

**TOWN OF ULYSSES
PLANNING BOARD**

**Minutes
08/19/2014**

Approved 9/2/14

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

Members of the public present: Kristin Ahlness, Dick Parker, Rachel Bush, Kelly Dolak

Call to Order

Mr. Wertis called the meeting to order at 7pm

Agenda Review

No changes to the agenda offered

Minutes Review (8/5/14)

Mr. Wertis MADE the MOTION, Ms. Adams SECONDED the MOTION as follows,

To move the minutes review to the last item on the agenda.

The vote was UNANIMOUSLY in favor.

Privilege of the floor: none offered

Public hearing

Consideration of **Special Permit and Site Plan Approval for the proposed Lakshmi Institute, located at 1966 Trumansburg Rd,** Town of Ulysses Tax Parcel Number 20.-3-9.21, A1-Agricultural District. The property was the formerly used for the Trumansburg Entertainment Center. The proposed use for yoga trainings, classes and workshops is classified as “Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations,” which in the A1 District is allowed by Special Permit and Site Plan Review. The proposal includes minimal site changes, including new gardens and trees along Trumansburg Rd. New York Business Development Corporation, Owner; Amy and Edward Abelson, Applicants/Agents.

- Action: SEQR Determination and Consideration of Special Permit and Site Plan Approval

Mr. Rice MADE the MOTION, Mr. Blake SECONDED the MOTION to open the public hearing.

The vote was UNANIMOUSLY in favor.

Mr. Blake clarified that no one in the audience wanted to ask any questions or make any statements.

Mr. Blake MADE the MOTION, Mr. Garner SECONDED the MOTION to close the public hearing.

The vote was UNANIMOUSLY in favor.

SEQR Lakshmi Institute 1966 Trumansburg Rd Tax Parcel Number 20.-3-9.21

Ms. Kiley reviewed Part 2 and 3 of the SEQR.

Ms. Adams asked for clarification regarding the site plan. Applicants claim they are not making changes, and Ms. Adams would like a specific list of things they are approving. Ms. Adams does not feel like there is a clear application of what the Planning Board is approving. The board reached consensus to make the following modifications to the site plan approval resolution “as shown on the plans dated December 4, 2007, previously submitted for the Trumansburg Mini Golf Family Entertainment Center Sheets C1 Master Plan, C2 Phase 1 Plan, and C3 Lighting Plan, and as described in the materials submitted by the applicant’s the memo from August 11, 2014...”

The Planning Board and Ms. Kiley continued to review the SEQR.

Mr. Rice asked about the traffic portion of the SEQR, which states that present levels will not increase significantly. Mr. Rice states that there is currently no traffic so it would be relatively significant.

Ms. Kiley clarified that NYS created a workbook to fill out SEQR applications and there are thresholds having to do how to answer each question. For the question regarding significant increase in traffic patterns “yes” is checked if there would be greater than 100 peak hour trips produced. The proposed use will not exceed that threshold.

Ms. Adams stated concern for additional 1,000 square feet on second story. She wanted to make clear that was not part of the approval and to clarify that this second floor addition is not part of the plan tonight.

Mr. Wertis stated that internal change will be subject to building code and approval.

Mr. Blake asked the applicant what the offices are to be used for.

Representative of the applicants, Rachel Bush responded to that the offices are for internal use as working spaces for independent client work. Ms. Bush stated that it is the intent for those associated with the Institute to have use of those spaces.

Mr. Garner asked the Planning Board if they took issue, or if there is a regulation that they should be aware of given the fact that the applicants intends to add 1,000 square feet within the same footprint.

Ms. Adams asked for clarification that this process is both a site plan review and special permit.

Ms. Kiley confirmed that is the case.

Ms. Adams asked for further details to be put in for site plan review. The resolution will reference the memo that includes the second floor addition.

Mr. Blake asked whether or not the Planning Board has the purview of the interior aspects of the building.

Ms. Kiley stated that parking regulations are based on square footage and that the applicant has more than enough parking available. The regulations state that there need to be three spaces for each classroom, the applicant has one classroom.

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

Resolution for SEQR:

WHEREAS:

1. This is consideration of Special Permit and Site Plan Approval for the Lakshmi Yoga Institute, located at 1966 Trumansburg Rd, Tax Parcel Number 20.-3-9.21, A1-Agricultural District. The property was the formerly used for the Trumansburg Entertainment Center. The proposed use for yoga trainings, classes and workshops is classified as “Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations,” which in the A1 District is allowed by Special Permit and Site Plan Review. The proposal includes minimal site changes, including new gardens and trees along Trumansburg Rd; New York Business Development Corporation, Owner; Amy and Edward Abelson, Applicants/Agents; 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 Special Permit and Site Plan Approval; and
3. The Planning Board, on August 19, 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;

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 UNANIMOUSLY in favor.

Result: SEQR motion passed.

General discussion and consensus for modifications to the site plan approval resolution as discussed and documented earlier in the meeting.

Mr. Wertis MADE the MOTION to amend the resolution, Mr. Blake SECONDED the MOTION.

