

**TOWN OF ULYSSES
PLANNING BOARD**

9/16/2014

Minutes

Approved 10/7/2014

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

Members of the public present: Frank Santelli (TG Miller Engineers and Surveyors, representing applicants from 1325 and 1327 Taughannock Blvd), Pete Heintzelman (New Energy Works, Project Designer, representing applicants from 1325 and 1327 Taughannock Blvd), Joel Podkaminer

Chairperson Wertis called the meeting to order at 7:00 PM.

Agenda Review

Mr. Wertis passed around a short document entitled “Detailed Agenda” regarding the Lewin site plan review. The document was to help provide further structure regarding conversation on the topic.

Mr. Wertis MADE the MOTION to add the items to the agenda, Ms. Adams SECONDED the MOTION

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

Result: additions to the agenda made.

Review of 9/2/14 Meeting Minutes

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

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

Result: minutes for 9/2/2014 approved.

Privilege of the Floor: no comments made.

Sketch Plan: Consideration of Site Plan for the construction of a proposed residence located at 1325 and 1327 Taughannock Blvd, Tax Parcel Numbers 28.-1-15 and 28.-1-16, LS-Lakeshore District. The properties are within the Slope Overlay Area. All of the existing structures (two houses, two garages, and three sheds) will be demolished, and the two lots will be consolidated. On August 20, 2014, the Board of Zoning Appeals granted area variances for the lot coverage (13% where 5% is required), front yard setback (24 feet where 50 feet is required), and lakeshore setback (44 feet where 50 feet is required).

Mr. Santelli presented the existing conditions of the property. Each of the two lots has an existing house, garage and accessory buildings. Mr. Santelli stated that all of the buildings are in poor condition. Mr. Santelli stated that NY State has a wide right-of-way for Route 89 at that location and that the garages and some existing buildings are currently in the State right-of-way. Mr. Santelli stated that the overall plan for the new residence is to redevelop the lot by combining them, taking down all buildings, and building a new residence. Mr. Santelli presented the demolition plan for the existing buildings, retaining walls, and the two existing houses. Mr. Santelli presented a survey map that showed most trees with a diameter of 8 inches or bigger. He also presented a plan that indicated which trees are to be saved and protected during the construction process, including beech and hemlock trees. Mr. Santelli stated that the beech trees are probably the most valuable trees on the site. He stated that some of the construction will be very close to trees and there has not been much analysis on the reaction to root disturbance of these tree species. Mr. Santelli said that they will attempt to save as many of the trees that are outside of proposed footprint of house and driveway.

Mr. Wertis asked for clarification of what board members had visited the site. All Board members confirmed that they had been to the site.

Mr. Santelli stated that the following infrastructure would be put in place according to the site plan: a fence at lower parameter, a tracking pad, and a stabilized driveway entrance to help keep material out of highway.

Mr. Garner asked what the percent the slope was at the location.

Mr. Santelli stated that the site had about a 15-20% slope and that it is really steep adjacent to the lake. He said that there is more or less a ridge down the middle of the property and then it slopes north/south to lake shore.

Mr. Rice asked what the overall acreage was for the combined lots.

Mr. Santelli answered that in combination, the lot size is about 0.6 acre.

Ms. Adams stated that the combined lots create an irregular shape, and asked about the general dimensions for width and length for the lot.

Mr. Santelli stated that the common lot line is 215 feet in depth to center line of road, 175 feet wide, and that the lot has approximately 200 feet of lake shore.

Mr. Santelli presented the erosion and sediment control plan to the board, which includes the sequence of work and general notes. He noted that the plan is derived from the DEC standards for erosion and sediment control. He stated that part of the plan includes keeping current pavement for as long as possible for construction staging.

Mr. Santelli presented a planimetric depiction of what is proposed for the driveway: instead of a large asphalt parking area, which currently exists in the NYS right-of-way, a standard asphalt S-shaped driveway is proposed to come in at the south end of the property off of Route 89. Additionally, a circular turnaround is proposed. Mr. Santelli stated that the house itself is planned to have a garage, a breezeway on the ground level, and an additional floor below on the lake side.

