

1 **TOWN OF LANSING PLANNING BOARD**
2 **MEETING JULY 24, 2023**
3 **Lansing Town Hall, 29 Auburn Road**
4

5 **Board members Present:**

6 Al Fiorille, Chair
7 Thomas Butler
8 Sandy Dennis-Conlon, Vice-Chair
9 Christine Hass
10 John Licitra
11 Larry Sharpsteen
12 Dean Shea
13 Deborah Trumbull

Excused:

Laurie Hemmings

14
15 **Also Present:**

16 John Zepko, Director of Planning,
17 Heather Dries, Code Enforcement Officer,

Kelly Geiger, Planning Clerk,
Joe Wetmore, Councilmember.

18
19 **Public Present:**

20 Linda & Chauncey Bush, Chris Koenig, Nathan Knapke.

21
22 Chair Al Fiorille opened the meeting at 6:29pm.
23

24 **Action Items:**

25 **Project: Sketch Plan- 825 Lansingville Rd**

26 Applicant: Chauncey & Linda Bush, owner

27 Location: 825 Lansingville Rd, Tax Parcel Number 4.-1-18.1

28 Project Description: The applicant proposes to subdivide a ~4-acre flag lot from the ~66.2-acre
29 parent lot. The property is in the AG Zone.

30 SEQR: This is an Unlisted action under SEQR 617.4 environmental review.

31 Anticipated Action: Public Hearing, Decision
32

33 **Motion to open the public hearing for Bush Minor Subdivision, 825 Lansingville Rd. at 6:30**
34 **pm.**

35 Moved by: Dean Shea Seconded by: Deb Trumbull (Motion Carried)
36

37 **Summary of Discussion:**

- 38 • Chauncey and Linda Bush were present to discuss this project.
- 39 • There were no new updates on this project.
- 40 • The approval will be conditioned to consolidate the two lots into one.
- 41 • The Planning Board reviewed the SEAF part 2.
42

43 **Motion to close the public hearing for Bush Minor Subdivision, 825 Lansingville Rd. at**
44 **6:31pm.**

45 Moved by: Dean Shea Seconded by: Larry Sharpsteen (Motion Carried)
46

47 **RESOLUTION PB 23-15**

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**TOWN OF LANSING PLANNING BOARD RESOLUTION
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE
DECLARATION AND MINOR SUBDIVISION APPROVAL
825 LANSINGVILLE RD
TAX PARCEL NO. 4.-1-18.1**

55 **WHEREAS**, an application was made by Chancy & Linda Bush, Owners, for subdivision
56 approval. The applicant proposes to subdivide a 4.10 acre flag lot from the 66.32 acre
57 parent lot, located at 825 Lansingville Rd, TPN 4.-1-18.1. The property is in the AG
58 Zone; and

59
60 **WHEREAS**, this is a proposed action reviewed under Town of Lansing Code § 235-6
61 Minor Subdivision, for which the respective completed applications were received 6
62 June, 2023; and

63
64 **WHEREAS**, 6 NYCRR § 617 of the State Environmental Quality Review Act ("SEQRA")
65 requires that a Lead Agency be established for conducting environmental review of
66 projects in accordance with state environmental law and the Lead Agency shall be that
67 local agency which has primary responsibility for approving and funding or carrying out
68 the action; and

69
70 **WHEREAS**, the Planning Board, being the local agency which has primary responsibility
71 for approving the action declares itself the Lead Agency for the review of this action under
72 SEQRA; and

73
74 **WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of
75 the Town's local laws relative to subdivisions and the unique needs of the Town due to
76 the topography, the soil types and distributions, and other natural and man-made
77 features upon and surrounding the area of the proposed subdivision, and the Planning
78 Board has also considered the Town's Comprehensive Plan and compliance therewith;
79 and

80 **WHEREAS**, this Board, acting as Lead Agency in SEQRA reviews and accepts as
81 adequate: "Lands of the Bush Family Irrevocable Trust" prepared by Brian Klump PLS
82 and dated 1/23/2023; a Short Environmental Assessment Form (SEAF), Part 1, submitted
83 by the Applicant, and Part 2, prepared by the Planning Staff; and other application
84 materials;

85 **WHEREAS**, this action is exempt from the General Municipal Law County Planning
86 referral requirements of General Municipal Law ("GML") §§ 239-1, 239-m, and 239-n
87 through an Inter-Governmental Agreement between the Tompkins County Planning
88 Department and the Town of Lansing dated 24 November 2003, as "residential

