

**TOWN OF ULYSSES  
PLANNING BOARD  
MINUTES  
03/04/14**

*Approved 4/1/14*

**Present:** Chairperson Rod Hawkes, Board Members: Sarah Adams, Stan Beames, Brian Cutler, Richard Garner (Alternate), Andrew Rice, Rebecca Schneider, John Wertis, Environmental Planner Darby Kiley

**Call to order**

Mr. Hawkes called the meeting to order at 7:00 pm.

**Minutes**

No minutes were presented for approval.

**Privilege**

No members of the public were present for privilege of the floor.

**Town Board Liaison Report**

No member from the Town Board was present.

**Rezoning Request for 1607 Trumansburg Rd**

Mr. Hawkes asked Mr. Wertis to summarize the resolution from the previous meeting.

Mr. Wertis stated they had voted on this with 3 ayes and 1 nay. The resolution was to not approve the rezoning. Another resolution was approved to table any further discussion until this meeting.

Mr. Hawkes stated when he reviewed he felt it was pretty straightforward he is anxious to hear why it was denied.

Ms. Schneider stated her argument against was based on the applicants wish to rezone to make it easier to sell. She did not go in with any bias. He argued he would not be able to sell due to being located between two businesses. The Antique Mall is on one side, Stick and Stone Farm on the other. She felt it would be a good piece of property for a residence. It is a nice piece of consolidated property. Just because he would like to make the most money he can. The second item she is whether it should be light industry. They discussed this extensively for the area across the street; they had consultants come in as part of this conversation. Deciding what they would define as light industry was being reviewed. This would complicate this further down the line. We were pulled off from this light industry vs. mixed use due to hydrofracking, conservation and lakeshore zoning had precedence. She feels they will get back to this conversation. She does not feel this should be allowed.

Mr. Garner stated when considering this last week, he reviewed the Route 96 corridor study, the Comprehensive Plan and other data related to the objectives of the Town. He was concerned with alteration to this zone based on the information he reviewed. The Town Board charged them to use the Comprehensive Plan and Route 96 Corridor Study; these plans have nodal development vs. theme development. He was concerned and since then has done more study and feels they maybe moving too fast. When a request comes before them they should have a site plan to approve.

Ms. Adams stated she was not aware a site plan was needed for rezoning. Other members also noted they did not believe this to be valid as well. Mr. Wertis noted the section of zoning Mr. Garner is referring to is on page 19; he read the section to the Board. He stated the section lists development district or other rezoning. With the development district the buffers, site plan etc. would be valid however not necessary for other rezoning.

Ms. Kiley stated they have had zoning changes come to the Town Board and be approved or denied without input from the Planning Board. There are state laws than indicate acceptable for rezoning change if no changes to a map; e.g. an owner wants to change his lot to what an adjacent lot is.

Mr. Garner stated he had done history on this parcel and noted in 1988 this property was split to what was a machine shop, but is now Regional Access. Then the property was split to Antique Mall and the Stick and Stone farm. It has two different zones on this property but it is all one lot. He presented his review of different types of uses around this area; they have retail, agricultural, tilled fields, woodlands and one street behind is residential. Across the street they light industry and a school. He spoke to the owner of Howe Studios in the building behind the Antique Mall. He stated he had wanted to purchase the building. They discussed driveways and access. It was mentioned at the last meeting the Board could not ask what they intend to do with this property. He does not agree with this. This property has been split into 3 uses already. There is also a stream on this lot.

Ms. Kiley stated this property was approved for subdivision in 2011. Further discussion concluded that if the applicant had not filed then this Board would have to approve this again. It was noted if this applicant comes back it would be another subdivision. There are over 70 acres with this property with Stick and Stone 38 acres, across the road small businesses that could increase their footprint, over several years what could develop. The Comp Plan states you look at the possibilities that this area could develop as a nodal area. Hopefully with homes, businesses, etc. You go along Krums Corners Road, there are homes, wooded areas; this individual has not come forward with plans on this property. He may acquire more land, are we in a position to do anything until this owner comes forward with development plans. An arbitrary line was drawn during zoning. Stick and Stone also has this issue on their property.

