

**Town of Lansing Zoning Board of Appeals
Application for Variance**

Application Fee _____

Application Date 12-4-15

Property for which Variance is being requested

Tax Parcel No. 41-2-46 & PART OF 40-3-2.12 Street Address TIGER LILY LANE

Applicant's Name and Address LAWRENCE P. FABBRONI Zoning District (check one)
1 SETTLEMENT WAY Phone 607-2572198 R1
ITHACA, N.Y. 14850 Cell 607-3510940 R2 _____
Email FABBRONI@qol.com R3 _____

(If Applicant different from owner, notarized written permission of owner must be attached hereto.)

Owner's Name and Address (if different) _____ B1 _____
RICHARD B. THALER Phone 2577913 B2 _____
269 ASBURY ROAD Cell 2803210 L1 _____
LANSING, N.Y. 14882 Email sthaler@twcny.net RA _____
IR _____

Application for (check applicable item)

- A. Interpretation of Zoning Ordinance or Map
 B. Area Variance
 C. Use Variance
 D. Appeal of decision of Code Enforcement Officer

Request relates to provisions of (check applicable item)

- A. Town of Lansing Land use Ordinance, Section _____
 B. Town of Lansing Subdivision Regulations, Section 606A & C
 C. Other (Identity) _____

Purpose of Request: (attach additional information if necessary)

TO ALLOW AN EXISTING 20 FOOT WIDE ACCESS STRIP
& DRIVEWAY TO A FLAG LOT

Justification of Request: (attach additional information if necessary)