89 subdivisions of fewer than 5 lots all of which comply with local zoning standards and
90 Tompkins County Sanitary Code requirements, and do not involve new local roads or
91 streets directly accessing a State or county road" are excluded from GML referral
92 requirements: and

93
94 **WHEREAS**, on 24 July 2023, the Planning Board reviewed and considered the
95 aforementioned subdivision application in the Lansing Town Hall, 29 Auburn Road,
96 Lansing, New York 14882 and duly held a public hearing on the Minor subdivision
97 application, and all evidence and comments were considered, along and together with
98 the requirements of the Town's subdivision regulations, existing development in the
99 surrounding area, the public facilities and services available, the Town's
100 Comprehensive Plan and the Land Use Ordinance, site characteristics and issues, and
101 any potential on- and off-site environmental impacts; and

102
103 **WHEREAS**, upon due consideration and deliberation by the Town of Lansing
104 Planning Board;

105 **NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of
106 Lansing determines the proposed project will result in no significant impact on the
107 environment and that a Negative Declaration for purposes of Article 8 of the
108 Environmental Conservation Law be filed in accordance with the provisions of Part
109 617 of the State Environmental Quality Review Act for the action of Minor
110 Subdivision approval for Town of Lansing Tax Parcel Number 4.-1-18.1 by Chancy &
111 Linda Bush, Owners; and be it further

112
113 **RESOLVED**, that the Town of Lansing Planning Board grants Final Approval of the
114 Application for a Minor Subdivision of certain land at 825 Lansingville Road,
115 Lansing, New York, subject to the following conditions:

- 116
117 1. The sealing and endorsement of such Minor Subdivision Final Plat by the
118 Planning Board Chair, thereafter presenting and obtaining the signing of the plat
119 by Tompkins County Assessment Department stamp followed by filing in the
120 Tompkins County Clerk's Office, followed by provision of proof of such filing
121 within the time limit requirements of 62 days with the Town of Lansing Code
122 Enforcement Office.
- 123 2. The applicant will consolidate the parcels into one.

124
125 Dated: 24 July 2023

126
127 Motion by: Larry Sharpsteen
128 Seconded by: Tom Butler

129
130 **VOTE AS FOLLOWS:**

131	Tom Butler	Aye
132	Sandra Dennis Conlon	Aye
133	Christine Hass	Not voting
134	Laurie Hemmings	Absent
135	John Licitra	Aye
136	Larry Sharpsteen	Aye
137	Dean Shea	Aye
138	Deb Trumbull	Aye
139	Al Fiorille	Aye

140
141 **Project: Sketch Plan – Lansing Community Solar**

142 **Applicant:** Genie Solar Energy, sponsor

143 **Location:** Lansingville Road, Tax Parcel Number 16.-1-19.2

144 **Project Description:** The applicant proposes to construct a 5 MW ground-mounted solar,
145 approximately 18 acres in size, on a 107.2-acre parcel in the RA zone. The project will be
146 subject to Town of Lansing code §270-27 site plan review, and §270-35 R. Solar Energy Facility
147 Special Conditions

148
149 **Summary of Discussion:**

- 150 • Chris Koenig, Nathan Knapke were present to discuss this project.
- 151 • The applicant has responded to the letter received from T.G. Miller.
- 152 • The applicant addressed geotechnical, planting, and timeline details.
- 153 • The Planning Board reviewed the FEAF part 2.

154
155 **RESOLUTION PB 23-16**

156
157 **TOWN OF LANSING PLANNING BOARD RESOLUTION**
158 **STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE**
159 **DECLARATION of SIGNIFICANCE AND SITE PLAN APPROVAL FOR LANSING**
160 **COMMUNITY SOLAR,**
161 **TAX PARCEL NO. 16.-1-19.2**
162

163 **WHEREAS**, an application was made by Chris Koenig of C.T. MALE, for Genie Solar, Owner,
164 for site plan approval for a 5.0 megawatt AC solar farm off Lansing Road, on approximately 18
165 acres of the 107.2± acres owned by Turek Farms in the Town of Lansing, New York, otherwise
166 known as Tax Parcel 16.-1-19.2. The property is in the RA – Rural Agricultural Zone; and
167

168 **WHEREAS**; this is a proposed action reviewed under Town of Lansing Code § 270-27 Site Plan
169 Review for which the completed application was received 24 March 2023; and
170

