

APPROVED

TOWN OF LANSING PLANNING BOARD

MEETING June 28, 2021

Via Zoom Meeting – Live on YouTube

Board members Present:

Jerry Caward, Chair

Deborah Trumbull

Al Fiorille, Vice-Chair

Larry Sharpsteen

Dean Shea

Thomas Butler, Alternate

Dale Baker, Alternate

Lin Davidson

Excused:

Sandy Dennis-Conlon

Also Present:

C.J. Randall, Planning Director John Zepko, Planner Heather Dries, Planning Clerk

Doug Dake, Town Board Liaison Joe Wetmore, Town Councilman

Guy Krogh, Town Attorney

Public Present via Zoom – Live on YouTube:

Steve Ruoff Lamarr Peters George Hunt George Breuhaus

Scott Morgan Brett Hughes Wayne Matteson Tim DeRuyscher

Drew Minson Deborah & Barry Ziring Larry Fabbroni

Public Present in Person:

May Lovelace Amy Newman Eric Clay Rocco Lucente

Chair Jerry Caward opened the meeting at 6:32pm.

Chair Jerry Caward enacted Alternate Thomas Butler as a voting member due to the excused absence of a voting member.

Motion to approve the minutes from May 24, 2021 Planning Board Meeting as written.

Moved by: Deborah Trumbull Seconded by: Thomas Butler

Abstained: Norman Lin Davidson (Motion Carried)

Motion to approve the minutes from June 14, 2021 Planning Board Meeting as amended.

Moved by: Norman Lin Davidson Seconded by: Thomas Butler

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39 Abstained: Dean Shea & Larry Sharpsteen (Motion Carried)

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41 Privilege of the Floor

42 No Public was present for comments on items not on the agenda.

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44 Town Board Liaison Doug Dake gave an update from the May 19, 2021 Town Board Meeting

- 45 - Public Hearing for Special Use Permit- Commercial Recreation: outdoors, 320 Peruville
- 46 Road, Tax Parcel 30.-1-30.1
- 47 - Resolution Authorizing Special Use Permit for Commercial Recreation: Outdoors Waza
- 48 Turf Field, 320 Peruville Road
- 49 - Presentation on Cable Franchise Agreement Renewal and Franchise Fee Audit services
- 50 by Michael Roberts, Cohen Law Group
- 51 - Presentation on Heat Smart
- 52 - Department Reports
- 53 - Consent Agenda
 - 54 ○ Motion Authorizing Conservation Advisory Council and Town Counsel to Prepare
 - 55 and Send Letter to Cornell Real Estate, Relative to Lansing Orchards
 - 56 ○ Resolution Accepting Dedication of Spur Extension of Woodland Park Road along
 - 57 Roadway A, to Phase 4 - Phase 5 Dividing Line
 - 58 ○ Resolution Appointing Sharon Jaenson to the Lansing Housing Authority Board
 - 59 ○ Resolution Hiring Part-Time Constable for the Lansing Town Court
 - 60 ○ Resolution Hiring Full-Time Information Aide in the Supervisor's Office
 - 61 ○ Resolution Scheduling Public Hearing for Proposed Local Law No. 2 of 2021 a
 - 62 Local Law to Override the Tax Levy Limit
 - 63 ○ Resolution Accepting Resignation of Robert Jetty and Appointing Leon Zaharis to
 - 64 the Town of Lansing Advisory Committee on Power Plant Future
 - 65 ○ Resolution Authorizing Town Supervisor to Execute Independent Contractor
 - 66 Agreement with Lynn Day for 2021 Code Enforcement Services for the Planning
 - 67 and Code Enforcement Department
 - 68 ○ Resolution Authorizing Director of Planning to Execute Proposal to Perform
 - 69 Cable Franchise Renewal Services and Franchise Fee Audit with Cohen Law
 - 70 Group
 - 71 ○ Resolution Filling Town Planner Position, Authorizing Filing of MSD 428,
 - 72 Amending Resolution 19-54, and Re-Awarding Lost Vacation Leave Benefits
 - 73 ○ Resolution Appointing Town Planner as Stormwater Management Officer and
 - 74 Amending Organizational Resolution No. 21-59
 - 75 ○ Resolution Approving Town of Lansing Participation in Community Campaign to
 - 76 Lower Resident Energy Costs

