

## RESOLUTION PB 22-XX

### TOWN OF LANSING PLANNING BOARD RESOLUTION STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE DECLARATION AND SITE PLAN APPROVAL VILLAGE SOLAR PHASE VII

**WHEREAS**, an Application was submitted for Site Plan review by Rocco Lucente, for the proposed site plan of Village Solar Phase VII, which proposes the demolition of four (4) existing apartment buildings, #21, #88, #96, & #28, and the construction of 138 multifamily units within six (6) apartment buildings; and

**WHEREAS**, the project is located in Planned Development Area No. 1 – The Village Circle-Village Solars PDA, Tax Parcel numbers 39.-1-38.8, 39.-1-38.11, 39.-1-38.13, 39.-1-38.16; and

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

**WHEREAS**, the Planning Board, being the local agency which has primary responsibility for approving the action, did on 28 March 2022 classify the project as a Type I Action and declare itself the Lead Agency for the environmental review; and

**WHEREAS**, Project plans, and related information, were duly delivered to the Tompkins County Planning and Sustainability Department per General Municipal Law § 239; *et seq.*, and such Department responded in a 21 July 2022 letter from Katherine Borgella, Tompkins County Commissioner of Planning, pursuant to §239 -l, -m, and -n of the New York State General Municipal Law with no recommendations or comments on the proposal; and

**WHEREAS**, the Planning Board has considered and carefully reviewed the requirements of the zoning code relative to site plan review, the unique needs of the Town due to the topography, the soil types and distribution, and other natural and man-made features upon and surrounding the area of the proposed site plan, and the Planning Board has also considered the zoning in the area and the project in light of the Town’s Comprehensive Plan and compliance therewith, and as the underlying use is a permitted use in the zone in which located; and

**WHEREAS**, the project, which proposes to demolish 40 dwelling units and construct 138 dwelling units (98 new dwelling units) falls within the maximum of 572 dwelling units as permitted by the Village Solars – Village Circle PDA; and

**WHEREAS**, the project has incorporated a landscaping plan that includes the planting of various tree and shrubs as scheduled upon said plan, and which sufficiently mitigates the concerns of light and noise pollution to neighboring properties; and

**WHEREAS**, the project includes a lighting plan which is Dark Sky compliant, containing cut off lighting fixtures and limiting the CCT of external lighting to no more than 3000K CCT to protect the character of the neighborhood from light pollution; and

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

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

1. That the Planning Board of the Town of Lansing determines the proposed project will result in no significant impact on the environment and that a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law be filed in accordance with the provisions of Part 617 of the State Environmental Quality Review Act for the Site Plan Review for Town of Lansing Tax Parcel Numbers 39.-1-38.8, 39.-1-38.11, 39.-1-38.13, 39.-1-38.16.
2. That the Planning Board of the Town of Lansing does hereby grant Site Plan Approval for Town of Lansing Tax Parcel Numbers 39.-1-38.8, 39.-1-38.11, 39.-1-38.13, 39.-1-38.16 for Rocco Lucente, which includes all building and parking layouts, screening, dark sky lighting, and other site conditions listed in the plan set titled "Village Circle-Village Solars PDA - Phase 7, Lucente Homes/Village Solars, Lansing (T), Tompkins CO. N.Y." prepared by Timothy C. Buhl, Professional Engineer, respectively, revised Sept 6, 2022, and subject to the following:

The following conditions must be satisfied before issuance of any Building Permit:

- a. A Final Site Plan, incorporating all recommended changes from the Planning Board and the Town Engineer, shall be submitted for the signature of the Chair of the Planning Board within 180 days of this approval. No building permits will be issued prior to the signing of the Final Site Plan. The applicant may extend this deadline by requesting an extension from the Planning Board prior to the expiration of this conditional approval.
- b. Compliance with all current and future recommendations of the Town's Engineer.
- c. Bioretention area 1 (Lot 41) and Bioretention area 2 (Lot 39) shall be constructed, and inspected by the Town's Engineer, prior to the issuance of building permits for any new multi-family residential buildings.
- d. Acceptance of the final Stormwater Pollution Prevention Plan (SWPPP) by the Town's Engineer and Town Stormwater Management Officer.
- e. Building Permits are required to construct the approved building and site facilities. Plans must meet all code requirements, including the sealing of plans by a licensed engineer or architect. All improvements shall be constructed in compliance with all state and local building code requirements.
- f. The applicant will be required to obtain both: i) a Bolton Point water permit for a new water service and meter to connect to the existing Consolidated Water District Mains in accordance with Lansing Town Board Resolution 15-40; and ii) Town of Lansing Sewer Permit.

The following conditions must be satisfied within six months of approval or the start of construction, whichever comes first:

- a. Submission to Planning staff for review and approval of placement, design, and photometrics of site lighting fixtures in accordance with the Final Site Plan.
- b. Submission to Planning staff for review and approval of all site details including but not limited to landscaping details, exterior furnishings, walls, railings, bollards, paving, signage, lighting, etc. in accordance with the Final Site Plan.

The following conditions must be satisfied before issuance of a Certificate of Occupancy:

- a. Any changes to the approved Final Site Plan must be submitted to Planning staff for review and may require Board approval.
  - b. Proper completion of all stormwater reports, permits, and facilities in a form and manner as approved by the Town and NYSDEC, including execution and filing of Stormwater Operating, Management, and Reporting Agreement ("SOMRA") in the form as set forth pursuant to Town Code § 225-8(D), which executed and filed SOMRA (and any supporting easements) is required to be submitted to the SMO.
  - g. The final locations of all crosswalks, signage and stop signs, dumpsters, and mailboxes shall be approved by the Code Enforcement Officer and Highway Superintendent.
  - h. All site plan elements shall be present at the locations represented on the approved site plan prior to the issuance of the last certificate of occupancy.
  - i. Submission of any required executed easement, licenses or other legal agreements involving Town property.
  - j. Repair, replacement or reconstruction of any Town property damaged or removed during construction including, but not limited to paving, signage, drainage structures, etc.
  - k. All plantings (including as shown on the plans described above) shall be maintained as healthy and natural non-invasive vegetation designed to provide both visual and sound buffering. Existing and any new vegetation shall be properly maintained and any dead, diseased, or dying trees or plants shall be promptly replaced, and any tree or plants that, whether singularly or in combination, due to lack of growth, death, recession, disease or other cause, cease to function as buffers shall be replaced in a manner as promotes the goal of such buffer as stated in this site plan approval. This condition shall be deemed to augment and further define prior site plan approval conditions and site plan features hereby or heretofore approved by the Town.
    - l. All lighting fixtures will be "dark sky compliant" glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of the International Dark-Sky Association (IDA) and lamps will be not higher than 3000K CCT to minimize adverse human and ecological impacts.
3. In accordance with Town Code § 270-27(K), this site plan approval is valid for only 36 months from the date hereof, and the applicant/owner is required to commence and substantially complete the construction or other activities for which the site plan is applicable within said 36

months or this approval shall, unless extended upon application timely made, expire, lapse, and be of no further validity, force or effect.

Dated: XX XXX 2022

Motioned by:

Seconded by:

**VOTE AS FOLLOWS:**

**Tom Butler  
Norman 'Lin' Davidson  
Sandra Dennis Conlon  
Al Fiorille  
Larry Sharpsteen  
Dean Shea  
Deborah Trumbull**

**Dale Baker  
Erin Worsell**

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 \_\_\_\_\_

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Debbie Munson, Town Clerk  
Town of Lansing  
Tompkins County, New York