Mr. Santelli presented the grading plan which shows the proposed design for the driveway with a 10-11% grade from Route 89 down to the garage. He stated this is a reasonable slope compared to a number of lots along that road.

Ms. Adams asked if the plan will require fill to be brought in.

Mr. Santelli stated that they have yet to run ground works calculations but at this point speculates that there is not a need for a huge amount of fill. Mr. Santelli stated that the lower level of the residence (the lake side) would present the need for excavation. He also stated that for the garage there would be quite a bit of fill to bring the slab up to grade, additionally, retaining wall along the driveway on house side would likely require fill.

Mr. Rice inquired about the current square footage covered by structures.

Mr. Santelli stated that the square footage currently covered by structures is approximately 3,012 square feet and the proposed coverage is 3,171 square feet.

Ms. Adams asked what the total size of the building is proposed.

Mr. Heintzelman stated that with the total residential square footage is approximately 3,500 square feet with both floors, this does not include the garage or breezeway.

Mr. Garner asked what the proposed coverage of the driveway is.

Mr. Santelli stated that total driveway coverage has not been calculated; he pointed out the general design stating that the driveway starts at Route 89 with a relatively large width and then narrows down to 12 feet across towards the bottom with a 15 foot diameter turnaround.

Mr. Santelli and Mr. Heintzelman made short statements about plans for grading, patio space, and a deck on the higher level which will include vertical supports.

Mr. Wertis asked what the plan was for post-construction stormwater control.

Mr. Santelli stated that nothing has been proposed at this point.

Ms. Adams asked if the slope overlay area was delineated in some way.

Mr. Santelli stated that it covers the entire parcel.

Ms. Adams asked if the plan for the septic system could be described.

Mr. Santelli said that he was not completely sure of the design, but stated that it would have to go through Health Department review. He stated that they are considering gravity service for the second level and then a pump for the first level. He expects a full treatment system with a septic, sand filter, and an absorption system in the area that is currently lawn. He stated that they would have to dig some holes to determine where the best placement is for the absorption system. He pointed out that the sand filter system removes close to 98% of BOD, and that NYS does not allow surface discharge. A secondary treatment system is likely needed and that the septic will be sized for a 4-bedroom residence. He pointed out that his company has successfully designed similar systems in the area.

Mr. Wertis inquired about the lake side façade of the house.

Mr. Heintzelman stated that the lake side design has not been fully developed. He also stated that the general design is timber frame inspired and that from Route 89 one could look straight over the top of the house.

Mr. Wertis stated that the smaller trees on the bank seem to be holding the bank in place and asked if trees were set to be removed in the site plan. If so, what do they plan to do to stabilize the upper level of bank.

Mr. Santelli stated that at this point in the site plan there is no reason to disturb those trees.

Mr. Heintzelman stated that they plan to keep the bank as undisturbed as possible.

Mr. Wertis asked about the proximity of the foundation to the vertical cliff and asked if the proposed location of the foundation sat on shale.

Mr. Santelli mentioned that the placement was decided based on frost depth, but also stated that the ground structure/bedrock make-up had not been tested yet.

Ms. Adams inquired about how many trees are planned to be removed. She stated that the area where driveway and house is proposed is fairly wooded. She wondered if the total number of trees that will have to come down had been computed.

Mr. Santelli stated that they had only calculated/identified the significant trees on the site and then tried to identify which of those trees would need to be removed according to the site plan.

Ms. Adams stated that it seems that quite a few bigger trees would need to be removed with the current site plan. She then asked about the creek or stream on north edge of property and inquired about the distance from the creek bed.

Mr. Santelli stated that there was approximately 30-40 feet from the proposed site of the garage to top of bank.

Ms. Kiley clarified that the creek is neither a permanent nor an impermanent stream so the setback requirements do not apply.