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- 77 ○ Resolution Approving Audit and Budget Modifications and Supervisor’s Report
- 78 - Resolution Creating Motor Equipment Operator (MEO)/ Water/Sewer Maintenance
- 79 Worker Title in and for the Town of Lansing
- 80 - Resolution Authorizing Purchase by Lease-Finance of Case CX160D Excavator and Case
- 81 650M Crawler-Dozer
- 82 - Board Member Reports
- 83 - Work Session
- 84 ○ Discussion of Development Moratoria on Business in Rural Agriculture (RA)
- 85 Zoning District
- 86 ○ Updates on Cayuga Lake Scenic Byway Overlay District
- 87 - Executive Session if Needed

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89 **Action Items:**

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91 **Project: Waza turf field – Site Plan**

92 **Applicant:** Steve Ruoff, on behalf of SKR Land LLC, Owner, in collaboration with TC Waza
93 Academy and FC LIFA, Ltd.

94 **Location:** 320 Peruville Rd; Tax Parcel No. 30.-1-30.1

95 **Anticipated this month:** Public Hearing

96 **Project Description:** Applicant is requesting site improvements for commercial recreation:
97 outdoors on the existing 37.63-acre parcel. Applicants have concurrently applied for a Special
98 Use Permit to be considered under Town of Lansing Code § 270-36 at the June 16, 2021 Town
99 Board meeting. The property is located in the Rural Agricultural (RA) Zoning District. This is an
100 Unlisted Action under the State Environmental Quality Review Act and is subject to
101 environmental review.

102 **Project submittals are located at:** [https://lfweb.tompkins-](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=50383&dbid=7&repo=Lansing)
103 [co.org/WebLink/Browse.aspx?id=50383&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=50383&dbid=7&repo=Lansing)

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105 **Summary of Discussion:**

- 106 - Steve Ruoff, LaMarr Peters, and George Hunt were present discuss this topic.
- 107 - The Fire Chief, Brad George and Former Code Officer, Lynn Day, did a site visit to
- 108 determine proper clearance for fire vehicles.
- 109 - Steve Ruoff will be hiring an engineer to complete the information DOT has asked for.
- 110 The Planning Board would like to see a copy of the DOT requirements.
- 111 - The Planning Board would like to see shade trees planted. Maple trees would be
- 112 preferred. The Planning Office will provide the invasive species list.

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- 113 - The Planning Board would like a revised sketch with the driveway specifications and the
114 trees.

115 **Motion to Open Public Hearing for Waza Turf Field at 6:59PM**

116 Moved by: Dean Shea Seconded by: Norman Lin Davidson (Motion Carried)

- 117 - No public was present to discuss this matter.

118

119 **Motion to Close Public Hearing for Waza Turf Field at 7:00PM**

120 Moved by: Dean Shea Seconded by: Deborah Trumbull (Motion Carried)

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122 **Project: Meadow Brook Apartments and SDM Landscaping Site Improvements**

123 **Applicant:** Scott Morgan, on behalf of SDM Rentals, Inc., Owner

124 **Location:** 393-415 Peruville Rd; Tax Parcel No. 38.-1-4.15

125 **Anticipated Board action(s) this month:** Project updates

126 **Project Description:** The Applicant is requesting Site Plan approval for construction of a 768 s.f.
127 (32' x 24') garbage building to serve the existing seven (7) two-family dwellings (Multi-family
128 Dwelling); a 4,000 s.f. (50' x 80') pole barn storage building and a 2400 s.f. (40' x 60') pole barn
129 storage building to serve the existing Landscaping Business on the 15.19-acre parcel. The
130 property is located in the Rural Agricultural (RA) Zoning District. This is anticipated to be
131 classified as an Unlisted Action by Planning Board as Lead Agency under the State
132 Environmental Quality Review Act and is subject to environmental review.