Mr. Wertis made the MOTION to reintroduce the 02/18/13 resolution. Ms Adams SECONDED the MOTION.

The vote was taken, UNANIMOUS, MOTION approved.

Mr. Wertis stated after reviewing he would not approve the motion; however he would like to have additional findings.

Mr. Beames stated he feels this area is going more towards business-mixed area uses; there is already Stick and Stone Farm, Ithaca Antique's Mall, Regional Access, ATC and Alpine Machines. He disagrees with the statement that individuals would be looking to live on Route 96. Many of the people that live on Route 96 wish they did not.

Ms Adams stated this parcel could be developed without having the home on Route 96; it could be more desirable with a buffer along Route 96. She agrees if they go back to the resolution; they need to rephrase or elaborate.

Mr. Rice stated he is curious about #6-the Town Board has not updated the zoning to reflect the Comp Plan. He has not read the Comp Plan; however, according to Richard they should go to more nodal use vs. thematic use. The nodal use being more mixed uses.

Mr. Hawkes asked Ms. Kiley to remind him of the Comp Plan designation for this area. The Comp Plan is the purple area and is designated as a mixed use business area.

The Board continued a review of the site, the Comp Plan, Site Plan review vs. rezoning, and the lots involved. Current definition of light industry tends to be more heavy industry-this does not meet the definition of what the Comp Plan wants for this area. They have had a conversation regarding what the Board would like to have for this area. Wording changes were recommended. This is part of a larger parcel; the salami tactics to divide this is an area of concern. The rezoning was done by Town Board. The subdivision to split this property still had this property in two separate zones. The applicant did not catch this nor did he file the subdivision with the County.

Mr. Hawkes stated he hears the Board would like to revise section #6. A lengthy discussion was held revisions and edits were made.

Mr. Wertis made the MOTION, SECONDED by Ms. Adams

1. Whereas, the property at 1607 Trumansburg Rd, Town of Ulysses Tax Parcel Number 33.-1-8.12, is split between two Zoning Districts: the eastern portion is R2-Moderate Density Residence District and the western portion is IL-Light Industrial District; and
2. Whereas, James Curran, property owner of 1607 Trumansburg Rd, Town of Ulysses Tax Parcel Number 33.-1-8.12, has requested a rezoning for the eastern

- portion of his property from R2-Moderate Density Residence District to IL-Light Industrial District; and
3. Whereas, the Town of Ulysses Zoning Law Section 3.5 includes procedures for requests for rezoning; and
  4. Whereas, on January 28, 2014, the Town Board found merit in the rezoning request for the eastern portion of Tax Parcel Number 33.-1-8.12 and referred the proposal to the Planning Board for review and recommendation; and
  5. Whereas, the 2009 Town of Ulysses Comprehensive Plan Future Land Use Plan includes this area in the Office and Technology Mixed Use Area; and
  6. Whereas, the Town Board has not updated the Zoning Law to reflect the goals of the Comprehensive Plan and the proposed zoning changes before the Board would potentially impact the goals of the Comprehensive Plan; and

Be it hereby resolved that the Town of Ulysses Planning Board recommends that the Town Board **NOT approve** the rezoning request for the eastern portion of Tax Parcel Number 33.-1-8.12 from R2-Moderate Density Residence District to IL-Light Industrial District;

Be it hereby also resolved Planning Board requests the Town Board prioritize the zoning revisions to reflect the Future Land Use Plan of the Comprehensive Plan.

The vote was taken as follows:

Ms Adams	AYE
Mr. Beames	AYE
Mr. Garner	AYE
Mr. Hawkes	AYE
Mr. Rice	AYE
Ms. Schneider	AYE
Mr. Wertis	AYE

Vote was UNANIMOUS, MOTION Approved.