171 **WHEREAS**; 6 NYCRR § 617 of the State Environmental Quality Review Act (“SEQRA”)
172 requires that a Lead Agency be established for conducting environmental review of projects in
173 accordance with state environmental law and the Lead Agency shall be that local agency which
174 has primary responsibility for approving and funding or carrying out the action; and
175

176 **WHEREAS**; the Planning Board, being the local agency which has primary responsibility for
177 approving the action, did on 24 April 2023 classify the project as a Type I Action and declared
178 itself the Lead Agency for the coordinated environmental review with the Zoning Board of
179 Appeals; and
180

181 **WHEREAS**; legal notice was published on 17 May and 16 June 2023 and adjacent property
182 owners within 600 feet were notified by mail pursuant to Town Code § 270-27(F); and
183

184 **WHEREAS**; a public hearing was duly held before the Board upon 22 May and 26 June 2023
185 and the public was duly allowed to speak upon and address the proposed Site Plan, including the
186 SEQR environmental review thereof,
187

188 **WHEREAS**; the Tompkins County Department of Planning and Sustainability, Tompkins County
189 Highway Department, NYS Department of Environmental Conservation, the NYS Department of
190 Agriculture and Markets, and the Town of Lansing Volunteer Fire Department were given the
191 opportunity to comment on the proposed action; and
192

193 **WHEREAS**; Project plans, and related information, were duly delivered to the Tompkins
194 County Planning and Sustainability Department per General Municipal Law § 239; *et seq.*, and
195 such **Department responded** in a letter dated 15 May 2023, from Katherine Borgella,
196 Tompkins County Commissioner of Planning, pursuant to §239 -l, -m, and -n of the New York
197 State General Municipal Law. The proposed action was determined to have no significant county
198 wide for inter-community impacts, however the following comment was offered:
199

- **The buffering and screening proposed as a part of this project includes the use of**

200 **evergreen trees. The Town should consider clarifying the use of non-invasive**
201 **evergreen trees. The County’s Environmental Management Council has identified**
202 **invasive species on its “Invasive Plants of Tompkins County, New York (2018)”**
203 **list.**
204

205 **WHEREAS;** the project is within a NYS Agricultural District (TOMP001), the facility has been
206 situated to minimize disturbance to agricultural activity and leaves approximately 80% of the
207 agricultural land available for agricultural use and does not sever or limit access agricultural land.
208 Other than the access road and equipment pads, the project will not grade, strip, nor remove site
209 soils, and will preserve the agricultural soils for future use; and
210

211 **WHEREAS;** the project has incorporated a landscaping plan, which is in accordance with the
212 Tompkins County Department of Planning and Sustainability, which includes the planting of a
213 treed buffer which sufficiently mitigates the concerns of light and noise pollution to neighboring
214 properties. Nor does the project propose any onsite lighting and will not result in sky-glow brighter
215 than existing conditions; and
216

217 **WHEREAS;** the project has submitted a stormwater pollution prevention plan which complies
218 with the NYS General SPDES Permit for Stormwater Discharges from Construction and
219 sufficiently attenuates any increase in erosions or stormwater runoff that project may create; and
220

221 **WHEREAS;** the project is not visible from an officially designated federal, state, or local scenic
222 resource and is consistent with the zoning for the area as well as the character of the area as a
223 passive land use; and
224

225 **WHEREAS;** each of the identified impacts were analyzed and duly considered by the Planning
226 Board, as Lead Agency, in relation to the question of whether such impacts were so probable of
227 occurring or so significant as to require a positive declaration of environmental impacts, and after
228 weighing the potential impacts arising from or in connection with this site plan approval, and after
229 also considering: (i) the probability of each potential impact occurring, including weighing the
230 highly speculative nature of some potential future contingencies and the potential non-highly
231 speculative nature of others; (ii) the duration of each potential impact; (iii) the irreversibility of
232 each potential impact, including a consideration of permanently lost resources of value; (iv)
233 whether each potential impact can or will be controlled or mitigated by permitting, reviews, or
234 other regulatory processes; (v) the regional consequence of the potential impacts; (vi) the potential
235 for each impact to be or become inconsistent with the Town’s Master Plan or Comprehensive Plan

