

APPROVED

Town of Lansing

Monday, April 28, 2014 6:30 PM

PLANNING BOARD

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
Charlie Purcell, Deputy Highway Superintendent

Public Present

| | |
|-------------------|------------------|
| Amanda Steinhardt | David Rutherford |
| Carolyn Sampson | Robert Hillman |
| Osman Yurekli | Susan Brock |
| John Anderson | Roberta Wasenko |
| Robert Karpman | Bruce Turnbull |
| John Young | Martha Turnbull |
| Richard Schuler | Mary Schuler |
| Carol Vineyard | Joseph Morse |
| Todd Mallinson | Jack Morse |
| Marcia Parks | Jill Vaughan |
| Karen Piersanti | Natalia Emlen |
| Margaret Keller | Michael |
| Scott Gibson | John Stevens |
| John | |

Other Business

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Tom Ellis, Chairperson called the Planning Board Meeting to order at 6:35 PM.

Public Comments/Concerns other than Agenda Items

There were none.

Novalane Subdivision -Sketch Plan Presentation & Classification for a Seven (7) lot Major Subdivision, Applicant: John Young, Tax Parcel No. 36.-1-17.40, R1-Residential-Low Density District.

John Andersson, P.E. for the Novalane Subdivision offered the following information; The project will subdivide the western 14 acres of tax parcel 36.-1-17.40 into seven (7) residential building lots. The lots will exceed the minimum requirements for the zoning and range from one acre, up to two acres in size. The western most portion is wooded, it will be preserved and will have deed restrictions. The existing Smuggler's Path will be extended south to connect to Eastlake Road through the "paper" road adjacent to # 94 Eastlake Road. Six lots will front on the extended Smuggler's Path, two would be flag lots with the body of the lot west of the road. The seventh lot will have access off from Reach Run.

The existing water main on Smuggler's Path will also be extended and connected to the main in the Eastlake Road. Individual on site wastewater treatment systems are proposed for each lot. The balance of the property will remain in cultivation for the time being, although it is anticipated that the entire property will eventually be developed for residential uses.

A brief discussion took place with regards to how many Flag lots. It was determined that lots 1 & 2 are considered Flag Lots with Lot 7 conforming. There is no Zoning Board of Appeals action required on the proposal.

Richard Prybyl inquired as to what this does to the traffic in the area? Mr. Prybyl feels this whole area has some serious traffic issues that need to be taken care of. Some how this problem needs to be addressed before the Town should allow any further development.

Richard Prybyl made a motion requesting that the Planning Board demand a through Traffic Study to mitigate the risk of any number of traffic accidents that could/would occur in this location and are increased by the level of this development.

Mr. Ellis expressed that he thought a Traffic Study was performed in 2011 by New York State Department of Transportation. Ms. Moynhian Schmitt states an independent party could perform a study using the base study from the State.

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Ms. Natalia Emlen, a resident from Eastlake states she has the petition file with all correspondence regarding the Traffic Study. Ms. Emlen will gladly provide the Members with a copy.

Mr. Young states he followed the 2006 Comprehensive plan, which when discussing the Smuggler Path's connection, they specifically stated the extension would deliver immediate benefits for intersection safety.

Amanda Steinhardt, Eastlake resident states this proposed project would create extra traffic through her neighborhood, that they don't currently have.

Larry Sharpsteen stated for the last 25 years, the Planning Board envisioned this "paper" road was for a connector road that would allow for an easier outlet for emergency vehicle access through the area.

Larry Sharpsteen states the State needs to mitigate the problem by either erecting a traffic light or by lowering the State speed limit in the area.

Thomas Ellis inquired if Mr. Young had made contact with Mr. Leathers to discuss the possibility of creating a road through the parking lot of the rec. center to exit out on Eastlake Road instead of traffic driving through Eastlake neighborhood.

John Young indicated he does not want to do anything up in that location right now, and sees no reason to contact the owner for something that could happen 20 years later.

Larry Sharpsteen prepared the Members for what a privately funded traffic study may say when done. Mr. Sharpsteen believes it will say at a full build out of 14 lots, it will potentially increase the cars by 3-4 times per day. The study will take both entrances into account and will not necessarily address the concerns with regards to the Eastlake development.

Thomas Ellis suggested that the Board hold off requesting a Traffic Study until the Town Engineer researches to see what type of Traffic Study needs to be done and to what depth.

The previous Motion was tabled until such time that the Town Engineer replies to the Planning Board.

Larry Sharpsteen clarified for the Public present that just because this is at the stage for acceptance of the Sketch Plan, it does not mean that everything is ok. This is a process and the Board will continue to work on things such as, potential for a traffic study, and other concerns that arise as the development moves forward.

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John Stevens, Agent for Windswept, LLC inquired as to when the preliminary Stormwater Plan will be completed. Mr. Anderson stated most likely in a month.

