

**TOWN OF ULYSSES  
PLANNING BOARD**

**11/18/2014**

**Minutes**

**Approved:** *12/2/2014*

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

**Members of the public present:** Daniel Hirtler, Steve Gordon and Jaime Wolffe, Jason Demarest, Ishka Alpern, Carl Lupo.

**Call to Order at:** 7:00 p.m.

**Agenda Review; Minutes Review (10/21/2014 and 11/4/2014)**

No additions made to the agenda.

Mr. Wertis MADE the MOTION to approve the 10/21/2014 minutes. Mr. Rice SECONDED the MOTION as follows:

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

**Result:** Minutes for 10/21/2014 approved

Mr. Blake MADE the MOTION to approve the 11/4/2014 minutes. Mr. Garner SECONDED the MOTION as follows:

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

**Result:** Minutes for 11/4/2014 approved

**Public Hearing: Consideration of Site Plan for the construction of a proposed two-family residence located at 1569 Taughannock Blvd., Tax Parcel Number 18.-1-5.2, LS-Lakeshore District within the Slope Overlay Area. The proposal includes the construction of a 1,514 +/- square foot two-family residence, a 336 +/- square foot utility**

building, new well and septic system. Steve Gordon and Jaime Wolffe, Owners/applicants; Daniel Hirtler, Agent.

Mr. Hirtler, Mr. Gordon and Ms. Wolffe discussed changes made since the previous meeting with the Planning Board.

Mr. Hirtler said pavement issues discussed at the 10/01/2014 meeting of the planning board have been corrected, and trenches have been reduced from two to one due to the planned septic tank's location below the house. He said that a drainage ditch on the property is 8-feet deep and does not foresee any overflow issues.

There were no further questions from the board.

Mr. Goldman asked Mr. Wertis why this SEQR review could not be done within the context of the scheduled public hearing for the site plan.

Mr. Wertis said the SEQR must come before the public hearing. Ms. Kiley explained that the application is not considered complete without a SEQR, and a public hearing cannot be held without a complete application.

### **Resolution for SEQR**

Mr. Blake MADE the MOTION to accept the SEQR Determination as prepared. Mr. Rice SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval for a Two-Family Residence in a Slope Overlay Area located at 1569 Taughannock Blvd, Tax Parcel Number 18.-1-5.2, LS-Lakeshore District; Steve Gordon and Jaime Wolff, Owners/Applicants; Daniel Hirtler, Agent for the Owners; 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 Site Plan Approval; and
3. The Planning Board, on November 18, 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.

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

**Result:** SEQR Resolution for a negative declaration passed.

**Public Hearing:**

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

The vote was UNANIMOUS in favor.

There were no public comments.

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

The vote was UNANIMOUS in favor.

**Resolution for Site Plan Approval**

Citing a previous board discussion, Mr. Wertis asked what would happen if the applicant failed to find an adequate water well source. He said the board would want the applicant to come back before the Planning Board if the need for potable water required digging all the way to the lake. He said the resolution, as written, did not include such a provision.

Ms. Adams said there were also questions concerning maintenance of the road.

Ms. Kiley said the town has spoken with its attorney and referenced land deeds. If the road is damaged, the town is not liable.

On the board's recommendation, Ms. Kiley added additional wording to the resolution indicating that the applicant would come before the planning board for site plan modification if a lake well is required.

Mr. Garner MADE the MOTION to approve the site plan, and Mr. Rice SECONDED the MOTION as follows:

**WHEREAS:**

1. This is consideration of Site Plan Approval for a Two-Family Residence in a Slope Overlay Area located at 1569 Taughannock Blvd, Tax Parcel Number 18.-1-5.2, LS-Lakeshore District; the proposal includes the construction of a 1,514 +/-

