

APPROVED

Town of Lansing

Monday, June 23, 2014 6:30 PM

PLANNING BOARD MEETING

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
Charlie Purcell, Deputy Highway Superintendent
Ed LaVigne, Town Board Member

Public Present

Connie Wilcox
Maureen Cowen
Larry Fabbroni, P.E.

Other Business

Tom Ellis, Chairperson called the Planning Board Meeting to order at 6:31 PM.

Public Comments/Concerns other than Agenda Items

There were none.

Discussion -Proposed Revisions to Whispering Pines VI, Richard Thaler, Owner, Asbury Road and Warren Road, Tax Parcel # 40.-3-2.12

Larry Fabbroni, P.E. for the Thaler's appeared before the Board requesting revisions to the proposed Whispering Pines Phase VI. The Thaler's would like to do the following below;

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June 16, 2014

Mr. Thomas Ellis, Chairman
Town of Lansing Planning Board
29 Auburn Road
Lansing, New York 14882

Re: Whispering Pines VI Scope

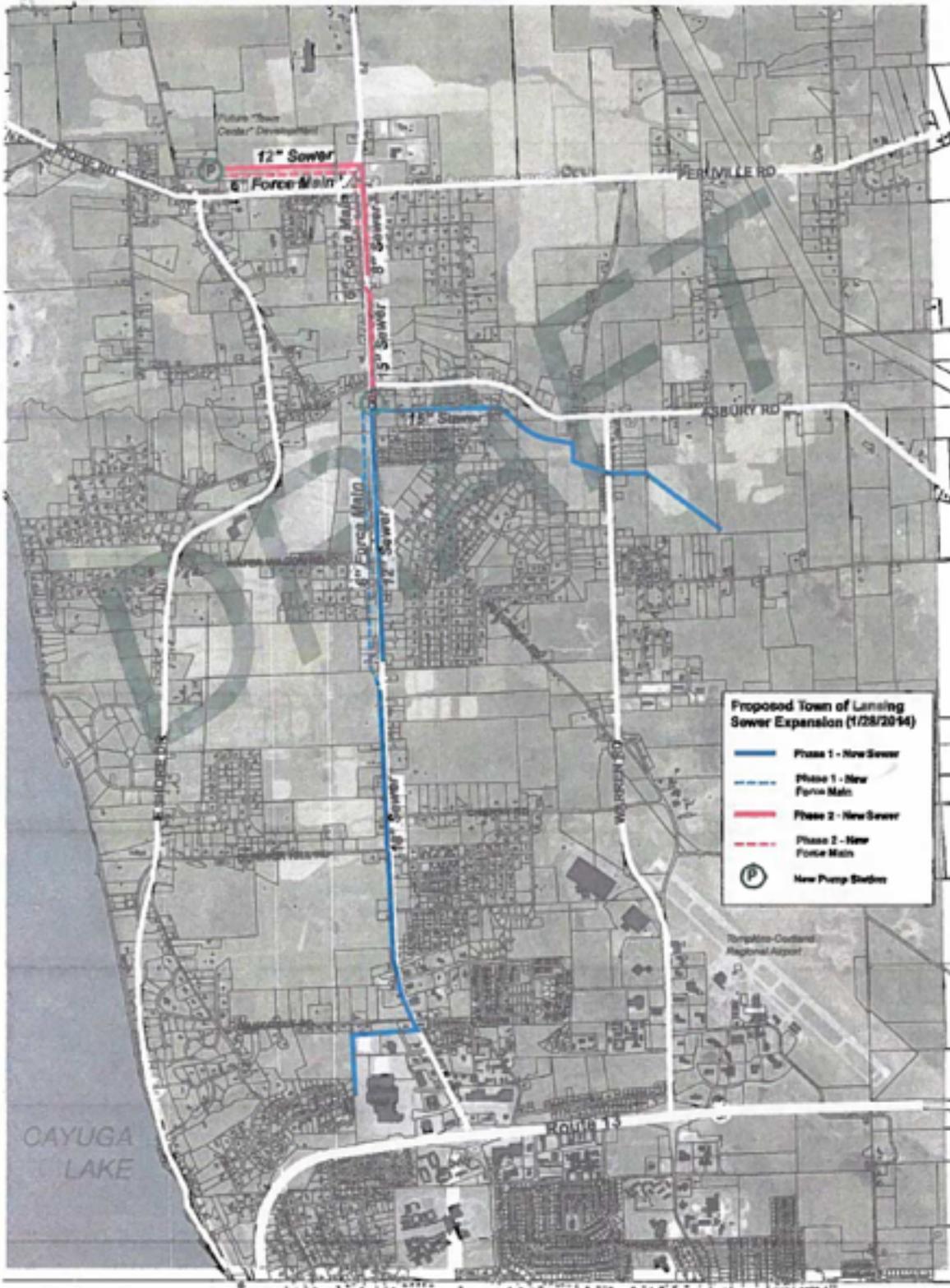
Dear Mr. Ellis:

The Thalers would like the Planning Board to consider reducing the scale of the next phase of the Whispering Pines VI to lots 1 through 7 and 28-29 bordering on Asbury Road and Warren Road and lots 9-17 with a temporary turnaround on lot 18 as an extension of Whispering Pines Road. There are many reasons for this request:

1. The Thalers do not wish to develop lots 18 to 27 at this time primarily given the expense necessary to such an endeavor before generating some cash flow. The development cost would more than double to undertake a full set of drawings and built the infrastructure for these lots.
2. In considering the possibility of selling their homestead on Asbury Road with advancing years, it seemed desirable to delay for a time any subdivision decisions on the land closest to their landscaped yard until the interest of a potential buyer in the surrounding land is ascertained.
3. The topography and open spaces for lots 18 to 27 is very complex. However, it is largely separate from the lots the Thalers would like to proceed with in that stormwater provisions for lots 1-17 and 28-29 will not depend on or intermix with lots 18-27.
4. When the townwide sewer initiative was abandoned last fall, discussions were initiated amongst private developers about the possibility of funding their own extension of public sewer from the Village of Lansing to further their mutual interests as well as further the overall town objectives. Attached you will find a preliminary concept that with sewer would in time greatly enhance the ability of the Thalers or their successor to better plan integrating open space features of lots 18-27 with housing sites in marginal soils. Also by delaying any subdivision beyond lots 1-17 and 28-29 any route along the Gulf Stream corridor for a public sewer trunk main would be unimpeded.
5. In the end in any future plan Whispering Pines Drive would connect to the right of way left as part of the ongoing Cayuga Way development but exactly how given all of the above that could change from any current plan remains uncertain. An economical plan considering lots and footage is not currently apparent.
6. When informally asking the Town Attorney why the Thalers had to plan a subdivision of all their remaining land contrary to their wishes, it did not seem to be necessary although formerly demanded by the departed Town Planning Consultant.

We hope for your board's usual reasonable outlook and agreement to scale the overall project back in a way that will enable the Thalers to move forward on the most responsible financial footing recognizing their past accomplishments and the realities of their current place in life.

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Since last visiting the Planning Board, Mr. Fabbroni has met with Mayor Hartil and discussed the extension of the sewer through the Village to the Town. Mr. Fabbroni states there is an agreement on the books that would allow the Town to do that, of course with a cost associated. The sewer would come through the Thaler land. The storm sewer would be taken into consideration for the 9 lots of Phase VI as well as the balance of the land not considered in that phase.

A brief discussion occurred with respect to reserving a portion of the road where the hammer head will be placed, for a future Town road to connect to the Cayuga Way Subdivision.

Mr. Fabbroni states yes, that can be done as long as the Town realizes the location of the road could move depending on the availability of sewer, topography of the land and open space. Mr. Fabbroni states the Thaler's could commit that there will always be a route to the existing right of way.