A gentlemen inquired as to how the Planning Board can assure the existing residents that their lake views will not be obstructed from the new buildings heights proposed by the Developer.

Thomas Ellis, Chairman advised this person that it is up to a Homeowner 's Association to enforce or instill restrictions on properties within a Subdivision.

Lin Davidson made a motion to accept this as the initial Sketch Plan approval. 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 . . . (Nay) Richard Prybyl, Member
Vote of Planning Board . . . (Aye) Larry Sharpsteen, Member
Vote of Planning Board . . . (Aye) Thomas Ellis, Member

Larry Sharpsteen made a motion to classify this as a Major Subdivision. 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, 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

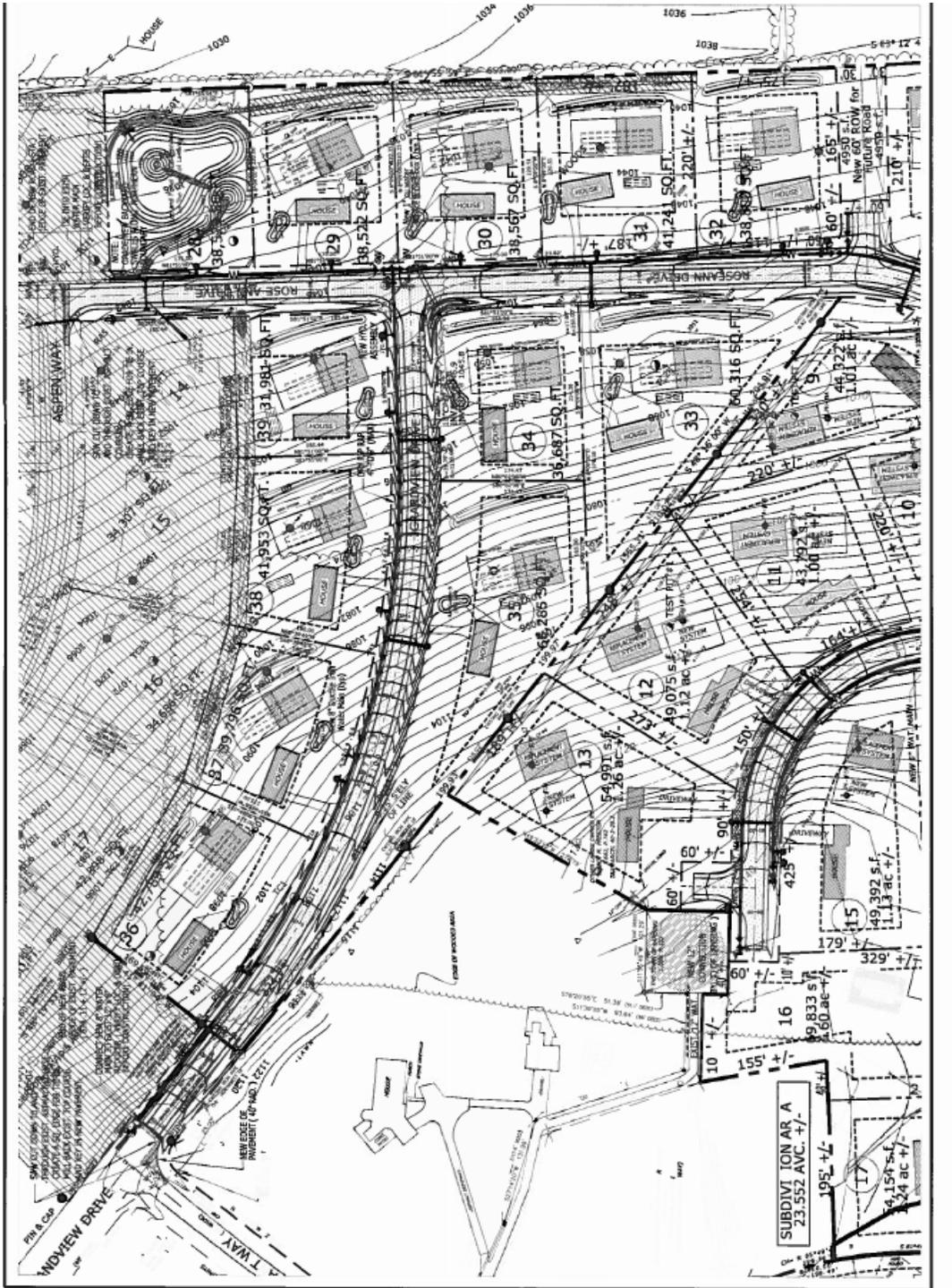
Sketch Plan & Classification for Lakeview Phase III Subdivision,
Applicant: WB Realty Group, LLC, Grandview Dr./Pheasant Way,
Lansing, NY, Tax Parcel No.(s) 40.-3-36.28 through 40.-3-36.39

Thomas Ellis, Chairman gave a brief history on the existing Subdivision;

- The Year 2000 Lakeview approved as Phase I
- The Year 2002 Lakeview approved as Phase II
- Present - Modification for Stormwater Management Purposes, this Phase now known as Phase III with no new lots.