Mr. Blake asked about the during-construction water diversion plan.

Mr. Santelli stated that Route 89 acts like a barrier due to its slope and that the only water that should be coming through area during construction is the water that falls directly onto it. He stated that this site is not an easy construction site for excavating or dewatering.

Mr. Blake asked if there is a plan to replant trees.

Mr. Heintzelman stated that his clients' goal is to hide the house from Route 89 as much as possible. He stated that the plan is to re-vegetate and keep as many existing trees as possible. He stated that they plan to have an arborist visit the site before existing buildings are taken down and before construction starts.

A general question is asked regarding the completeness of the site plan. Mr. Wertis noted the following items are needed:

- Location of existing trees to be removed and kept, and a proposed landscaping plan;
- Total calculation of impervious surfaces;
- Foundation plan;
- More details on stormwater controls during construction and post-construction;
- Access to the dock on proposed;
- Details on retaining wall for driveway;
- Building elevations and materials.

Ms. Kiley clarified the Town, including the Planning Board, does not have any authority for regulating docks in the Town.

Ms. Adams stated that this is the first submission of a site plan review with the new Lakeshore zoning.

Ms. Kiley stated that in the GML 239 review, the Tompkins County Planning Department asked about the septic system and asked for a more detailed map of septic field and water supply.

Mr. Heintzelman stated that they will replace the existing well.

Mr. Blake asked what the plan was for contractor and equipment access.

Mr. Santelli described the large paved apron that currently exists right off Route 89. It is expected that this is where construction staging will occur. He stated that sight distances at this location are reasonable for large trucks.

Mr. Heintzelman stated that it is expected that single axel trucks will be used and that in general, there will not be heavy duty large equipment in use.

Mr. Wertis MADE the MOTION to close presentation, Mr. Rice SECONDED the MOTION

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

Result: presentation by Mr. Santelli and Mr. Heintzelman closed.

Ms. Adams stated that there is a bigger question raised by this and it has to do with the intent of the Lakeshore zoning and site plan review. She stated that the house is too big for the lot according to district requirements of a minimum lot area of 2 acres. Ms. Adams stated that the plan goes from 2 acres needed to something over 0.5 acre proposed and that lot coverage required is 5% compared to the proposed 13%.

Mr. Wertis stated that demolition of current standing buildings is legal and that the question is with the BZA decision regarding lot coverage and acreage.

Mr. Santelli stated that he referred to the tax map regarding parcel size and he does not think the parcel in question is out of character.

Mr. Blake stated that he feels similarly as Ms. Adams and feels that the BZA set the 2 acres issue aside and that just because it is a small lot that does not fit the requirements the Planning Board does not have to provide leeway on all other short comings of the site plan.

Ms. Kiley stated that the existing two lots created in prior zoning do not have to meet lot area requirements just as long as the setback requirements are met. She stated that one interpretation in previous decisions by town is that the combination of two existing lots does not create a new lot and subsequently does not have to meet certain zoning requirements.

Mr. Rice stated that he is concerned with the fact that if it were considered a new lot, it would need to stay within the existing footprint.

Mr. Wertis stated that there should be clarification on questions to ask to BZA and there should be more information from BZA hearing regarding on the 1325 and 1327 Taughannock Blvd site plan.

Ms. Kiley clarified that the BZA works independently of both the Town and Planning Boards and that they cannot elaborate any more than what they had in their motion.

Mr. Wertis asked if a BZA rehearing could be conducted based on Planning Board request.

Mr. Garner stated that the number of criteria used to grant the variance is not as extensive as a list needed for a complete site plan review. He stated that there is some concern here but wanted to clarify with the representatives of the applicants that the board will work with them on these concerns.

Ms. Adams stated that this is a new zoning district and that the current planning board was not involved in implementation or creation. She stated that she did reach out to former Planning Board members, and that the ex-chair who was involved in lake short district reiterated that the intent was to try to reduce construction on sensitive slope areas as well as reduce the number of lots that were not big enough to put houses on. She stated that she thinks the board really needs to look at the district specifications and analyze the intent of the law. She stated that the site plan in question is a classic case of a lot that is too small for what is being proposed to be built on it.