The vote was UNANIMOUSLY in favor.

Result: modification motion passed.

Mr. Wertis MADE the MOTION to amend the resolution, Mr. Blake SECONDED the MOTION as follows:

Resolution for Special Permit and Site Plan Approval:

WHEREAS:

1. This is consideration of Special Permit and Site Plan Approval for the Lakshmi Yoga Institute, located at 1966 Trumansburg Rd, Tax Parcel Number 20.-3-9.21, A1-Agricultural District. The property was the formerly used for the Trumansburg Entertainment Center. The proposed use for yoga trainings, classes and workshops is classified as “Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations,” which in the A1 District is allowed by Special Permit and Site Plan Review. The proposal includes minimal site changes, including new gardens and trees along Trumansburg Rd; New York Business Development Corporation, Owner; Amy and Edward Abelson, Applicants/Agents; and
2. This is an Unlisted Action for which the Town of Ulysses Planning Board, on August 19, 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
3. On July 15 and August 5, 2014, the Planning Board has reviewed the project proposal, and at a Public Hearing held on August 19, 2014, has reviewed and accepted as adequate, application materials including a project narratives, and site plan maps showing the existing building and proposed landscaping and garden, and other application materials; and
4. The Tompkins County Planning Department completed the General Municipal Law §239-l and –m review of the project, and has determined that the proposal has no negative inter-community or county-wide impacts;

THEREFORE IT IS HEREBY RESOLVED,

That the Planning Board hereby finds that the Special Permit Considerations of Article III §3.3.5, subsections A-L of the Town of Ulysses Zoning Law have been met, specifically that:

- A. The health, safety, morals and general welfare of the community in harmony with the general purpose of the Zoning Law are being promoted; and
- B. The premises are reasonably adapted to the proposed use, the applicants will be reusing an existing building and the yoga studio is already an established business in the community; and
- C. The proposed use and the location and design of any structure are consistent with the character of the A1-Agricultural District; and
- D. The proposed use will not be detrimental to the general amenity or neighborhood character in amounts sufficient to devalue neighboring property or seriously inconvenience neighboring inhabitants; and
- E. The benefit of such a use will likely not produce any objectionable impacts on nearby properties; and
- F. Community infrastructure and services, including but not limited to protective services, roadways, garbage collection, and schools, are of adequate capacity to accommodate the proposed use; and
- G. The proposed use, building design (which is existing), and site layout comply with all the provisions of the Zoning Law and, to the extent considered by the Planning Board, with other regulations and ordinances of the Town, with the Building Code and all other state and federal laws, rules and regulations, and with the Town's Comprehensive Plan; and
- H. The proposed access and egress for all structures and uses are safely designed and the site layout provides adequate access for emergency vehicles; and
- I. The general effect of the proposed use upon the community as a whole, including such items as traffic load upon public streets and load upon water, which is a private well, is not detrimental to the health, safety and general welfare of the community; and
- J. The lot area, access, parking, and loading facilities are sufficient for the proposed use and access; existing parking and loading facilities will be additionally buffered to minimize their visual impact; and
- K. Natural surface water drainage is adequately managed in accordance with an existing stormwater plan, and existing drainageways will not be altered in a manner that adversely affects other properties;
- L. To the extent reasonably deemed relevant by the Planning Board, the proposed use and proposed vegetation additions comply with all the criteria applicable to site plan review set forth in this chapter.

AND BE IT FURTHER RESOLVED,

1. That the Planning Board of the Town of Ulysses hereby waives certain requirements for Site Plan Approval having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of site plan control nor the policies enunciated or implied by the Town; and
2. That the Planning Board of the Town of Ulysses hereby grants Special Permit and Site Plan Approval for the proposed Lakshmi Yoga Institute, as shown on the plans dated December 4, 2007, previously submitted for the Trumansburg Mini Golf Family Entertainment Center Sheets C1 Master Plan, C2 Phase 1 Plan, and C3 Lighting Plan, and as described in the materials submitted by the applicant's the memo from August 11, 2014, subject to the following conditions:
 - a) Any additional structures proposed will require Site Plan Approval, and
 - b) Any changes in the use, from the proposed yoga classes, trainings, workshops, seminars and accessory use of ancillary services of therapists, counselors, artists or other professionals, that do not meet the definition of private school/institute of higher education will be in violation of the Zoning Law and will require application for a zoning change.

The vote was UNANIMOUSLY in favor.

Result: Special Permit and Site Plan Approved.

Consideration of SEQR and Subdivision Approval for two-lot subdivision for Tax Parcel Number 26.-3-8.42, R1-Rural Residence District. Richard Parker, Owner/Applicant.

Discussion

Ms. Kiley confirmed that documentation for previous subdivision of Lot J had been located from Mr. Parker's personal files.

Ms. Adams asked for clarification in the section that refers to wetlands on the SEQR.