Ms. Lorraine Moynihan Schmitt states the big concern would be segmentation under SEQR, and also the phasing of the entire project. Ms. Moynihan Schmitt states she would welcome sitting with the Town Attorney to discuss this further.

Larry Fabbroni states they have no active plans for the last lots.

Ms. Moynihan Schmitt states the Planning Board is charged with looking at overall environmental impacts and the Stormwater needs to be looked at for the projected overall development. Ms. Moynihan Schmitt recommended that David Herrick take a look at the Stormwater for the overall project.

For the revised Sketch Plan & Preliminary Plat the Board would like Dave Herrick's comments for any possible conditions, and a commitment letter from the Developer regarding road connections. In addition the Highway Department and the Fire Department should provide their feedback in writing.

Re-evaluate Minor Subdivision Process

Lorraine Moynihan Schmitt gave the following recommendations;

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Proposal for streamlined process to eliminate duplicative meetings for simple reviews:

Minor Subdivisions:

Minor Subdivisions can be streamlined to (2) instead of (3) meetings- Sketch Plan Review (with classification) and then Final Preliminary Plat/Final Plat Review & Approval.

The first meeting should classify the subdivision as a minor subdivision and identify any areas of concern and potential conditions of approval. This meeting should also classify SEQR action (usually Unlisted) and review the EAF Part I (prepared by Applicant) and determine same as complete or direct applicant revision. (Note: A Type I action would normally be large enough to warrant a longer Planning Board review with public hearings).

The second meeting would review the County 239 Comments, DOH comments, Highway Department, Fire Department, etc. and any engineering, SMO and legal comments. Proposed resolutions should be prepared in advance for the board on both the SEQR Declaration of Environmental Significance and the final Preliminary Plat/Final plat approvals. Previous and complete coordination between the Planning Department, Planning Board Chair and whomever is drafting the resolutions (attorney or planner), is highly recommended to avoid a subsequent meeting. Checklists help to streamline the process and avoid additional meetings and reviews and the completed checklists should be provided to the Planning Board Members.

Although SEQR Hearings are required for all preliminary plats, they can be waived for a minor subdivision, as is often the case in a one lot subdivision. The SEQR review, with or

without public hearings could be accomplished at the second meeting of final review/ approval.

Simple Site Plans:

If the Planning Department and Chair can coordinate initial review of simple site plan applications, these types of applications can be potentially approved at one meeting. Again, identification of any proposed conditions from the outset serves to streamline the process. Checklists also help to streamline the process and avoid additional meetings and reviews and the completed checklists should be provided to the Planning Board Members.

County 239 comments, DOH comments, Highway Department, Fire Department comments, etc. and any engineering, SMO and legal comments and proposed resolutions should be prepared in advance for the board on both the SEQR and the final site plan approval.

Both the classification of the SEQR Type action and the board's SEQR review can be performed at one meeting in a simple site plan review. Again, this takes coordination and initial preliminary review and recommendation at the Planning Department level.

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After much discussion regarding the description/ definition of a Subdivision, it was the consensus of the Board to include a descriptive design in our Subdivision Rules & Regulations. Ms. Moynihan Schmitt states the Planning Office should review their Fee Schedule. This will be up for discussion again at a future Working Meeting.

Village Solars-Bolton Point

Lynn Day, Zoning Officer distributed 2 maps showing the Village Solars proposed development. Mr. Day states the Developer is having an issue with Bolton Point Water with respect to how many Water Meters can be set up on a parcel. Currently Bolton Point only allows one Meter per tax parcel. In an existing situation like the proposed, it is difficult to do. They have five buildings on one parcel with one building going through a tax parcel (Lot 11, building C). The Assessment Office has requested that the Code Office not issue a Building Permit for that Building until such time as the owner consolidates 3 parcels into one parcel. At this time, Bolton Point is working with the Town Highway with respect to the water issue. According to Mr. Day, Bolton Point is recommending from the Planning Board for future projects that they require from the Developer a Master Meter for a single parcel that has multiple buildings. This must be in the Planning Board's Resolution.

