Board agreed to hold off on this change until the overhaul of the Ordinance.

## **Proposed change for Convenient Stores with Gas**

Lynn Day, Zoning Officer states the TB has agreed to change the Districts that this type of service can be allowed in.

## **Proposed Planner Position**

Robert Cree, Town Board Members inquired from The Planning Board Members as to what their expectations are for a Planner and is there a need.

Larry Sharpsteen felt it was not necessary for a full time Planner. Mr. Sharpsteen feels it's an imposition to the Town Tax Payers.

Kathy Miller, Town Supervisor states she has been doing a lot of the work that the Planner should be doing. Ms. Miller is getting paid for 17.5 hrs. per week and she is putting in 50-60 hrs.

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Deb Trumbull states she has been sitting in on the RFP Committee and she feels it is necessary for the Town to have a full time Planner.

Gerald Caward felt that by Jonathan Kanter attending a variety of Committee Meetings, he was able to relay to the RFP Committee Members updated information. A full time Planner would be the one to do that.

Lin Davidson states he believes the Town needs a full time Planner.

Tom Ellis, Chairman states after receiving numerous emails prepared by Jonathan Kanter, Consultant Planner with respect to legal issues such as Resolutions, Mr. Ellis feel the Town needs a full time Planner. The Town can save a tremendous amount of money just by having the Planner prepare Resolutions. Secondly, the Stormwater Management is not being properly followed through with. The Planning Board has had Meetings with the SMO's and it is still not working. Stormwater needs to be back in the Planning Department with all the other necessary Planning Paperwork.

Richard Prybyl agreed with Larry Sharpsteen with respect to how the Town spends tax payer's money on job positions. Mr. Prybyl felt Jonathan Kanter did an outstanding job in the position he held temporarily for the Town. It was Mr. Prybyl's opinion that the Town Supervisor should not be having to complete a Planner/Stormwater's job in her position. Mr. Prybyl further stated he was in favor of a full time Planner position.

Al Fiorille & Ray Farkas felt the position should be wearing "multiply hats". The person should be able to multi task and switch to Building Permits, Stormwater, etc..

Lynn Day, Zoning Officer states he has said for the last 12 years, the person needs to be able to multi task. If the Town hires a person as a full time Planner, history has shown the department does not have enough planning work to occupy that position.

Ed LaVigne felt both the Planning Board and Town Board needs to look at the long term of this position and how it will financially impact the Town. Mr. LaVigne feels the Town needs to prioritize what works best for the Town and the Planning Office for long term in order to complete the required tasks.

### **Update Coming Items**

Novalane Subdivision

Lakeview Phase III

Lin Davidson made a motion to adjourn the Meeting at 8:30 PM. Al Fiorille seconded the motion and it was carried by the following roll call vote:

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**Vote of Planning Board . . . (Aye) Lin Davidson, Member**  
**Vote of Planning Board . . . (Aye) Ray Farkas, Member**  
**Vote of Planning Board . . . (Aye) Al Fiorille, Member**  
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