

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
03/18/14**

Approved 4/15/14

Present: Chairperson Rod Hawkes, Board Members: Sarah Adams, Stan Beames, Brian Cutler, Richard Garner (Alternate), Andrew Rice, John Wertis, Environmental Planner Darby Kiley, Town Board Member Rich Goldman, Town Supervisor Liz Thomas.

Excused: Rebecca Schneider

Applicants: Linc and Beth Morse, Russ Maines

Call to order

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

Agenda Review

Mr. Hawkes asked for acceptance or changes to the agenda. Mr. Hawkes wanted to add an item to discuss membership on the board. It was suggested they move the Office and Technology Timeline to the first meeting of April. Ms. Kiley stated that she wanted start discussing the Office and Technology language at the April meeting and the agenda item is a heads-up on the topic. The members agreed to accept the agenda as presented.

Minutes

Mr. Hawkes presented the minutes, several members stated they had not reviewed the minutes.

Mr. Hawkes MADE the MOTION, Mr. Wertis SECONDED the MOTION to table the minutes until the next meeting.

The VOTE was UNANIMOUS, MOTION APPROVED.

PRIVILEGE OF THE FLOOR

Mr. Hawkes opened privilege of the floor, no public present.

MINOR SUBDIVISION 5381 PERRY CITY ROAD

Mr. Hawkes stated the next order of business is a minor subdivision; he asked if all members had their packets. Mr. Hawkes briefly reviewed the application and asked for questions or comments.

The members discussed the map and reviewed the lines designating the wetlands, also what areas are NYS DEC and Federal wetlands. Any potential buyer would have to work with the Army Corps of Engineers prior to development. The shrubs and trees along the roadside would remain intact as these are raptor perches. Mr. Morse noted that there are

bald eagles on their property. They do have potential buyers who are very impressed with the wildlife and have expressed their intent to not change. They discussed potential sites for the home, none of which are in wetlands nor would require removal of mature trees. The discussion included review of the flag lot definition. This parcel meets the definition; in addition, it was noted that all flag lots require site plan review per the Zoning Law of 2013. The septic is under the DOH; they remove all streams, corridors and wetlands from buildable area on any lot. It was noted they are approving the subdivision; when a building permit is applied for it would come back to this Board for Site Plan Review.

Mr. Hawkes presented the SEQR as prepared by the applicant and Ms. Kiley. The members reviewed Part 1; it was suggested the UNA be added to Part 3. The review of Part 2 concluded with no questions or comments. They edited Part 3 to include the UNA notation at the South end of the property, also the wetlands would have to be addressed with the Army Corps of Engineers prior to any development.

Mr. Wertis MADE the MOTION, Mr. Beames SECONDED the MOTION to approve as follows:

WHEREAS:

1. This is consideration of Simple Subdivision Approval following Minor Subdivision procedures for the proposed two-lot subdivision located at 5381 Perry City Rd, Tax Parcel Number 35.-2-2.2, A1-Agricultural District; George L and Beth Tetreault Morse, Owners; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board is acting in this uncoordinated environmental review with respect to Subdivision Approval; and
3. The Planning Board, on March 18, 2014, has reviewed and accepted as adequate a Short Environmental Assessment Form Part 1, submitted by the applicant, Parts 2 and 3, prepared by Town staff, and other application materials; and
4. The Town Zoning Officer has recommended a negative determination of environmental significance with respect to the proposed Subdivision Approval;

NOW THEREFORE BE IT RESOLVED:

That the Town of Ulysses Planning Board hereby makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and, therefore, an Environmental Impact Statement will not be required

The VOTE was UNANIMOUS, MOTION APPROVED.

Mr. Hawkes stated the next order of business is the Minor Subdivision approval.

Mr. Wertis stated the public hearing should be waived for this application. The members briefly discussed, the draft motion was edited to include the flag lot is subject to site plan review.