Letter of Recommendation Re: Land Use Changes

Lynn Day, Zoning Officer requested that the Planning Board provide him with a letter of recommendation in support of the proposed changes to pass along to the Town Board. The Board offered several punctuation corrections to the Zoning Officer.

Planning Board Members-Legal Fees

Lynn Day, Zoning Officer advised the Members that the Planning Department is receiving charges from Legal Counsel for services made by Planning Board Members via emails/calls that have been unauthorized by the Planning Department or Planning Board Chairman. Mr. Day states in the future, prior authorization must be given by the Planning Department or the Chairman, who will then notify Counsel to proceed.

Lorraine Moynihan Schmitt suggested that all email replies be funneled to one person who will then reply to Ms. Moynihan Schmitt. The consensus of the Board was as follows; all concerns, calls, comments should go through Thomas Ellis, who then will contact Lynn Day and Lynn will make the decision as to how to proceed.

Proposed Subdivision- Stormwater Issue

Lynn Day, Zoning Officer requested the Board's opinion on how to handle the Stormwater for someone who is selling their 100 acre parcel into 4 lots. This person has no idea what is going to happen in the future with the parcels. Mr. Day feels it is unfair for the seller to have to conform to Stormwater. Mr. Day states each lot will be over 5 acre in size with 150' of road frontage, therefore, he can do these as Exempt Subdivisions in his Office. Mr. Day states in the Town's Stormwater Law, there is a clause stating the Planning Board can issue a waiver for special circumstances. Mr. Day is requesting a waiver at this time.

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Ms. Moynihan Schmitt states this can be done if it's legal. Municipalities can't waive State Stormwater mandates. Ms. Moynihan Schmitt states as long as this is going to be farmland, then she does not have an issue with the waiver. A condition can be placed on the approval, indicating further development or infrastructure would require Stormwater.

Mr. Day states he is approving this in his Office.

Ms. Moynihan Schmitt cautioned Mr. Day not to do this in his Office as an Exempt Subdivision. Ms. Moynihan Schmitt indicated the Exempt Subdivision Local Law did not envision allowing the Code Officer to place conditions on Exempt Subdivisions. Furthermore, Ms. Moynihan Schmitt states the Planning Board can trump whether something is Exempt or not and any Exempt Subdivision with wrinkles should be brought before the Planning Board.

It was the consensus of the Members that the Applicant appear before the Planning Board for review. It was requested that a small narrative accompany her paperwork and Map.

Approval/Denial of June 9, 2014 Minutes

Page 17, necessary to necessarily.

Page 18, 3rd sentence add Department after Highway

Under -Discussion Traffic Study-indicate John Young, Developer for Novalane stated on the record he will contribute his share in the cost of the Traffic Study to the amount of \$1,500.00

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

Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Gerald Caward, 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

Legal Counsel re: Traffic Study

Ms. Moynihan Schmitt distributed a letter she prepared at the request of the Chairman with regards to the Town Wide Traffic Study. The expanded scope of work should include the corridor area between Asbury Road and Sun Path and Triphammer from Waterwagon to Asbury Road for the Town portion of the study. Also the following are proposed developments that should be included in the Traffic Study; Cayuga Farms

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Townhomes, Novalane (full build out), Sun Path Road Development (Westview Partners, LLC- full build out) Town Center Development. These are proposed projects over the next 5 years.

Lin Davidson made a motion to adjourn the Meeting at 8:00 PM. Raymond Farkas seconded the motion and it was carried by the following roll call vote:

Vote of Planning Board . . . (Aye) Lin Davidson, Member
Vote of Planning Board . . . (Aye) Gerald Caward, 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