- square foot two-family residence, a 336 +/- square foot utility building, new well and septic system. Steve Gordon and Jaime Wolff, Owners/Applicants; Daniel Hirtler, Agent for the Owners; and
2. Pursuant to NYS Town Law §280-a(4) on March 25, 2014, the Town of Ulysses Town Board established an open development area that included Tax Parcel Number 18.-1-5.2 subject to a number of conditions that are listed below; and
  3. This is an Unlisted Action for which the Town of Ulysses Planning Board, on November 18, 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
  4. The Planning Board reviewed the proposed project at Sketch Plan Conferences on October 7 and 21, 2014, and heard comments during a public hearing on November 18, 2014; and
  5. The Planning Board, on November 18, 2014, has reviewed and accepted as adequate, drawing set dated 10/31/2014 including Sheet A1 (Narrative, Site Plan, Partial Site Plan on Contour Map, Driveway and Culvert Detail), Sheet A2 (Elevations and plans), Sheet A3 (Elevation showing colors and materials), and other application materials; and
  6. The Tompkins County Planning Department completed the General Municipal Law §239-1 and – review of the project, and determined that it has no negative inter-community, or county-wide impacts;

**THEREFORE IT IS HEREBY 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 Site Plan Approval for the proposed Two-Family Residence, as shown on the drawing set dated 10/31/2014 including Sheet A1 (Narrative, Site Plan, Partial Site Plan on Contour Map, Driveway and Culvert Detail), Sheet A2 (Elevations and plans), Sheet A3 (Elevation showing colors and materials), and other application materials, subject to the following condition: if a lake well is needed for potable water, the applicant will return to the Planning Board for site plan modification.

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

Mr. Blake AYE

**Result:** Resolution for Site Plan Approval passed.

**Public Hearing: Consideration of Site Plan for the construction of a proposed single-family residence located adjacent to 1573 Taughannock Blvd.**, Tax Parcel Number 18.-1-5.1, LS-Lakeshore District. The property is located within the Slope Overlay Area. The proposal includes the construction of a 2,700 +/- square foot single-family residence, new well and septic system. Ishka Alpern, Owner/applicant; Jason Demarest, Agent.

Mr. Demarest said there was a past question about removal of trees. He said all trees will be removed except the ones that can be saved.

Mr. Blake asked whether or not the evergreen trees would be undisturbed.

Mr. Demarest said the evergreens would not be disturbed.

**Resolution for SEQR**

Mr. Blake MADE the MOTION to accept the SEQR Resolution as prepared, and Mr. Garner SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Site Plan Approval for a Single-Family Residence in a Slope Overlay Area located adjacent to 1569 and 1573 Taughannock Blvd, Tax Parcel Number 18.-1-5.1, LS-Lakeshore District; Ishka Alpern, Owner/Applicant; Jason Demarest, Agent for the Owner; 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 Site Plan Approval; and
3. The Planning Board, on November 18, 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.

Mr. Wertis AYE

Ms. Adams AYE

Mr. Garner AYE  
Mr. Rice AYE  
Mr. Blake AYE

**Result:** Resolution for SEQR passed.

**Public Hearing**

Mr. Garner MADE the MOTION to open the public hearing, and Ms. Adams SECONDED the MOTION.

The vote was UNANIMOUS in favor.

There were no public comments.

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

The vote was UNANIMOUS in favor.

**Resolution for Site Plan Approval**

Mr. Blake asked if the applicant has a definite address for his project yet. Mr. Alpern responded that it's unresolved at this point. Ms. Kiley said addresses for prospective residences are decided through the permitting process, wherein the town clerk works with the 911 system to finalize an address.

On the board's recommendation, Ms. Kiley added additional wording to the resolution indicating that the applicant would come back before the Planning Board for site plan modification if a lake well is required.

