

**TOWN OF ULYSSES
PLANNING BOARD
9/2/2014**

Approved 9/16/14

Present: Chairperson John Wertis, Planning Board Members: David Blake, Richard Garner, Andy Rice, Environmental Planner Darby Kiley, Town Board Member Richard Goldman

Excused: Sarah Adams

Members of the public present: Lance Gates, H. Lyman, T. MacCarrick

Call to Order

Mr. Wertis calls the meeting to order at 7:00 pm.

Agenda Review; Minutes Review (8/19/14)

Mr. Blake MADE the MOTION to table the review of the minutes until the end of the meeting, Mr. Rice SECONDED the MOTION

The vote was UNANIMOUSLY in favor.

Privilege of the Floor

No comments made by public.

Public Hearing

Consideration of Major Subdivision Approval 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.

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

The vote was UNANIMOUSLY in favor.

Mr. Lance Gates made a short statement about the land he intends to sell. He stated that his business was mainly agricultural and that he would like to sell the property that is not able to be used for those purposes.

Mr. Lyman, the potential buyer of the wooded lot, made short statement about how he has always admired the stream on the property and would love to own it.

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

MOTION.

The vote was UNANIMOUSLY in favor.

SEQR determination resolution

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

Resolution for SEQR Determination:

WHEREAS:

1. The proposed Subdivision is located on 1574 Trumansburg Rd with frontage 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
- 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 September 2, 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 for a negative determination passed.

Subdivision Resolution

Mr. Blake MADE the MOTION, Mr. Garner 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; and
2. The 2013 Town of Ulysses Agriculture and Farmland Protection Plan recommends flexibility in designating building lots on the least productive farmland; and
3. The proposed Subdivision is located on 1574 Trumansburg Rd with frontage 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 on the corner of Krums Corners Rd and Iradell Rd Extension, and the remaining lands (two farm fields with 33.5 +/- acres and 44.27 +/- acres) will become two separate tax parcels.; Agent, Lansing Gates, for owner Gates Acres LLC; and
4. The lots created by the proposed Subdivision meet the zoning requirements; and
5. This is an Unlisted Action for which the Town of Ulysses Planning Board, on September 2, 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
6. The Planning Board, at a Public Hearing on September 2, 2014, has reviewed and accepted as adequate the map entitled, “Survey Map Showing Portion of Lands of Gates Acres LLC, Located on Iradell Road Extension & Krums Corners Road, Town of Ulysses, Tompkins County, New York,” dated 4/29/2014, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
7. 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
8. 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,

1. For the foregoing reasons, the Planning Board determines that certain requirements of the subdivision regulations are not required to protect the public health, safety and general welfare, and the proposed subdivision review process is more similar to Minor than Major Subdivision Review, and hereby waives a portion of the Major Subdivision Application Fee of \$300; and

2. That the Town of Ulysses Planning Board hereby waives certain requirements for Preliminary and Final Subdivision Approval, as shown on the Subdivision Checklist, having determined from the materials presented that such waiver will result in neither a significant alteration of the purpose of subdivision control nor the policies enunciated or implied by the Town Board; and
3. That the Planning Board of the Town of Ulysses hereby approves the Subdivision, as shown on the map entitled, "Survey Map Showing Portion of Lands of Gates Acres LLC, Located on Iradell Road Extension & Krums Corners Road, Town of Ulysses, Tompkins County, New York," dated 4/29/2014, by T.G. Miller P.C. Engineers and Surveyors.

The vote was UNANIMOUSLY in favor.

Result: subdivision approved.

Agenda Review; Minutes Review (8/19/14)

Several revisions suggested, Ms. Kiley made the small changes to the minutes.

Mr. Blake MADE the MOTION to approve minutes, Mr. Wertis SECONDED the MOTION.

The vote was UNANIMOUSLY in favor.

Result: minutes for 8/19/2014 approved.

Sitzman Site Plan Review – retaining wall

Ms. Kiley developed a document in collaboration with the attorney for the Town regarding how to move forward on projects similar to the Sitzman retaining wall proposal. The purpose of this document was to ensure there was a clear procedure for the next time a residents comes to the Planning Board with a similar issue. A request for qualifications will be developed in order to have an engineer on retainer.

Mr. Garner stated that wording in the zoning laws, which is what caused the confusion how to the board should proceed with the retaining wall proposal, is the same for subdivisions. He stated that it must be addressed at some point and that it is especially important when dealing with natural areas and questions that concern the greater good.

Ms. Kiley confirmed that the Sitzmans know that the next step of action is their responsibility. The communications from Ms. Kiley indicate that the planning board rejected their design, did not recommend a specific engineer, and did confirm that the planning board viewed the letter provided by Engineer Harner was the most favorable. Mr. Rice stated that he appreciated the way the e-mail to the Sitzmans was worded.

Town Board Liaison Report

Town Board Member Mr. Rich Goldman made a statement about the Town Board's objective of developing and strengthening the code enforcement laws. The areas to be addressed with this

revision are when properties are a blight on the community or are a safety issue.

Mr. Wertis made a statement about how the planning board has felt frustration in the past about the lack of ability to take care of such properties. Mr. Wertis has suggested that the Town website creates a direct link to the uniform state building code on its own code webpage.

Mr. Wertis passed around a draft resolution that would be included with the 2015 budget proposal to the Town Board. This document referenced the Comprehensive Plan and how obtaining the goals outlined in the plan will cost money to achieve. He also states that the main purpose of a planning board budget is for training.

Mr. Wertis asked when the Planning Board will officially become a five-member board. Ms. Kiley said that this will occur when the State notifies the Town that the local law has been officially filed.

The Planning Board discussed development potential in an agriculturally oriented community, including potential to use Tompkins County Area Development as a resource. Mr. Garner stated that this organization is willing to engage and meet with the board and added that there are federally funded grant opportunities for entrepreneurial business development. Mr. Goldman stated that this topic would be appropriate for the joint meeting with Town Board. Ms. Kiley confirmed that there is high speed internet access available along NYS Route 96 due to the fiber optic cable that is installed there.

Adjourn

Mr. Blake MADE the MOTION to adjourn, Mr. Wertis SECONDED.

Result: meeting adjourned at 7:40pm.

Submitted by: Michelle E. Wright on 9/5/2014