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Mr. Scott Gibson, Agent for Tim Buhl, P.E. appeared before the Board on Mr. Buhl's behalf. The following Map was presented;



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Mr. Gibson stated Lot 28 will no longer be a building lot and now will become the Retention Pond. In addition, some lots will have rain gardens as their stormwater practices. There will be covenants on the pond as well as the rain gardens and documents will be prepared through the Town of Lansing's Engineer and Legal Counsel to deal with that.

A resident residing at 125 Triphammer Terrace had extreme concerns with the Stormwater Pond being located adjacent to her property as she has had flooding of her home in the past. In addition, she is concerned with it creating an increase in mosquitoes.

A gentlemen living to the north, states by selecting lot 28 for the Retention Pond you are putting it right next to two existing home, building a pond 125' above two existing homes, when you could choose another lot for it without having existing homes near. This would give the perspective buyer a choice whether they would want to live next to a pond or not.

Scott Gibson gave an extensive explanation of the topography of the land, as well as the reasoning for placement and design of the pond. Mr. Gibson further stated there is no other logical place to put the Pond. Mr. Gibson further stated the DEC now recommends having these types of Stormwater practices.

Charlie Purcell, Deputy Highway Superintendent states the Town has had no issues with any of the Stormwater Ponds they currently have within the Town.

Susan Brock, Lansing resident had concerns with minimizing the stormwater run off and erosion, and is requesting the Developer follow the Town's Subdivision Rules and Regulations that states " To the fullest extent possible, existing trees that are greater than four inches in diameter, measured at a height of 4 feet above the ground, shall be conserved by the Subdivider ". Ms. Brock is further requesting from the Planning Board that when the Developer comes in for the Preliminary Approval that the Board requests from the Developer a plan showing which trees they are planning to preserve and the ones they plan to cut. Ms. Brock would like to see some of the large trees that may be in the right away preserved.

Charlie Purcell explained to Ms. Brock the problems that could arise from large trees being left in the right of way. Mr. Purcell has agreed to meet with Ms. Brock and walk the area where she has requested some remain.

Thomas Ellis, Chairman states there has been some confusion with the process for this proposed modification of the existing approved Subdivision with respect to Stormwater. Mr. Ellis further stated the Planning Board is the legislative body that

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must give final approval on the Stormwater Plan prior to the Developer beginning his work. At some point the Engineer had the SWPPP signed by the Stormwater Management Officer, and that should not have happened.

Lorraine Moynihan Schmitt, Legal Counsel for the Planning Board expressed that it would be in the Developer's best interest not to begin work until this process has been approved. Ms. Moynihan Schmitt requested that Mr. Buhl put something in writing to the Planning Department affirming the Applicant has no intention of breaking ground until such approval is given by the Planning Board. Legal Counsel advised the Board at this time if that does not happen, then they need to take action to rescind the signed SWPPP.

Larry Sharpsteen made a motion to classify this proposal as an amendment to a previous existing Subdivision. 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, 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

Raymond Farkas made a motion to set a Public Hearing for SEQR Review/Determination and Review of the overall Application for Monday, May 12, 2014 at 6:35 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

Susan Brock questioned item # 3.a on page one of the SEQR. Ms. Brock felt it should include the total Subdivision as it has never been looked at before. Ms. Moynihan Schmitt advised Ms. Brock that the Town Engineer has reviewed the SEQR and is satisfied with it.

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Susan Brock requested that the Developer consider moving their large equipment to another location that will not be on top on residents. It was requested that Mr. Gibson forward that information to Mr. Buhl.

It was requested that Mr. Gibson let Tim Buhl, P.E. know that he or Developer must notify all neighbors within 600' of the 60' right of way.

Consider Approval of April 14, 2014 Meeting Minutes.

Al Fiorille states pg. 2, first paragraph: tolls should read polls.

Gerry Caward states he meant to say: By Mr. Kanter attending a variety of Committee Meetings, he was able to relay to the RFP Committee Members updated information.

Al Fiorille made a motion to approve as amended. 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

Lin Davidson made a motion to enter into Closed Session at 8:13 PM to obtain advice from Legal Counsel. 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

Lin Davidson made a motion to Exit closed Session at 8:47 PM. 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

APPROVED

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

Joint PB/TB Meeting to Discuss Proposed Zoning Map Changes

The Board requested that the Town Board Members be invited to attend the next Planning Board Meeting to review the proposed zoning Map changes with them. Rachel Jacobsen will contact all Town Board Members to see if they can arrange their schedules in order to be in attendance on Monday, May 12, 2014 at 6:30 PM.

Larry Sharpsteen made a motion to adjourn the Regular Meeting at 8:48 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