236 and local needs and goals; and (vii) whether any known objections to the Project relate to any of
237 the identified potential impacts; the Planning Board found that these factors did not cause any
238 potential negative environmental or related social or resource impact to be or be likely to become
239 a moderate or significant negative impact; and
240

241 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

242 The Town of Lansing Planning Board, based upon (i) its thorough review of the EAF, Parts 1 &
243 2, a Site Plan application and any and all other documents prepared and submitted with respect to
244 this proposed action and its environmental review, (ii) its thorough review of the potential relevant
245 areas of environmental concern of the proposed project to determine if the proposed action may
246 have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR
247 Section 617.7(c), and (iii) its completion of the FEAF, Part 2 and its determination at Part 3,
248 including any findings noted therein (which findings are incorporated herein as if set forth at
249 length), hereby makes a negative determination of environmental significance (“NEGATIVE
250 DECLARATION”) in accordance with SEQRA for the above referenced proposed action, and
251 determines that an Environmental Impact Statement will not be required; and it is
252

253 **FURTHER RESOLVED;** that a responsible Officer of the Town of Lansing is hereby authorized
254 and directed to complete and sign, as required, the determination of significance, confirming the
255 foregoing Negative Declaration, which the fully completed and signed EAF and determination of
256 significance shall be incorporated by reference in these resolutions
257

258 **AND BE IT FURTHER RESOLVED:**

259
260 That the Planning Board of the Town of Lansing does hereby grant Site Plan approval for Town
261 of Lansing Tax Parcel Number 16.-1-19.2, for Lansing Community Solar which includes all site
262 plan layouts, screening, , renderings, , and other site conditions listed in the plan set titled “Lansing
263 Community Solar LLC, Genie Solar Energy” prepared by CT Male and Associates, subject to the
264 following conditions:
265

- 266 1. A Final Site Plan, incorporating all recommended changes from the Planning Board and
267 the Town Engineer, shall be submitted for the signature of the Chair of the Planning Board
268 prior to the issuance of a building permit. The Project Site Plans be and hereby are
269 approved. This site plan approval is valid only for 36 months from the date hereof in
270 accordance with the standards set forth in the Town’s Land Use Law at § 701.10.
- 271 2. No permits or building permits shall be issued until a financial guarantee substantially in
272 compliance with the Project Site Plans shall be delivered to, issued in favor of, and

273 approved by the Town of Lansing. More specifically, a decommissioning and reclamation
274 bond (or similar securitized financial guarantee as approved by the Town), in the amount
275 of USD \$428,461.25 and written and underwritten by an agency registered to do business
276 in New York and reasonably approved by the Town, with a 2.5% per year escalator clause,
277 intended and designed to properly decommission and dispose of solar panels and all system
278 and site improvements, installations, and appurtenances, except that any roads, culverts,
279 ditches, or drainage facilities may be retained by the underlying landowner upon request
280 (or according to the terms as may be set forth in any applicable site lease). The
281 decommissioning estimate and bond amount shall be reviewed every three years and
282 adjusted as needed to cover the full cost of decommissioning. The system and site shall be
283 decommissioned and removed, and the agricultural land reclaimed and restored, whenever
284 the project is abandoned, no longer functioning properly, or not producing energy and
285 conveying it to the electrical grid within 50% of nameplate capacity for any 6 consecutive
286 months in any 12-month period, or for 12 of any 18 months, or upon termination of land
287 use rights, loss or termination of interconnection permitting to the electrical grip, or as may
288 otherwise be required by law, in each case in accord with the then existing and known best
289 industry practices and applicable regulations and rules concerning land and agricultural
290 restoration, as well as site remediation and solid waste disposal rules, with the exception
291 that no BUD determination shall permit or allow any system parts, appurtenances,
292 improvements, or compounds to remain at the project site.

- 293 3. An Interconnection Permit required from New York State Electric and Gas (NYSEG) and
294 the appropriate electrical inspections and certifications as required by the NYS Building
295 Codes.
- 296 4. Building Permits will be required to construct the approved building and site facilities, and
297 all plans must meet code requirements, including the sealing of plans by a licensed engineer
298 or architect, and all improvements must be constructed in compliance with all state and
299 local building code requirements.
- 300 5. All stormwater information and verifications required by the most recently dated Town
301 Engineer's letter addressing the Stormwater Pollution Prevention Plan (SWPPP) shall be
302 adhered to and all final SWPPS and plans shall be subject to the approval of the Town's
303 Stormwater Management Officer (SMO) in accordance with NYS Department of
304 Environmental Conservation practices and a permit therefor. All stormwater systems and
305 features shall be inspected and properly working prior to the issuance of any CO or the
306 close-out of any building permit. Any failure of stormwater systems to function properly
307 shall be remedied and repaired, and if any permanent stormwater practices are necessary a
308 suitable stormwater operation, management, and reporting agreement ("SOMRA") shall
309 be required, approved, and filed in a manner and form as approved by and acceptable to