Mr. Garner stated that he had listened to the BZA recording and found it very informative.

Mr. Blake stated that he was not sure the Planning Board had the right to do much except to deal with planning aspects like erosion and tree issues, and other things within the board's purview.

A general discussion continued regarding how to obtain clarification for the BZA decision.

Mr. Goldman stated that this issue of whether this plan should have been brought to the Planning Board or the BZA should be a topic to discuss with the Town Board.

Ms. Kiley stated that the Attorney for the Town submitted a statement that made it clear that the BZA functions independently of the Town and Planning Boards.

Ms. Adams stated that the BZA minutes made no mention of slope overlay. She stated that the board needs to find out what they can do in this particular instance and then what they can do to clarify the process to then improve it for future applicants.

Mr. Wertis MADE the MOTION to provide the BZA recording, Mr. Blake SECONDED the MOTION as follows:

To make the tapes made available from the BZA meeting in question.

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

Result: Motion passed.

Mr. Garner stated that the major take away, for the applicants, is that the lot coverage has come into question.

Mr. Blake stated that he believed it was premature to discuss the SEQR in reference to this site plan review.

Mr. Blake MADE the MOTION, Ms. Adams SECONDED the MOTION as follows:

To not vote on or discuss the SEQR resolution.

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

Result: SEQR not to be voted on.

Ms. Kiley provided the board a supporting document relating to the SEQR for future reference.

Mr. Blake asked the representatives of the applicants if they had any further questions.

Mr. Heintzelman said that he was planning to review the minutes and speak with Darby.

Mr. Santelli asked if they would receive the needed points of clarification in writing.

General consensus was that they would indeed receive something in writing.

Sitzman Site Plan Review – retaining wall

Ms. Kiley confirmed that there was no new information from the applicants.

Town Board Liaison Report

- **Budget**
- **Joint PB/TB meeting topics**

The Planning Board discussed a document that had been circulated via e-mail that was intended to be submitted to the Town Board regarding topics for a joint meeting. Topics included: general frustration with the zoning document and interpretation of the intent of the zoning law.

Ms. Adams stated that she would like to see a statement to the Town Board prior to the meeting that clarifies that the Planning Board does not intend to redo zoning, but rather clarify the two or three issues that keep coming up, and then figure out how to solve them and how much that would cost.

Mr. Blake stated that he would like to request an informational sessions with the Attorney for the Town and that it would be effective to have access to the attorney on occasion in order to address follow up questions.

Ms. Kiley stated that when there is a specific question she sends it to the Attorney for the Town who provides a legal opinion in the form of a memo.

A general discussion ensued regarding a possible process for the Planning Board to have more direct access to the lawyer.

Ms. Adams stated that she believes there is a need to occasionally have back and forth conversation and question answering with the lawyer.

Ms. Kiley stated that there is a weekly time set aside for phone meetings with the Attorney on Tuesdays mornings. She suggested that this might be a good opportunity for one or two board members to attend.

Mr. Blake stated that having the lawyer at the current meeting would have been very helpful as this is the first time this issue has come up with the lakeshore zoning.

General discussion ensued regarding an economic development ad hoc committee and the agenda for the joint Town Board/Planning Board meeting.

Mr. Wertis posed the question of whether or not the comprehensive plan getting out of date. He questioned what the primary focus of the joint meeting will be.

Ms. Adams stated she would like to see a list of more specific items having to do with the zoning, the work plan, and zoning changes the Town has implemented.

It was stated that the Town Supervisor and Ms. Kiley would likely build the agenda.

A general discussion ensued about the Lewin site plan and what the next step would be, including whether or not the Planning Board can challenge the BZA ruling. It was generally agreed that the overall process is not conducive to a smooth applicant process.

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

Adjourned at 8:25pm

Submitted by Michelle E. Wright