

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
05/06/14**

APPROVED 6/17/14

Present: Chairperson Rod Hawkes, **Board Members:** Sarah Adams, Richard Garner, Andy Rice, Rebecca Schneider, John Wertis, **Environmental Planner:** Darby Kiley, **Town Board Member:** Nancy Zahler

Public: David Blake

Call to Order:

Mr. Hawkes called the meeting to order upon their return from the site visit at 7:50pm.

Agenda:

Mr. Hawkes asked for changes to the agenda, none were offered

Minutes:

Not available

Privilege of the Floor:

No member of the public present

Cayuga Compost Site Plan

Ms. Kiley stated she had received and forwarded answers from Scott Nostrand (B&L). She also received notification from DEC that the technical application is complete. They do have a public comment period currently open until 05/22/14. They may want to use this opportunity as a group to comment.

Laura Wysong is a neighbor East on Agard Road, not close enough to be mailed a notice, however did want to comment that there are days she can smell the facility. She was advised to contact Cayuga Compost for future incidents.

Ms. Schneider stated that after their visit she has issues she would like to make sure the DEC is aware of. She understands we have to have a decision within 62 day but wants to do a thorough review of this. Based on today's visit she has concerns the current system is not operating efficiently. There are creek headwaters close to the site. Tiling in the field has been exposed due to erosion; current proposed action is not accurate. She wants these concerns sent to the DEC in writing. They are using minimums, not adequate to downstream. They need to clean up on site, channelize waste coming off the site. They need to dig up the tile drains, not expert on composting but feels a cement pad to collect and recirculate through a system that is totally closed vs. a semi permeable surface is better. She is leaning toward having a totally controlled system for this site. She would also like to include a letter of concern for this site being classified as a cottage industry.

This site is within proximity of Taughannock Creek. Climate changes are happening; it is not uncommon to have 2 to 3 inch rainfall incidents in this area. The onus is on the DEC; she would like to know if they have been on this site. She also requested Ms. Kiley take pictures of the site currently and advise the applicants to not make any changes so DEC can review site as it is. She offered to draft letter from the Board for the DEC with their concerns and request for a site visit. The members should send comments and questions to her she will have the draft by Thursday. She would also contact Murray McBride at Cornell University Waste Management. She stated after visiting the site today and seeing plastic trash and the smell of a landfill vs. compost she is more concerned with management of this facility. She stated if the DEC visits and they are sold on this project she would defer to their decision. The comment was also brought up to consider having the ZBA review the definition of this site as a cottage industry.

Ms. Schneider MADE the MOTION, Mr. Wertis SECONDED the MOTION to request a deadline extension of 1 day to June 17, 2014 to the applicant of Cayuga Compost.

The VOTE was UNANIMOUS; MOTION APPROVED

Mr. Garner stated he spoke to the DEC and this application is considered a major application that should require a public hearing. This was the first this group had heard of this and inquired if the public comment period is the hearing portion for the DEC. This is a regulated industry; he agreed with Ms. Schneider they need to address their concerns from the site visit to the DEC. He stated they do not have a model to consider for zoning. The DEC do not come onsite often; they do require testing to standards which have been met to date. It would be up to the Town to monitor on their own and implement oversight standards if so desired. The plan is build out over the course of several years vs. immediately take on additional SSOW.

Ms. Adams stated she does not feel the classification of this site as a cottage industry is within the spirit of the law. The 10 employees and no retail sales are not a way to classify this business. She argued the proposed site is not a cottage industry and felt this should be reviewed by the ZBA. They are presenting soil testing done in February after a very cold winter. She felt based on the site visit they should request Cornell compost professional come onsite for an independent opinion. She is not an expert but has concerns regarding this classification for this site. She questioned the environmental review; it was noted the SEQR was done by the County. It noted this would be a minor change for this plan.

Ms Adams MADE the MOTION, Mr. Garner SECONDED the MOTION to refer to the ZBA for definition of this plan as a Cottage Industry.

The VOTE was taken as follows:

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|---------------|-----|
| Ms. Adams | AYE |
| Mr. Garner | AYE |
| Mr. Hawkes | NAY |
| Mr. Rice | NAY |
| Ms. Schneider | NAY |

Mr. Wertis NAY

MOTION FAILED

Mr. Hawkes stated this does meet the current zoning definition of a cottage industry. If in the future they would like to revise that is an option; however it would not change this application. They could send to the ZBA for an interpretation/review of the definition for this application. He stated the site visit showed runoff system not working; this was noted in the engineer report and is being mitigated. Would this Board like to see more? If not sufficient at what point would this be determined. He requested the Board to consider if all mitigation is done to contain runoff; would this Board be supportive of this plan. He noted he is hearing two items to consider. The 1st is sending the plan to the ZBA; the 2nd is considering an independent consultant to review the site and plan. Who would pay for this? An item to consider is this is zoned so a herd of cows could be on this site; there is no regulation of them near streams or creeks. He asked the members for any additional questions or concerns for the DEC or B&L be sent via Ms. Kiley for a reply at the May 20th meeting. He noted the time sequence for the next meeting is sending the letter next week; they would have to have a decision by June 16th unless the applicant agreed to an extension. This Board meets on the 17th, Ms. Kiley felt they would grant a 1 day extension but is not sure how much further as they have grant deadlines. He will work with Ms. Schneider to draft the letter for DEC and Cornell Waste Management.

Mr. Rice noted the integrity has been compromised on this site. The applicants have proposed solutions. They could incorporate a collection pond near this area; evaluate what is being contained and mitigate this. He stated the Board could leave the Town with a lawsuit if denied. They have met the regulation and application process; a denial could be argued as arbitrary and capricious.

Mr. Wertis stated they are bound by the definition in the zoning. A project this big should probably not be classified as a cottage industry but the Planning Board cannot decide this. He still has questions on the leachate runoff, how bad is it, what does it add? He agreed they should probably have more testing done on runoff in the field. He would like to see more onsite inspections by the DEC. He stated B&L had answered his questions, and it seems other experts agree with them. He questioned the members if additional information and mitigation is presented would their minds be open? He noted he is not clear on the tile issue; what direction do they go in, he did not ask a lot of questions at the site visit. Could they provide a sketch of the tiles, what impact of erosion and surface water related to the tiles?

Ms. Zahler stated they could send this to the ZBA for a yes or no decision; she also noted the Board may want to send a letter to the Town Board to change the Cottage Industry zoning. She stated Mr. Wertis was able to get additional water samples done by CSI at no cost. These results are not back yet; additional testing maybe an option for approval of this project.

Ms. Kiley stated she was not aware of a public hearing for the DEC; agreed the public comment period may be their way of dealing with this. The Board could include additional testing as part of their approval; water testing is part of the permit process. She noted Mr. Wertis as able to get the samples done at no cost to the Town this time. The fee for this test is \$400; the Town would not take on this expense. She stated they could hire Hunt Engineer to review the application and visit onsite. She is not sure it would be done within the 62 day window. She noted the May 22nd deadline for the DEC; suggested the Board send group as well as individual comments to the DEC.

Zoning Map Change

Ms. Kiley stated the Town Board is considering a Local Law amending the Light Industrial District. They would designate the 7 to 8 residential parcels out of Light Industrial to the Residential Zone. This would allow current owners to have legal and conforming lots and make improvements/changes.

The meeting was adjourned at 9:20pm

Respectfully submitted,

Robin Carlisle Peck
Administrative Assistant