Mr. Wertis MADE the MOTION, Mr. Beames SECONDED the MOTION as follows:

WHEREAS:

1. The Town of Ulysses adopted zoning regulations in Local Law No. 3 of 2013 include Article XXI – Land Subdivision Regulations, Section 21.3 establishing criteria for Subdivision Procedures; and
2. The Owners, George L and Beth Tetreault Morse, submitted the required documents, and paid the fees for a Simple Subdivision on Perry City Rd; and
3. The proposed Subdivision is located at 35.-2-2.2 5381 Perry City Rd, Tax Parcel Number 35.-2-2.2 , A1-Agricultural District, and the lots created by the proposed Subdivision meet the zoning requirements; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on March 18, 2014, has made a negative determination of environmental significance with respect to this project, after having reviewed and accepted as adequate a Short Environmental Assessment Form Parts 1, 2 and 3; and
5. The Planning Board, at a Public meeting on March 18, 2014, has reviewed and accepted as adequate the map entitled, “Survey Map No. 5381 Perry City Rd, Town of Ulysses, Tompkins County, New York,” dated 3/3/2014, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
6. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review; and
7. The Planning Board hereby waives the public hearing; and
8. A flag lot requires site plan review;

THEREFORE IT IS HEREBY RESOLVED, that the Planning Board of the Town of Ulysses hereby approves the Simple Subdivision, as shown on the map entitled, “Survey Map No. 5381 Perry City Rd, Town of Ulysses, Tompkins County, New York,” dated 3/3/2014, by T.G. Miller P.C. Engineers and Surveyors.

The VOTE was UNANIMOUS, SUBDIVISION APPROVED.

VILLAGE WATER LINE

Mr. Hawkes stated the next item for discussion is the village water line. The board had discussed informing the Town Board of their concern for development along this water line, possibly including a moratorium. He and Ms. Kiley drafted the letter to review.

The members held a lengthy discussion with all present at the meeting. It was stated that despite what this Board or the Town Board tells the Village; there will be no change to the location. Knowing this the Board is concerned with development along this line; would 5 years be too long. Is the water line considered a significant change which would be a trigger to initiate a zoning change for this area? The majority of the back lots on Falls Road are agricultural, there are some small areas that have been considered too small due to the size of farm equipment. The discussion included problem areas of the town, Jacksonville water district have been experiencing water quality problems. Where is the actual pipeline going-there are no specific map of the actual placement? If creek

side there would be no development, the road frontage on Falls Rd is relatively developed already. The areas are zoned R1 and R2 which are 1 acre a 2 acre lots. Would the water line encourage large scale development of this area? The Comp Plan calls for Ag Priority and Village Residential for this area.

Mr. Hawkes stated he would motion to table this discussion until the next meeting.

Mr. Hawkes MADE the MOTION, Mr. Cutler SECONDED the motion to table this agenda item until the next meeting.

The VOTE was UNANIMOUS, MOTION APPROVED

OPEN DEVELOPMENT AREA

Mr. Hawkes asked if the members had reviewed their packets, most confirmed they had. He asked for questions or comments.

The members discussed and concern of who owns the properties vs. names on the map. The issue is not who own but the situation of the properties. The Town Law Section 280- was written for large subdivisions with cul-de-sac situations. These lots are along the lake, there is a private access road but due to not having direct frontage on Route 89, a building permit cannot be issued. This has been dealt with through our Town Attorney. Researching court cases indicate shared ownership by people who had access need an open development area established, which is approved by the Town Board. The lots need to have access for emergency services; this has been established with a letter from Jason Fulton, TFD. They are waiting for a similar letter for EMS. The Town Ithaca established open development areas for the East Shore Drive area that borders the railroad track. Members expressed concern for setting a precedent, if they approve this would they be required to approve all others. There is no turnaround radius, no parking restrictions, it is a private road thus police could not be called. They appreciate the effort and time the staff of the Town have put into this but do not feel comfortable supporting; others feel otherwise. Confident in the legal counsel of the Town have done the appropriate research and would do proper checks and balances to prevent the untoward from happening.