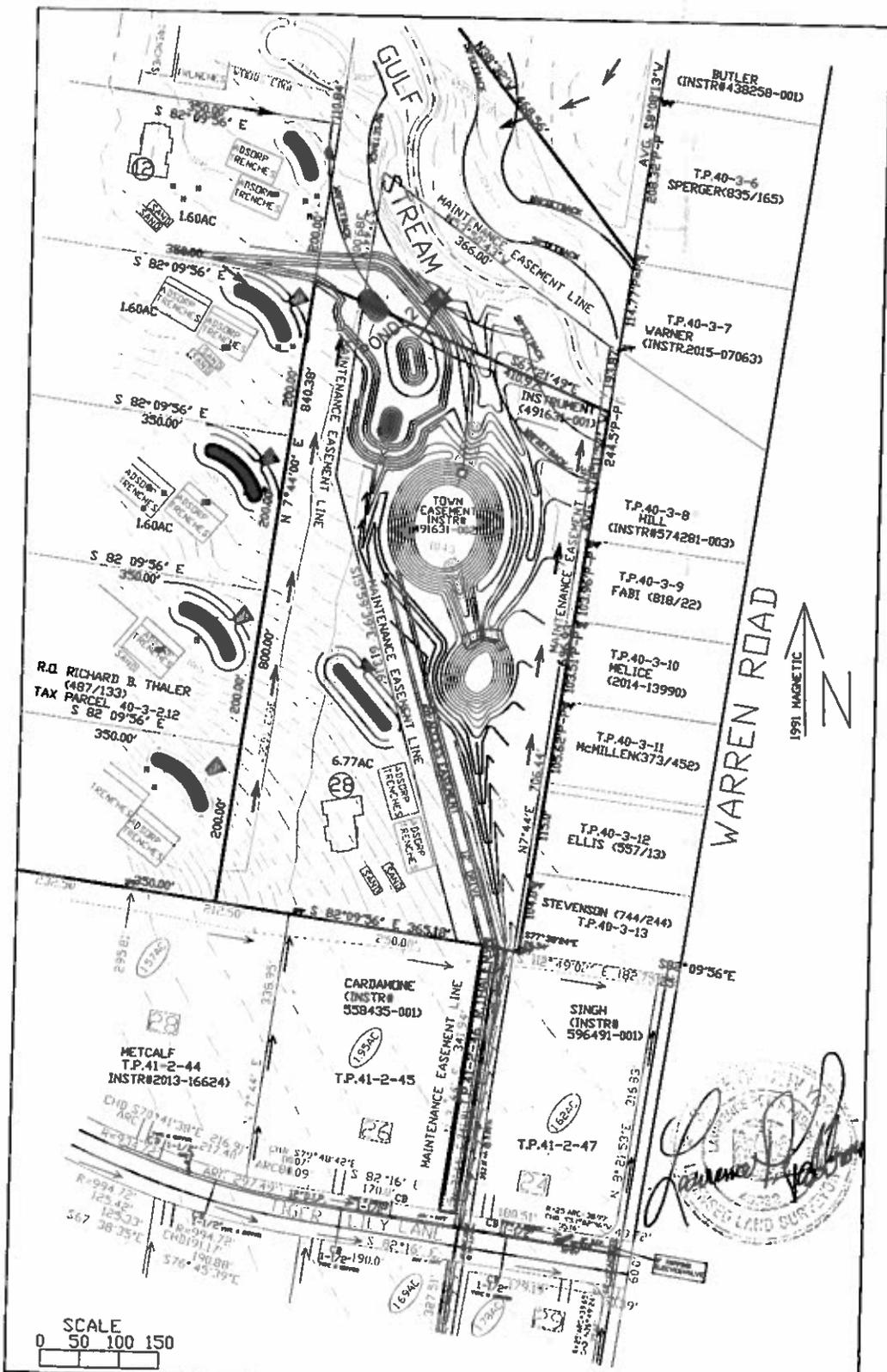
SEE ATTACHED

STATEMENT REQUESTING AREA VARIANCE AT TIGER LILY LANE, TAX PARCEL 41-2-46 & PART OF TAX PARCEL 40-3-2.12

An AREA VARIANCE IS REQUESTED TO ACCESS a new 6.77 ACRE FLAG LOT THROUGH AN EXISTING 20 FOOT WIDE ACCESS STRIP AND DRIVEWAY

A statement to support the necessary findings concerning the practical difficulties associated with the requested relief follows along with maps showing the proposed location of the access strip and its proximity to the closest neighbors.

- a. The variance requested is an existing 20 foot access strip already platted as tax parcel 41-2-46 as a driveway access to the forebay and retention pond required as part of the Whispering Pines V Subdivision. The lot being subdivided as lot 28 of the Asbury Hill Subdivision is in total 6.77 acres, twice the maximum area of lots surrounding it on Tiger Lily Lane, Warren Road, or Asbury Hill Drive. Lots 24 and 26 of Whispering Pines V Subdivision were both purchased with full knowledge of the existing adjacent 20 access strip and driveway. **Accordingly granting the variance will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties.**
- b. **Alternates.** The requested variance is the most straightforward access to the lot without adding disturbance to open areas by crossing a major stream and natural area from the north or constructing a driveway on a steeper slope through wooded buffers from the west. The flat driveway already exists and provides maintenance access to the forebay and retention pond built as part of Whispering Pines V Subdivision. The existing driveway minimizes the impact of this variance request.
- c. **The requested variance is the least that can be requested** considering the fact that the 20 foot access width is an existing separate platted tax parcel.
- d. Since the driveway access already exists, **there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.** Because existing wooded buffer areas will be preserved the proposed flag lot building site will be totally separated and buffered from all adjoining house sites..
- e. At the time Whispering Pines V Subdivision was first submitted the required access width to rear properties was 20 feet. This was the basis for platting 20 feet between lots 24 and 26 rather than anything wider. During the course of the Whispering Pines V reviews, the current larger access width minimums were enacted in Town regulation changes. At the time if a wider width had been required the added 10 feet could have easily been added from lot 26 which was among the largest and widest lots platted in the Whispering Pines V Subdivision. **So the current deficiency was created by a regulatory change, not self-created.**



SCALE
0 50 100 150

L. Fabbroni
 LAND SURVEYOR
 STATE OF NEW YORK

VARIANCE REQUEST LOT 28
 ASBURY HILL SUBDIVISION

DRAWN BY:
 L. FABBRONI, L.S.
 DATE:
 DECEMBER 4, 2015

AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

- A. Name of applicant: RICHARD B. THALER
Mailing address: 269 ASBURY ROAD
LANSING, NEW YORK 14882
- B. Description of the proposed project: 28 LOT SUBDIVISION CREATING
27 NEW RESIDENTIAL LOTS
- C. Project site address: WARREN, ASBURY, WHISPERING PINES Town: LANSING
- D. Project site tax map number: 40-3-2.12, 40-3-2.2
- E. The project is located on property:
 within an Agricultural District containing a farm operation, or
 with boundaries within 500 feet of a farm operation located in an Agricultural District.
- F. Number of acres affected by project: 70.27 GROSS ACRES
- G. Is any portion of the project site currently being farmed?
 Yes. If yes, how many acres _____ or square feet _____ ?
 No.
- H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.
- _____
- _____
- _____
- _____
- _____
- I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

FARM NOTE

Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

→ Richard B. Thaler

Name and Title of Person Completing Form

1/28/2015
Date

RESOLUTION PB 15-06

**RESOLUTION OF THE TOWN OF LANSING PLANNING BOARD ISSUING
A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE
FOR THE WHISPERING PINES PHASE VI SUBDIVISION AND SITE PLAN**

WHEREAS, the Lansing Planning Board on May 11, 2015, reviewed a Preliminary Plat Subdivision Application and related Site Plan for a flag lot, as submitted by Applicant Richard Thaler through representative Lawrence Fabbroni, P.E., for a residential subdivision known as Whispering Pines Phase VI, wherein such subdivision and Lot #7 therein (a 3.3± acre flag lot parcel) are located at Warren Road, Lansing, New York, being part of Tax Map Parcel #40.-3-2.12, in the R1 Residential Low Density Zoning District; and