Mr. Blake MADE the MOTION to accept the site plan, and Mr. Rice SECONDED the MOTION as follows:

**WHEREAS:**

1. This is consideration of Site Plan Approval for a Single-Family Residence in a Slope Overlay Area located adjacent to 1569 and 1573 Taughannock Blvd, Tax Parcel Number 18.-1-5.1, LS-Lakeshore District; Ishka Alpern, Owner/Applicant; Jason Demarest, Agent for the Owner; and
2. Pursuant to NYS Town Law §280-a(4) on March 25, 2014, the Town of Ulysses Town Board established an open development area that included Tax Parcel Number 18.-1-5.1 subject to a number of conditions that are listed below;
3. This is an Unlisted Action for which the Town of Ulysses Planning Board, on November 18, 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
4. The Planning Board reviewed the proposed project at Sketch Plan Conferences on October 7 and 21, 2014, and heard comments during a public hearing on November 18, 2014; and
  5. The Planning Board, on November 18, 2014, has reviewed and accepted as adequate, Site Plan (Sheet C1.00) dated 11/4/2014, and other application materials; and
  6. The Tompkins County Planning Department completed the General Municipal Law §239-1 and –m review of the project, and determined that it has no negative inter-community or county-wide impacts;

**THEREFORE IT IS HEREBY 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 Site Plan Approval for the proposed Single-Family Residence, as shown on the Site Plan (Sheet C1.00) dated 11/4/2014, and other application materials, subject to the following condition: if a lake well is needed for potable water, the applicant will return to the planning board for site plan modification.

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

**Result:** Resolution for Site Plan Approval passed.

**Consideration of SEQR and Simple/Minor Subdivision (2-lot) approval for 3287 Dubois Road, Tax Parcel Number 33.-2-9, R2-Moderate Density Residence District. Lynn C and Anneliese M. Truame, Owners/Applicants.**

Ms. Kiley said Lynn Truame, one of the applicants, could not attend the board meeting, and questions could be made to Lynn at a later time. She said Ms. Truame preferred that the subdivided lot follow an existing tree line. The applicants' intent is to remain on the existing lot and sell the adjacent lot.

Mr. Wertis MADE the MOTION to not have a public hearing on the matter, and Ms. Adams SECONDED the MOTION.

The vote was UNANIMOUSLY in favor.

Ms. Adams asked if the subdivided lot would be considered a flag lot.

Ms. Kiley said it would not be a flag lot because the front lot line width meets the R2 requirements. She said that it is a legitimate lot, though it looks like a flag lot.

Ms. Adams commented that the existing driveway is close to the property line, however the driveway is existing and that property boundary is not changing.

Ms. Kiley said she asked the applicant about the drainage area, and the applicant advised that, in the event of a significant storm, there is the presence of sheet flow but nothing is channelized.

### **Resolution for SEQR**

Mr. Wertis MOVED the MOTION to adopt the SEQR resolution as written, and Mr. Blake SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Simple Subdivision Approval following Minor Subdivision procedures for the proposed two-lot subdivision located at 3287 Dubois Rd, Tax Parcel Number 33.-2-9, R2-Moderate Density Residence District; Lynn C and Anneliese M Truame, Owners; 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 November 18, 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.

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

**Result:** Resolution for SEQR passed.

**Resolution for Simple/Minor Subdivision Approval**

Mr. Blake MOVED the MOTION to approve the simple/minor subdivision, and Mr. Rice SECONDED the MOTION as follows:

WHEREAS:

1. The Town of Ulysses adopted subdivision regulations in the Zoning Law, most recently amended by Local Law No. 3 of 2014, which includes Article XXI – Land Subdivision Regulations, Section 21.3 establishing Subdivision Procedures; and
2. The Owners, Lynn C and Anneliese M Truame, submitted the required documents, and paid the fees for a Simple Subdivision on Dubois Rd; and
3. The proposed Subdivision is located at 3287 Dubois Rd, Tax Parcel Number 33.-2-9, R2-Moderate Density Residence District, and the lots created by the proposed Subdivision meet the zoning requirements; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on November 18, 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 November 18, 2014, has reviewed and accepted as adequate the map entitled, “Survey Map No. 3287 Duboise Rd, Town of Ulysses, Tompkins County, New York,” dated 10/3/2005 and revised most recently on 10/22/2014, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
6. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review; and
7. The Planning Board hereby waives the public hearing;

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
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 Simple Subdivision, as shown on the map entitled, "Survey Map No. 3287 Duboise Rd, Town of Ulysses, Tompkins County, New York," dated 10/3/2005 and revised most recently on 10/22/2014, by T.G. Miller P.C. Engineers and Surveyors.