133 **Project submittals are located at:** [https://lfweb.tompkins-
134 co.org/WebLink/Browse.aspx?id=51069&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=51069&dbid=7&repo=Lansing)

135

136 **Summary of Discussion:**

- 137 - George Breuhaus and Scott Morgan were present to discuss this project.
138 - The applicant has provided an as-built.
139 - Fire Chief, Brad George, and Former Code Enforcer, Lynn Day, did a site visit to
140 determine proper clearance for fire vehicles.
141 - The Planning Board reviewed the Short Environmental Assessment Form- Part 2.

142 **RESOLUTION PB 21-21**

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144 **TOWN OF LANSING PLANNING BOARD RESOLUTION – STATE**
145 **ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE DECLARATION AND PRELIMINARY AND**
146 **FINAL SITE PLAN APPROVAL – MEADOW BROOK APARTMENTS AND SDM LANDSCAPING SITE**
147 **PLAN REVIEW, 393-415 PERUVILLE RD, TAX PARCEL NO. 38.-1-4.15**

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149 **WHEREAS**, an application was made by Scott Morgan, on behalf of SDM Rentals, Inc., Applicant
150 and Owner, construction of a 768 s.f. (32' x 24') dumpster enclosure and a 2400 s.f. (40' x 60')
151 pole barn storage building to serve the existing seven (7) two-family dwellings (Multi-family
152 Dwelling); and a 4,000 s.f. (50' x 80') equipment storage building to serve the existing Landscaping
153 Business on the 15.19-acre parcel, Lansing, New York, TPN 38.-1-4.15, located partially in the
154 Rural Agricultural (RA) Zoning District and partially in the Mixed Use Residential (R3) Zoning
155 District; and

156

157 **WHEREAS**, this is a proposed action reviewed under Town of Lansing Code § 270-7 Site Plan
158 Review, for which the completed application was received March 26, 2021; and

159

160 **WHEREAS**, 6 NYCRR § 617 of the State Environmental Quality Review Act ("SEQRA") requires that
161 a Lead Agency be established for conducting environmental review of projects in accordance with
162 state environmental law and the Lead Agency shall be that local agency which has primary
163 responsibility for approving and funding or carrying out the action; and

164

165 **WHEREAS**, the Planning Board, being the local agency which has primary responsibility for
166 approving the action, did on April 26, 2021 declare itself the Lead Agency for the environmental
167 review; and

168

169 **WHEREAS**, this action was determined to be an Unlisted Action for the purposes of State
170 Environmental Quality Review Act ("SEQRA"); and

171

172 **WHEREAS**, the Planning Board did on April 26, 2021, May 24, 2021, and June 28, 2021 review
173 and accept as adequate: "Proposed Storage Buildings SDM Landscaping"; Short Environmental
174 Assessment Form, Part 1, dated 3/24/2021; Ground Disturbance Tally, dated 3/25/21; and
175 other application materials; and

176

177 **WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of the
178 LUO relative to site plan review review, the unique needs of the Town due to the topography,
179 the soil types and distribution, and other natural and man-made features upon and surrounding
180 the area of the proposed site plan, and the Planning Board has also considered the zoning in the
181 area and the project in light of the Town's Comprehensive Plan and compliance therewith, and
182 as the underlying uses are permitted in the zones in which located; and

183

184 **WHEREAS**, upon due consideration and deliberation by the Town of Lansing Planning Board,
185 now therefore be it RESOLVED as follows:

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- 187 1. That the Planning Board of the Town of Lansing determines the proposed project will
188 result in no significant impact on the environment and that a Negative Declaration for
189 purposes of Article 8 of the Environmental Conservation Law be filed in accordance with
190 the provisions of Part 617 of the State Environmental Quality Review Act for the Site Plan
191 approval for Town of Lansing Tax Parcel Number 37.1-2-19 for Scott Morgan, on behalf of
192 SDM Rentals, Inc., Applicant and Owner.
- 193 2. That the Planning Board of the Town of Lansing does hereby grant Preliminary and Final
194 Site Plan approval for Town of Lansing Tax Parcel Number 30.-1-16.24 for 37.1-2-19 for
195 Scott Morgan, on behalf of SDM Rentals, Inc., Applicant and Owner, which includes all
196 parking layouts, screening, dark sky lighting, and other site improvements listed in Site
197 Plan as shown in and upon the Drawing Sheets titled "Proposed Storage Buildings"
198 Enlarged Site Plan SITE-1 (dated June 17 2021) and Building Elevations (A-1) (dated 25
199 May 2021), prepared by George Breuhaus, Architect, and subject to the following
200 conditions:
- 201 a. Compliance with Lansing Fire Department correspondence dated June 10, 2021
202 specifying 20' unobstructed clearance between the widest point of buildings.
- 203 b. Compliance with the recommendations of the Town's Engineer and SMO for any
204 final stormwater plans and the terms of the approved final Stormwater Pollution
205 Prevention Plan (SWPPP) for the developed site, and proper completion of all
206 stormwater reports, permits, and facilities in a form and manner as approved by
207 the Town and NYSDEC, including execution and filing of Stormwater Operating,
208 Management, and Reporting Agreement ("SOMRA") in the form as set forth
209 pursuant to Town Code § 225-8(D), which executed and filed SOMRA (and any
210 supporting easements) is required to be submitted to the SMO prior to the
211 issuance of any certificate of occupancy or compliance for the Project.
- 212 c. Building Permits are required to construct the approved building and site
213 facilities. Plans must meet all code requirements, including the sealing of plans
214 by a licensed engineer or architect. All improvements shall be constructed in
215 compliance with all state and local building code requirements.
- 216 d. In accordance with Town Code § 270-27(K), this site plan approval is valid for
217 only 36 months from the date hereof, and the applicant/owner is required to
218 commence and substantially complete the construction or other activities for
219 which the site plan is applicable within said 36 months or this approval shall,
220 unless extended upon application timely made, expire, lapse, and be of no

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- 221 further validity, force or effect.
- 222 e. Compliance with curb cut and NYSDOT permit conditions and requirements,
223 including receipt of final NYSDOT approval or permit close-out for any curbing or
224 driveway, culvert, or related land use designs or improvements as may be
225 emplaced upon or adjacent to any existing highway right-of-way or public
226 highway. Modification of vehicular ingress and egress requires modification of
227 Site Plans, and this approval, by the Planning Board.
- 228 f. The applicant must be issued a Sign Permit in compliance with Town Code
229 Chapter 210 to erect, install, build, place, emplace, site, or substantially rebuild
230 or repair any signs.
- 231 g. All existing plantings shall be maintained as healthy and natural non-invasive
232 vegetation designed to provide both visual and sound buffering. Existing and any
233 new vegetation shall be properly maintained and any dead, diseased, or dying
234 trees or plants shall be promptly replaced, and any tree or plants that, whether
235 singularly or in combination, due to lack of growth, death, recession, disease or
236 other cause, cease to function as buffers shall be replaced in a manner as
237 promotes the goal of such buffer as stated in this site plan approval. This
238 condition shall be deemed to augment and further define prior site plan
239 approval conditions and site plan features hereby or heretofore approved by the
240 Town.
- 241 h. All new lighting fixtures will be “dark sky compliant” glare-free, downward
242 directed, and shielded lighting as promotes the dark-sky standards of the
243 International Dark-Sky Association (IDA) and lamps will be not higher than 2700K
244 CCT to minimize adverse human and ecological impacts.

245
246 Dated: June 28, 2021

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248 Motioned by: Norman Lin Davidson
249 Seconded by: Larry Sharpsteen

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251 **VOTE AS FOLLOWS:**

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253 **Norman Lin Davidson- Aye**
254 **Al Fiorille- Aye**

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Larry Sharpsteen- Aye
Dean Shea- Aye
Deborah Trumbull- Aye
Thomas Butler- Aye
Jerry Caward- Aye

The Planning Board hereby directs clerk of the Planning Board to promptly, and within 10 days of the date of adoption of this Resolution, file a copy hereof in the Office of the Town Clerk of the Town of Lansing, who returns a date-stamped copy as received to clerk of the Planning Board, who files a hard copy and electronic copy and duly indexes in the Planning & Code Enforcement Department’s Building/Property History System.