WHEREAS, the Town of Lansing Planning Board had previously: (i) conducted a sketch plan meeting at its October 7, 2013 meeting, and therein discussed and provided advice about the proposed subdivision, then being approximately 25-30 lots; (ii) on October 28, 2013, classify this proposal as a "Major Subdivision" according to the Town of Lansing Subdivision Local Law; (iii) at a follow-up meeting held on December 8, 2014, did review and discuss a rough preliminary plat and discuss the overall subdivision plan, and the applicant did thereat request that advance approval be given to Lot #7, which request was rejected at that time due to a request and need for stormwater mapping, the submission of a full final preliminary plat, and the conclusion of the environmental review process under SEQRA, in part to avoid a segmentation issue and to ensure integrated stormwater management plans for all lots and improvements; and

WHEREAS, on March 19, 2015, the applicant formally submitted a completed preliminary subdivision and stormwater prevention plan, as well as a proposed final preliminary plat, for the entire 28-lot subdivision, and such Developer has renewed the request for consideration of the site plan and a final plat approval for lot #7 as a Flag Lot, and the Planning Board did re-examine such request given compliance with the requirements issued relative to stormwater, the preliminary plat, and SEQRA, and the Planning Board does thus find: (i) that the driveway for parcel #7 is in compliance with the 500 feet rule of the Town of Lansing Subdivision Rules and Regulations, Local Law #2 of 2008, and Section 606 (E) of the Lansing Land Use Ordinance; (ii) that the potential impacts from stormwater arising with an approval of Lot #7 can and will, based upon the written advice from the Town Engineer, be properly mitigated by the procedures recommended by Town Engineer's email dated May 5, 2015 and the finalization of the SWPPP as a condition of the approval of the Final Plat; and

WHEREAS, the Applicant has submitted a Short Form Environmental Assessment Form (SEAF) for the environmental assessment and review required by the State Environmental Quality Review Act (SEQRA) for the proposed Whispering Pines Phase VI Subdivision, said review to be an Uncoordinated Review as there is no other involved agency and the Planning Board will act as the sole lead agency; and

WHEREAS, the requisite General Municipal Law § 239 referrals were duly made, and the reply and recommendations of County Planning are reflected in their letter dated April 24, 2015, none of which concerns affect this environmental review other than the fact that implementation of stream buffering would further mitigate any potential environmental impacts; and

WHEREAS, the Town of Lansing Planning Board duly noticed a public hearing on May 11, 2015, concerning the environmental review of this preliminary plat and site plan, and such public hearing was duly held concurrently with the

public hearing for the site plan approval and preliminary plat approval at the Lansing Town Hall, 29 Auburn Road, Lansing, New York 14882, and at the public hearing all citizens were given an opportunity to voice any concerns respecting the environmental review and given a full opportunity to be heard concerning the same or said subdivision, the approval of the preliminary plat, and the site plan; and

WHEREAS, on May 11, 2015, the Town of Lansing Planning Board, in performing its reviewing agency functions in conducting an environmental review in accordance with Article 8 of the New York State Environmental Conservation Law and SEQRA: (i) pursued its thorough review of the project and the Applicant's completed SEAF, as well as a review of all other documents prepared and submitted with respect to this proposed action; and (ii) thoroughly analyzed the potential relevant areas of environmental concern of the project to determine if the proposed action may have any moderate or significant adverse impacts on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and (iii) reviewed the SEAF on the record; and

WHEREAS, each identified potential environmental impact was analyzed and duly considered by the Planning Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan or Comprehensive Plan and local needs and goals, and (vii) whether any known objections to the Project relate to any of the identified potential impacts, the Planning Board found that these factors did not cause any potential impact to be or be likely to become a moderate or significant impact such that a negative declaration will be issued.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. After consideration of the potential environmental impacts, including those reviewed in accord with 6 NYCRR § 617.7(c), the Planning Board finds that the proposed action of approving the Whispering Pines Phase VI Preliminary Subdivision Plat, its related site plan for Lot #7, and a Final Subdivision Plat designation for Section 1A of such Plat (Lot #7), will individually or cumulatively have no moderate or significant negative environmental consequences or impacts.

2. This declaration is made in accord with Article 8 of the New York State Environmental Conservation Law and SEQRA, and the Regulations promulgated thereunder, and accordingly, the Planning Board of the Town of Lansing, based upon: (i) its thorough review of the SEAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have any moderate or significant adverse impact on the environment, including, but not limited to, the criteria identified in 6 NYCRR § 617.7(c); and (iii) its completion of the SEAF, including the findings noted therein (if any, and which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in

accordance with SEQRA for the above referenced proposed actions, and determines that an Environmental Impact Statement is therefore not required.

3. A Responsible Officer of the Planning Board of the Town of Lansing is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed SEAF and determination of significance shall be incorporated by reference in this Resolution

Dated: May 11, 2015

VOTE AS FOLLOWS:

Gerald Caward, Jr. - Aye
Al Fiorille, - Aye
Norman L. Davidson - Aye
Larry Sharpsteen, - Aye
Deborah Trumbull, - Aye
Thomas Ellis, - Nay