Ms. Kiley clarified that what that is referring to is a mapping tool for the National Wetlands Inventory. The forested area between the two parcels in question is a wetland, which is federally protected. The workbook that is being referred to is another document you can reference when the federal mapper is not sufficient. Ms. Kiley continued that the question in the SEQR is if the project will physically alter the wetland. The answer is no, because although there is a wetland, there are no proposed changes that would affect it.

Mr. Wertis called for a vote.

Resolution for SEQR:

WHEREAS:

1. This is consideration of Preliminary and Final Subdivision Approval for the proposed two-lot subdivision located at 1770 Trumansburg Rd, Tax Parcel Number 26.-3-8.42, R1-Rural Residence District; Richard Parker, owner/applicant; 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 August 19, 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 UNANIMOUSLY in favor.

Result: SEQR resolution passed.

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

Resolution for Subdivision Approval:

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, which requires Planning Board review under Minor Subdivision procedures for Simple Subdivision on a state highway such as Trumansburg Rd; and
2. The proposed Subdivision is located at 1770 Trumansburg Rd, Tax Parcel Number 26.-3-8.42, R1-Rural Residence District; Richard Parker, owner/applicant; and
3. The lots created by the proposed Subdivision meet the zoning requirements for the R1-Rural Residence District; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on August 19, 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 August 19, 2014, has reviewed and accepted as adequate the map entitled, "Map of part of lands of Richard E. Parker to be conveyed to Glenn Trudell, Town of Ulysses, Tompkins County, New York," dated Nov. 23, 2011, by Weiler Associates, and other application materials; and
6. Zoning Law Section 21.3.23 allows 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
7. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review;

THEREFORE IT IS HEREBY RESOLVED,

That the Planning Board of the Town of Ulysses hereby approves the Subdivision, as shown on the map entitled, "Map of part of lands of Richard E. Parker to be conveyed to Glenn Trudell, Town of Ulysses, Tompkins County, New York," dated Nov. 23, 2011, by Weiler Associates.

THEREFORE IT IS HEREBY RESOLVED,

That the Planning Board of the Town of Ulysses hereby approves the Subdivision, as shown on the map entitled, "Map of part of lands of Richard E. Parker to be conveyed to Glenn Trudell, Town of Ulysses, Tompkins County, New York," dated Nov. 23, 2011, by Weiler Associates.

The vote was UNANIMOUSLY in favor.

Result: the Subdivision is approved.

Town Board Liaison Report (PB Budget discussion)

Town Budget was distributed to all members. There was a general discussion of what the role of the Town Board Liaison to the Planning Board actually is.

Ms. Kiley clarified the timeline for the 2015 budget, which is that Planning Board members should bring suggestions for Budget additions by the second meeting in September.

Ms. Adams stated that it would be useful to know what the matching grant number is for the Zoning update grant. Ms. Kiley stated that the grant requested \$40,000 in State funding and if the proposal is not funded, approximately \$20,000 will be added to the budget for each year of the next two years.

Ms. Kiley discussed that she proposed \$10,000 in the 2014 budget for someone to work on the open space plan, but that was removed from the approved budget.

Mr. Wertis stated that there would be further discussion about the 2015 budget at the next meeting.

Mr. Garner stated that in order to develop a budget the Planning Board would need to establish a twelve month plan and thinks that a combined meeting would be helpful when it comes to that question.

Mr. Wertis stated that it is unlikely that a combined meeting would happen prior to the budget submission deadline, but encourages the Planning Board members to develop direction and plans internally in order to submit a budget.

Continuation of consideration of Site Plan for a rebuilt retaining wall, located at 76 Maplewood Rd, Tax Parcel Number 27.-5-6, LS-Lakeshore District. Laura Sitzman, Owner/Applicant.

Discussion

Planning Board members have the original application along with a new packet of information that includes three letters received from engineers, where the Planning Board reviewed.

Mr. Wertis stated that Bob Harner's engineer letters states that there are drainage problems not addressed in design and there is a lack of mention of what kind of stone to use that are not addressed in the design submitted.

The Planning Board discussed the role of their board in this issue and the specifics of the site.

Mr. Blake MADE the MOTION, Mr. Rice SECONDED the MOTION as follows:

The Planning Board rejects the retaining wall plans as submitted.

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

Result: the motion to reject the retaining wall design passes.

The Planning Board agrees that this particular item in the zoning is ambiguous.

Ms. Kiley stated that she will send the following email to the applicants:

“The Planning Board passed a resolution to reject your submitted plans. In doing, the next step is for you to submit a revised plan that addresses drainage, erosion and sediment control, stabilization, impacts on streams and Unique Natural Areas, and types of materials. Whether you choose one of the engineers from the proposals or choose another person/professional to submit a plan, it is up to you. If you do not choose a licensed engineer to develop the plans, the Town may ask for the recommendation of an engineer at your cost.”

Review of Minutes

Mr. Wertis MADE the MOTION to approve the 8/05/2014 minutes, Mr. Blake SECONDED:

The vote was UNANIMOUSLY in favor.

Result: 8/05/2014 minutes approved.

Meeting adjourned at 8:54pm.