- 310 the Town.
- 311 6. Approval for curb cut locations from the Tompkins County Highway Department are
- 312 required. Similarly, the approval of the Lansing Fire Department shall be obtained
- 313 verifying that the curbing, site, and roadway/access designs and plans, and emergency cut-
- 314 off switching(s) are adequate for emergency access and vehicle circulation.
- 315 7. The applicant and any future site operator shall be required to cause or perform a site and
- 316 facility inspection at least once every 2 years, starting upon the second anniversary of the
- 317 building permit close-out date. Such inspections shall be performed by a qualified installer
- 318 or engineer, and all solar panels shall be examined and inspected for cracks, breaks, or
- 319 leaks. In addition, all solar energy components and systems shall be examined and
- 320 inspected for any faults or exposed wiring, as well as to test the emergency shut-off system
- 321 for verification of proper fire fighter and fire safety. Copies of such inspection reports shall
- 322 be in writing and immediately provide after each such two-year inspection to the Town
- 323 Code Enforcement Officer and the Lansing Fire Department, and any noted or identified
- 324 system deficiencies or panel leaks or damages shall be promptly remediated, repaired, or
- 325 replaced.
- 326 8. Applicant shall supply a lock box with emergency access to any gates or locks in accord
- 327 with the Town's Local Law #4 of 2006, and a key and access codes shall at all times be
- 328 kept current and supplied to the Lansing Fire Department and the Town Code Office,
- 329 together with any bypass codes, RF devices, and like access tools and codes.
- 330 9. All parking layouts, screening, dark sky lighting, and other site conditions listed in the
- 331 Project Site Plan and the site plan review application shall be adhered to, and all existing
- 332 or previously required vegetative buffers (including as shown on the site plans described
- 333 above) shall be maintained as healthy and natural non-invasive vegetation designed to
- 334 provide both visual and sound buffering. Emphasis shall be placed upon solid cover
- 335 barriers, such as hedges and offset rows of evergreen trees, or densely placed deciduous
- 336 trees with variable heights and interspersed with evergreens or other plants as provide for
- 337 such cover. Existing and any new buffers shall be properly maintained and any dead,
- 338 diseased, or dying trees or plants shall be promptly replaced, and any tree or plants that,
- 339 whether singularly or in combination, due to lack of growth, death, recession, disease or
- 340 other cause, cease to function as buffers shall be replaced in a manner as promotes the goal
- 341 of such buffer as stated in this site plan approval and the Project Site Plans.
- 342 10. Compliance with all current and future recommendations of the Town's Engineer.
- 343 11. The Applicant will provide project specific training for Emergency Services as requested
- 344 or required.
- 345
- 346

347
348 Dated: 24 July 2023
349
350 Motioned by: Deb Trumbull
351 Seconded by: Dean Shea
352

353 **VOTE AS FOLLOWS:**

354 Tom Butler	Aye
355 Sandra Dennis Conlon	Aye
356 Christine Hass	Not voting
357 Laurie Hemmings	Absent
358 John Licitra	Aye
359 Larry Sharpsteen	Aye
360 Dean Shea	Aye
361 Deb Trumbull	Aye
362 Al Fiorille	Aye

363
364
365 **Proposed Code Amendments Chpt 7, Boards, Commissions & Committees**

366 **Summary of Discussion:**

- 367 • Joe Wetmore answered questions regarding the proposed code amendments on Boards,
368 Commissions, & Committees.

369
370 **Other Business:**

- 371 • Planning Board members gave their Board/Committee reports.
372 • Joe Wetmore gave a liaison report from the July 19, 2023, Town Board meeting.

373
374 **Adjourned Meeting**

375 Meeting adjourned at the call of the Planning Board Chair at 7:49pm.

376
377 Minutes Taken and Executed by Heather Dries.

378
379 **Access to public documents are available online at:**

380 **Planning Board Email** tolcodes@lansingtown.com
381 **Town Website** <https://www.lansingtown.com>