Mr. Wertis MADE the MOTION, Mr. Beames SECONDED the MOTION as follows:

WHEREAS, the Town of Ulysses Board of Zoning Appeals adopted a resolution on March 5, 2014, referring the following question to the Town Board: Whether an open development area should be established pursuant to Town Law section 280-a(4) for Town of Ulysses tax parcel number (“TPN”) 18.-1-5.1 and 18.-1-5.2; and

WHEREAS, access from Taughannock Boulevard to TPN 18-1-5.1 and 18-1-5.2 is via a right of way across the lands of an adjacent property owner; and

WHEREAS, the same right of way and the driveway located therein also provides access from Taughannock Boulevard to TPN 18.-1-2, 18.-1-3 and 18.-1-4, and it would be in the best interest of the Town and the owners of these parcels to consider all parcels served by the same right of way for inclusion in a proposed open development area; and

WHEREAS, pursuant to Town Law section 280-a(4), on March 11, 2014, the Town Board referred the proposed establishment of an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 to the Planning Board for its advice; and

WHEREAS, the Trumansburg Fire Department stated that the right of way provides sufficient access for emergencies; and

WHEREAS, the Tax Parcel Numbers 18.-1-5.1 and 18.-1-5.2 contain the soil called HsD3 (Hudson silty clay loam, 12 to 20 percent slopes), which is one of the soils that is part of the Slope Overlay Area, a new designation in the Lakeshore zoning; and

WHEREAS, the Planning Board has considered maps and other materials regarding this matter;

NOW, THEREFORE, BE IT

RESOLVED that the Planning Board recommends to the Ulysses Town Board that an open development area for Tax Parcel Numbers 18.-1-5.1, 18.-1-5.2, 18.-1-2, 18.-1-3 and 18.-1-4 be established, subject to the following conditions:

- a. There will be no future subdivision of the parcels unless the Planning Board makes a determination that the access is sufficient for any future parcels;
- b. The right of way granting access to the parcels shall remain in place;
- c. The driveway to the parcel will consist of asphalt, another hard surface or gravel and will be sufficient to support the passage and weight of emergency vehicles with at least a 20 ft wide entrance on new driveways;
- d. Any land disturbance within the open development area and within the Slope Overlay Area is subject to Site Plan Approval by the Planning Board; and
- e. All future deeds and easements for all of the parcels in the open development area shall contain the following provision: "This conveyance is made and accepted subject to the open development area conditions approved by the Town Board of the Town of Ulysses on March 18, 2014."

The vote was taken as follows:

Ms. Adams	NAY
Mr. Beames	AYE
Mr. Cutler	NAY
Mr. Garner	NAY
Mr. Hawkes	AYE
Mr. Rice	AYE
Mr. Wertis	AYE

The MOTION passes, Recommendation to Town Board for Open Development Area APPROVED.

Timeline for OTMU

Ms. Kiley stated Town Board rejected the rezoning for the property near the antique mall.

They have requested the Planning Board revisit and move forward for the OTMU District. She is pulling information from prior work done on this and is adding to the agenda for the April 1st meeting.

CAYUGA COMPOST

Ms. Kiley stated they have received all of the information from prior meetings with the applicants. In addition, they have consolidated the property to meet the definition of a cottage industry. She would like to set the public hearing for April 15th.

The members agreed to the April 15th date, she will provide documentation to them prior for adequate time to review.

TOWN LIASON REPORT

Ms. Thomas and Mr. Goldman stated the Town Board had addressed the issues that the Planning Board had; they expressed their appreciation of this Board's work.

STAN BEAMES

Mr. Beames announced his resignation from this Board, his work with Better Housing is increasing and he is concerned with time to dedicate to the Board. The Chair and members expressed their gratitude and dedication he has given to this Board. Best wishes for the future.

Ms. Thomas noted they have an alternate to cover for Mr. Beames, she asked the Board to consider having another alternate selected. Would a member of this Board like to be involved in the selection process? The members discussed briefly and informed her they would get back to her.

The meeting was adjourned at 8:58pm.

Respectfully submitted,

Robin Carlisle Peck
Administrative Assistant