

**TOWN OF ULYSSES
PLANNING BOARD
August 5, 2014**

Adopted 8/19/2014

Present: Chairperson John Wertis; Board members Andrew Rice, Sarah Adams, David Blake; Environmental Planner Darby Kiley

Excused: Richard Garner

Applicants/Members of the Public: Richard Parker, Ed and Amy Abelson, Rachel Bush, Joe Huizinga and Laura Sitzman

Call to Order at 7:00 pm

Michelle Wright to complete past minutes for next meeting

Agenda Review

No additions to agenda

Privilege of the Floor

No comments made

Consider resolution to re-approve Parker Subdivision for TPN 26.-3-8.42 where the applicant did not file the subdivision in the required 62 days.

Applicant Richard Parker present.

Discussion

The 2012 subdivision was not filed within 62 days because the potential buyer backed out. Ms. Adams stated that there are no specific provisions in zoning ordinance about how to process expired approvals. Ms. Kiley sent an email to the Attorney for the Town if she had any suggestions and had not heard back from her as of the meeting time. It was stated that due to a lack of documentation it is unclear if the subdivision for Lot J was approved by the Town in 2008.

MOTION by Mr. Wertis, Seconded by Mr. Blake:

Resolution:

Whereas, according to Town Law §276 (11), “the owner shall file in the office of the county clerk or register such approved final plat . . . within sixty-two days from the date of final approval or such approval shall expire;” and (reaffirms previous resolution (see attached))

Whereas, the owner or agent for the owner did not file the subdivision that was approved at the January 3, 2012 Planning Board meeting; and

Whereas, according to the applicant, no changes have been made to the subdivision plat that was approved on January 3, 2012;

Now therefore be it:

Resolved, that the Town of Ulysses Planning Board reaffirms the subdivision approval for Tax Parcel Number 26.-3-8.42, located on the west side of Trumansburg Rd north of Perry City Road, R1-Rural Residence District, and authorizes the Planning Board Chairperson to sign and date the subdivision plat.

Discussion:

- Mr. Rice, Mr. Blake and Ms. Adams are concerned about the process, and lack of documentation of previous subdivision.
- Mr. Wertis asked Mr. Parker for a resubmission of the subdivision application.
- The Planning Board requested that Mr. Parker provide the documentation for the subdivision of Lot J.

Vote:

Mr. Rice NAY
Mr. Wertis AYE
Ms. Adams NAY
Mr. Blake NAY

MOTION FAILS, the subdivision is not approved.

Review of Special Permit/Site Plan Review Lakshmi Institute at 1966 Trumansburg Rd

Proposed Action: Set public hearing date.

Applicants present: Edward and Amy Abelson, Rachel Bush
Materials submitted by applicants to Planning Board and in hand during meeting.

Discussion

Mr. Rice asked how they defined an “institute participant”. Ms. Abelson responded that it is a fluid definition based on the different ways that people come to the institute. The subsequent discussion focused on conforming to the “school” definition—are schools sites for other services?

Ms. Abelson stated that the intention is that everyone that comes to the “institute” is part of it in one way or the other, the living part of the institute is how yoga applies to life. Other proposed happenings at the school include private services (private businesses that would offer workshops, etc.), which would be a supportive services to the school.

Mr. Blake said that there would be a greater level of comfort if the board knew there was a formal relationship/employment of the institute (greater level of comfort if they were employees of the school). The board also discussed that if the uses go beyond the definition of school, then a zoning change, most likely the creation of a development district, would be needed.

Ms. Adams requested additional information including the square footage, hours of operation, how many people they envision coming in and out during hours of operation, intention of operating, and traffic impact.

Mr. Wertis summarized questions the Planning Board would like the applicants to answer: Ms. Adams' questions, and use of plans and land modifications, and clarification of other individuals who are not technically staff but are providing services.

Ms. Abelson commented that the yoga studio is currently functioning under subcontracting business model.

MOTION by Mr. Wertis, Seconded by Mr. Rice.

Resolution

WHEREAS:

This is consideration of Special Permit and Site Plan Review for the proposed Lakshmi Institute located at 1966 Trumansburg Rd, Town of Ulysses Tax Parcel Number 20.-3-9.21, A1-Agricultural District. Amy and Edward Abelson, applicants; and

NOW THEREFORE BE IT RESOLVED:

That the Town of Ulysses Planning Board hereby schedules a public hearing for review of the proposed project on August 19, 2014 at 7:00 PM.