Received in the Lansing Town Clerk’s Office on 6/29/2021

Discussion Items:

Project: Mirabito Lansing Propane / Petroleum Bulk Storage & Distribution Facility (Phase 2)

Applicant: Wayne C. Matteson, Jr., P.E., on behalf of Mirabito Holdings, Inc., Owner

Location: 15 Town Barn Rd; Tax Parcel No. 30.-1-16.25

Anticipated Board action(s) this month: Project updates

Project Description: The Applicant is proposing Site Plan approval for construction of three (3) 30,000-gallon petroleum bulk storage tanks alongside the existing 30,000-gallon propane storage tank (approved via Planning Board Resolution 16-09 on May 9, 2016, amended September 26, 2016) and a 4,000 SF garage structure, a 1,600 SF office building, 10-15 parking spaces, and other site improvements on the existing 3.05-acre parcel. The property is located in the General Commercial (B2) Zoning District. This an Unlisted Action under the State Environmental Quality Review Act and is subject to environmental review.

Project submittals are located at: <https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=48000&dbid=7&repo=Lansing>

Summary of Discussion:

- Tim DeRuyscher, RAN Fire Protection Engineering, was present to discuss this project.
- Tim DeRuyscher reviewed his most recent comments to the updated Site Plan.
- Wayne Matteson and Brett Hughes were present to discuss this project.
- The applicant will be making modifications to the location of the loading rack and canopy to be in compliance with NFPA-30 & 58.

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- 292 - The applicant will consider installing a fence around the small propane tank storage
- 293 area.
- 294 - Wayne Matteson will reach out to Dondi regarding the updated SWPPP and MSGP.
- 295 - SPCC compliance can be a condition of approval.
- 296 - The applicant will provide new Site Plan drawings before the July 8 Project Review
- 297 Committee meeting.
- 298 - Tim DeRuyscher suggested making the west wall of the garage non-combustible.
- 299 - The Planning Board will set a Public Hearing for July 26th.
- 300 - The County has reviewed and had no additional comments.

301 **Project: Placement of 10' x 12' accessory building**

302 **Applicant:** Amy Newman and Eric Clay on behalf of Newman-Clay Revocable Trust, Owner

303 **Location:** 281 Bill George Rd; Tax Parcel No. 24.-4-2

304 **Anticipated Board action(s) this month:** Sketch Plan

305 **Project Description:** The Applicant is requesting Site Plan approval of a 10' x 12' accessory
306 building; Town of Lansing Land Use Ordinance Section 504, Schedule II requires structures less
307 than 30' from shore line to be subject to Site Plan Review. On July 13, 2021, the Zoning Board of
308 Appeals will hear an appeal for the following variance from Town of Lansing Land Use
309 Ordinance Section 504, Schedule II: an Area Variance of 30' from the 30' Front Yard (from
310 Cayuga Lake) Set Back. The structure is proposed to be located in the A3 Area of special flood
311 hazard and is subject to the Flood Damage Prevention and Flood Plain Management and
312 Construction Local Law. The property is located in the Lakeshore (L1 – with lake frontage)
313 Zoning District. This is a Type II Action under the State Environmental Quality Review Act 6
314 NYCRR 617.5(c)(9) and 617.5(c)(12).

315 **Project submittals located at:** [https://lfweb.tompkins-](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=52144&dbid=7&repo=Lansing)
316 [co.org/WebLink/Browse.aspx?id=52144&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=52144&dbid=7&repo=Lansing)

317

318 **Summary of Discussion:**

- 319 - Planning Board member Dean Shea has recused himself from this project.
- 320 - Drew Minson and Deborah and Barry Ziring were present to voice their opposition of this
- 321 project.
- 322 - May Lovelace, Project Manager, and co-owners Amy Newman and Eric Clay were present to
- 323 discuss this project.
- 324 - May Lovelace described the project.
- 325 - This project will require a variance from the front yard (lake side) setback.
- 326 - There are concerns over the ownership of the property on the west side of the railroad tracks.
- 327 The applicant will need to show adequate rights to build on that portion of the property.

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- 328 - The co-owners have no intention of making the shed living space. There will be no plumbing, but
329 it will have electricity.
- 330 - The applicant has two existing easements with neighbors.
- 331 - The Planning Office will be working with the applicant to figure out lot coverage.
- 332 - There is significant erosion on this property that will need to be addressed.