#### **Discussion of Village water line**

Ms. Schneider with the help of Ms. Kiley obtained the information from the Village. She could not get the hard copy but did get the Appendix; in addition, the clerk informed her they would not change their decision no matter what this Board says. Taughannock Park is the water source; there were 3 options 1. Up NYS Route 89 at \$1.3 million dollars, it was determined this would be difficult as well as no redundancy for pumps or storage systems, 2. Up Taughannock Park Road to Falls Road at \$1.75 million, this would have redundancy for the pumps and storage system, and 3. Up NYS Route 96 at \$1.8 million, this would give access to commercial as well as additional residential customer's access to the water system; this would have redundancy for the pumps and storage systems. They chose the Taughannock Park Road to Falls Road; it is about 10% more but it is not on the highway of NYS Route 96.

The members continued a discussion of this issue. The pipe does not run along Falls Road, if it is put in they would have the ability to provide water to customers. There would be hook up charges, the customer pays for the hook up but what about extra charges?

Mr. Cutler stated he could see the potential for 12 or so hookups. This Board could request the Town Board ask the Village for a moratorium for hook ups; they could request for seven years the Village only allow hookups for current residences. In addition, a system of input for future development should be stressed. They can discuss all day however they cannot change this. The best source of action is to send the message via a resolution to the Town Board. The current zoning is R1 and R2 with individual wells is different than municipal waters. Between Falls Road and Route 96 you have development already, the Village has gone as far as it can, additional retail space for gyms, retail, etc. There is a lot of undeveloped land in Trumansburg. Would they set this up as a land grab by requesting this. Mr. Hawkes offered to draft a resolution with Ms. Kiley's assistance to present at the next meeting. The members agreed with this.

### **Open Space Plan**

Mr. Hawkes stated the next item is the Open Space Plan. He asked Ms. Kiley for the "Where do we stand" update.

Ms. Kiley stated she had a running working document she has drafted since June. They have samples, criteria-all were given copies previously, page 4 is inventory of Open Space, Page 5 Top Open Spaces-Girl Scout Camp and Taughannock were included, buffers and mechanisms to protect, Page 6 is the synopsis of discussions at meetings, Page 7 is a list of resources used. Rod had verbally described views he thought were great and she had put on a map. Town of Ithaca did a scenic inventory tour map.

The members discussed what they had done, what is protected by zoning, recommend increased buffers for these areas-wider setbacks to preserve views. These would be recommendations for zoning. Town should have opportunities for obtaining funds through land grants etc. There is a part of SEQR that could be used as a tool; they ask how this would impact the Open Space Plan for the Town. This would be a planning tool to obtain the goals of the Comprehensive Plan.

This document would be a tool; with this in mind they need to identify all areas they would want to protect. They could then prioritize the areas and start to address the mechanisms to help protect these areas. It was noted that between now and the next working session the members should review their Open Space Packet. They will update the map and get that to them as well. Information will be given to the new members. It is an item they would like to move forward on this.

### **Other Business**

Ms. Kiley stated there is a Planning Conference in Saratoga. The Town would pay for the members to attend. She went last year and they had some good information. Please follow up with her if interested.

Cayuga Compost still is working on getting everything onto one parcel. They hope to have more information at the next meeting. They may consolidate the two lots and if a boundary changes that would go through her office. So, hopefully, they will be back soon. To be considered a cottage industry they would have to consolidate all of the parcels or carve out a piece of 100 acre farmland to the home. The operation of Cayuga Compost is on the property. At some point does it stop being a cottage industry? The only limitation is the number of employees. The DEC does require inspections and annual reports.

Mr. Cutler asked if the Village would be installing fire hydrants along the water line.

Mr. Hawkes adjourned the meeting at 8:28pm.

Respectfully submitted,

Robin Carlisle Peck  
Administrative Assistant