Discussion

- Applicants had conflict with August 19th, ensuing discussion on whether or not to move forward or without the Abelson's. Ms. Bush will attend on August 19th.
- A September date might be too close with property owner timeline.

Vote:

Mr. Rice AYE
Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE

The vote was unanimous, the Public hearing will be held on August 19, 2014.

Review of proposed Major Subdivision for a three-lot subdivision on the corner of Krums Corners Rd and Iradell Rd Extension, Tax Parcel Number 33.-4-3.2.

The proposal is to subdivide a ~4.292 acre wooded lot and the remaining two lots (~33.5 and ~44.27 acres) will remain in agriculture. In 2013, the Planning Board approved a 3-lot subdivision for the parcel, which created Tax Parcel Numbers 34.-3-41 and 33.-5-5. Gates Acres, LLC, owner; Lansing Gates, agent.

Proposed Action: Set public hearing date.

Applicant present: Lansing Gates

Discussion

Ms. Adams would feel more comfortable with recusal as she is a real estate agent with ties to related properties. The Board discussed that because this vote is only to set a public hearing, Ms. Adams does not have to recuse herself.

Ms. Kiley explained why this is considered a major subdivision, because a three lot subdivision had been approved on the parent parcel in 2013, and the proposal is a three lot subdivision. With the subdivision of the wooded lot, the farm fields will no longer be connected across Krums Corners Rd and will be considered separate parcels by the County Assessment Department. Ms. Kiley stated that this proposal is in-line with the Comprehensive Plan and Ag Protection Plan, which is taking an unusable (for farming) lot and subdividing it from farming plots.

The end product of this process will be a resolution for a subdivision. SEQR will be completed before public hearing; comments will be taken during SEQR process. A request was made by the applicant to change to public hearing date to September 2nd.

MOTION by Mr. Wertis, Seconded by Mr. Blake.

Resolution to Set Public Hearing:

WHEREAS:

The proposed Subdivision is located on 1574 Trumansburg Rd with front on Krums Corners Rd and Iradell Rd Extension, Tax Parcel Number 33.-4-3.2, A1- Agricultural District. The proposal is to subdivide a wooded lot with ~4.292 acres with road frontage on Krums Corners Rd and Iradell Rd Extension; Agent, Lansing Gates, for owner Gates Acres LLC; and

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

Zoning Law Sections 21.3.5.1 and 21.3.23 allow the Planning Board to waive subdivision requirements, where it finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of lack of connecting facility adjacent or in proximity to the proposed subdivision; and

THEREFORE IT IS HEREBY RESOLVED,

That the Planning Board schedules a public hearing for September 2, 2014

Vote:

Mr. Rice AYE
Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE

The vote was unanimous, the Public hearing will be held on September 2, 2014.

Sitzman Site Plan Review – retaining wall

Applicants Present: Laura Sitzman & Joe Huizinga
Location: 76 Maplewood Road (west side of road).

Discussion

Applicants bought the house in February 2014. Existing retaining wall with railroad ties is currently failing. The current retaining wall is moving closer to the house. Applicants would like to push it back a little more with a tiered design. The property is in the Lakeshore District, which requires site plan review for earth moving projects.

Mr. Wertis visited the site and shared photos of the site. He stated that he was concerned about action already taken with cutting trees. The access is through the Unique Natural Area.

MOTION by Mr. Blake, Seconded by Mr. Rice

Motion

Application to move forward is contingent on the presentation of plans to qualified engineer. Recommendations from engineer will be brought to Planning Board.

Discussion

Applicants need to present plan to qualified engineer. The process of obtaining a qualified engineer is not defined in the Zoning Law. The board agreed that the Town will make arrangements with an engineer that has experience with these kinds of problems and sensitivity when it comes to erosion and conservation. The engineer will then make recommendation to Planning Board. Ms. Kiley suggested contacting the Soil and Water Conservation District for suggestion of engineers.

Board needs to make a determination on whether there will be an inspection scheduled for the actual work of the retaining wall.

Vote:

Mr. Rice AYE
Mr. Wertis AYE
Ms. Adams AYE
Mr. Blake AYE

The vote was unanimous.

Old Business: Motion to adopt operational procedures for 2014

Moved by Mr. Wertis, Seconded by Mr. Rice.

Votes:

Mr. Rice AYE

Mr. Wertis AYE

Ms. Adams AYE

Mr. Blake AYE

The vote was unanimous.

Adjourn at 8:50pm

Motion to adjourn by Mr. Blake, Seconded by Ms. Adams.