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

**Result:** Resolution for simple/minor subdivision passed.

**Consideration of SEQR and Minor Subdivision approval for 1635 Trumansburg Rd.,** Tax Parcel Number 34.-2-7.2, R2-Moderate Densite Residence District. Carl Lupo and Norbert Nolte, Owners/Applicants.

Mr. Lupo told the board that his proposal already received a necessary zoning-change approval. He said he plans to keep the property in farming for now.

Ms. Adams asked where access to the farm field would be, if the subdivision is approved.

Mr. Lupo said a farm lane exists for access, and the right-of-way is an even easier option for access to the farm field.

Mr. Lupo said the new structure, to be built on two subdivided parcels, would receive water via the municipal system.

### **Resolution for SEQR**

Mr. Wertis MOVED the MOTION to approve the SEQR Resolution as written, and Mr. Blake SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Minor Subdivision Approval for the proposed three-lot subdivision located at 1635 Trumansburg Rd, Tax Parcel Number 34.-2-7.2, R2-Moderate Density Residence District; Norbert Nolte and Carl Lupo, Owners/Applicants; 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 November 18, 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.

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

**Result:** Resolution for SEQR passed.

**Resolution for Minor Subdivision Approval**

Ms. Kiley noted that the following resolution does include a provision waiving the public hearing.

Mr. Blake MOVED the MOTION to approve the minor subdivision, and Mr. Rice SECONDED the MOTION as follows:

**WHEREAS:**

1. The Town of Ulysses adopted subdivision regulations in the Zoning Law, most recently amended by Local Law No. 3 of 2014, which includes Article XXI – Land Subdivision Regulations, Section 21.3 establishing Subdivision Procedures; and

2. The Owners, Norbert Nolte and Carl Lupo, submitted the required documents, and paid the fees for a Minor Subdivision; and
3. The proposed Subdivision is located at 1635 Trumansburg Rd, Tax Parcel Number 34.-2-7.2, R2-Moderate Density Residence District, and the lots created by the proposed Subdivision meet the zoning requirements; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on November 18, 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 November 18, 2014, has reviewed and accepted as adequate the map entitled, "Survey Map Showing Lands of Carl Lupo and Norbert Nolte, Located at No. 1635 Trumansburg Road, Town of Ulysses, Tompkins County, New York," dated 11/04/2014, by T.G. Miller P.C. Engineers and Surveyors, and other application materials; and
6. The Town of Ulysses Planning Board has given due consideration to all information and comments in conducting the Subdivision Review; and
7. The Planning Board hereby waives the public hearing;

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
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 Simple Subdivision, as shown on the map entitled, "Survey Map Showing Lands of Carl Lupo and Norbert Nolte, Located at No. 1635 Trumansburg Road, Town of Ulysses, Tompkins County, New York," dated 11/04/2014, by T.G. Miller P.C. Engineers and Surveyors.

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

**Result:** Resolution for minor subdivision passed.

**Town Board Liaison Report**

Mr. Goldman said the town is looking to appoint a new Planning Board member to fill a vacancy left by Mr. Garner, who has resigned as of December 1<sup>st</sup>. Mr. Goldman said the town hopes to find both Mr. Garner's permanent replacement and an alternate Planning Board member.

Mr. Goldman said the town's Board of Zoning Appeals needs two members. He asked the Planning Board to spread the word on the present vacancies. The town will be conducting interviews during the first week of December.

Meeting adjourned at 7:56 p.m.

Respectfully submitted by Louis DiPietro on 11/23/14.