333 **Project: Cayuga Vista Apartments**

334 **Applicant:** Scott Morgan, on behalf of SDM Rentals, Inc., Owner

335 **Location:** Cayuga Vista Dr; Tax Parcel No. 37.1-2-53.59

336 **Anticipated Board action(s) this month:** Project updates

337 **Project Description:** The Applicant is requesting Site Plan approval for construction of sixteen
338 (16) apartments on the existing vacant 3.06-acre parcel. Town Code defines a multi-family
339 dwelling as a building or group of buildings on one lot containing three or more dwelling units
340 and requires Site Plan Review. The property is located in the Commercial Mixed Use (B1) Zoning
341 District. This is anticipated to be classified as an Unlisted Action by Planning Board as Lead
342 Agency under the State Environmental Quality Review Act and is subject to environmental
343 review.

344 **Project submittals are located at:** [https://lfweb.tompkins-](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=51071&dbid=7&repo=Lansing)
345 [co.org/WebLink/Browse.aspx?id=51071&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=51071&dbid=7&repo=Lansing)

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347 **Summary of Discussion:**

- 348 - The applicant described updates that have been made to the Site Plan.
- 349 - There is a concern over trash removal.
- 350 - This will be a private road and the garbage truck may not be allowed to come down this
351 road. This would push all the garbage cans near the mailboxes.
- 352 - The tenants have the option to transport their garbage to the SDM.
- 353 - The applicant suggested an 8'x 8' fenced in area at the lower access driveway.
- 354 - The Planning Board would like a rendering of the apartments from E Shore Dr.

355

356 **Project: Village Solars – Waiver from Planned Development Area (PDA) Town Code Section**
357 **270-67F(4)**

358 **Applicant:** Larry Fabbroni, P.E., on behalf of Village Solars, LLC

359 **Location:** 2 & 22 Village Place; Tax Parcel Nos. 39.-1-51.2 & 39.-1-51.3

360 **Anticipated Board action(s) this month:** Review of request for Waiver; recommendation to
361 Town Board

362 **Project Description:** The Applicant proposes to reconfigure on-site trails. The property is
363 located in Planned Development Area No. 1 (Village Circle-Village Solars Development Area
364 (PDA)).

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365 Project submittals are located at: <https://lfweb.tompkins->
366 [co.org/WebLink/Browse.aspx?id=35227&dbid=7&repo=Lansing](https://lfweb.tompkins-co.org/WebLink/Browse.aspx?id=35227&dbid=7&repo=Lansing)
367

368 **Summary of Discussion:**

- 369 - Rocco Lucente and Larry Fabbroni were present to discuss this project.
- 370 - Chairman, Jerry Caward, suggested installing a sign at the Community Center so people know
371 where it is.
- 372 - Larry Fabbroni explained the maps he has created for the Village Solars PDA.
- 373 - The applicant stated they would be willing to install trail markers.
- 374 - The applicant does not believe the trail labeled 'North South Trail' is the safest option.
- 375 - The 'North South Trail' need not be built as the applicant stated they will add connectors to
376 Warren Road.
- 377 - The Planning Board would like painted crosswalks or 4ft posts where the path crosses parking
378 lots and in between parking spaces.
- 379 - The Planning Board would like connectors linking the trail to any future development to the
380 north.

381 **Motion to Recommend to the Town Board- Waiver from Planned Development Area (PDA)** 382 **Town Code Section 270-67F(4).**

383 Moved by: Larry Sharpsteen Seconded by: Deborah Trumbull (Motion Carried)
384

385 **Discussion:**

- 386 - Larry Sharpsteen is curious about the rational for the Town of Homer rejecting the
387 Dollar General proposal.

389 **Adjourned Meeting**

390 Meeting adjourned at the call of the Planning Board Chair at 10:05 pm.
391

392 Minutes Taken and Executed by Heather Dries.
393

394 **Access to public documents are available online at:**

395 **Planning Board Email** tolcodes@lansingtown.com
396

397 **Town Website** <https://www.lansingtown.com>
398

399 **Planning Board agendas, minutes & submittals** <https://www.lansingtown.com/town-docs>