

**TOWN OF ULYSSES  
PLANNING BOARD  
12/16/2014  
Meeting Minutes**

**Approved:** 1/6/2015

**Present:** Chairperson John Wertis, Sarah Adams, David Blake (arrived at 7:04 p.m.), Andy Rice, David Diaz, Craig Salino (alternate), Environmental Planner Darby Kiley, Town Board Liaison Richard Goldman.

**Members of the public present:** Rudy Nunez

**1. Call to Order at:** 7:01 p.m.

**2. Agenda Review; Minutes Review (12/2/2014)**

Mr. Rice MADE the MOTION to approve the 12/2/2014 minutes. Ms. Adams SECONDED the MOTION as follows:

Mr. Wertis AYE  
Ms. Adams AYE  
Mr. Diaz AYE  
Mr. Rice AYE  
Mr. Salino AYE

Result: Minutes for 12/2/2014 approved

Planning Board Member David Blake arrived at 7:04 p.m.

**3. Privilege of the Floor**

There were no public comments.

**4. Consideration of SEQR and Minor Subdivision approval for a 3-lot subdivision at 1607 Trumansburg Rd,** Tax Parcel Number 33.-1-8.12, IL-Light Industrial and R2-Moderate Density Residence Districts. The Board of Zoning Appeals granted area variances for Parcel A (front yard setback and lot coverage) and Parcel C (side and rear yard setbacks and lot coverage). Parcel A is 1.17± acres and includes an existing building that houses Howl Studios; Parcel B is a 3.95± acre vacant parcel; and Parcel C is 2.03± acres with an existing building that houses the Ithaca Antiques Mall. James Curran is the owner/applicant.

Mr. Diaz MADE the MOTION to open the Minor Subdivision discussion, and Mr. Blake SECONDED the MOTION.

The vote was UNANIMOUSLY in favor.

Mr. Nunez gave a brief overview of the project at Ithaca Antique Mall and Howl Studios, whose tenants include musicians and crafts people. He has managed Howl Studios for nearly four years and intends to purchase the building from Mr. Curran. Howl Studios was recently outfitted with a new water line but is seeking out a plumber to hook the new line into the building.

Ms. Kiley said the Town's Board of Zoning Appeals has previously reviewed the subdivision project and granted approval for area variances. When the project was presented about a year ago, the Board of Zoning Appeals did have some concerns about the septic system because it was to be a shared system. The project has since been updated, and each building will have its own septic system. The Health Department has given its approval.

Planning Board members briefly discussed a nearby stream/ditch on the property and whether or not a septic system was too close to it. Mr. Diaz noted that, if the waterway was indeed a stream, it was just 10-20 feet away from the proposed septic system. Ms. Kiley said the septic system setback is the purview of the Health Department, which has given its approval.

### **SEQR Determination**

Ms. Adams noted that access to Parcel A cannot be made without driving through Parcel C. Ms. Kiley said she asked Mr. Curran about that and an easement for access will be granted. No new driveway is planned.

On the recommendation of Mr. Diaz, the Planning Board agreed to add language stating that SEQR approval is made under the condition of such an easement.

Mr. Blake MADE the MOTION to approve the SEQR resolution with minor revisions, and Mr. Wertis SECONDED the MOTION as follows:

WHEREAS:

1. This is consideration of Minor Subdivision Approval for the proposed three-lot subdivision located at 607 Trumansburg Rd, Tax Parcel Number 33.-1-8.12, IL-Light Industrial and R2-Moderate Density Residence Districts; James Curran, 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 December 16, 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 the Planning Board understands that the applicant will create a deeded easement for access from Parcel C to Parcel A; 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. Rice AYE  
Mr. Blake AYE  
Mr. Diaz AYE

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

**Resolution for Simple/Minor Subdivision Approval**

Mr. Wertis MADE the MOTION to approve the subdivision, and Mr. Blake 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 Owner, James Curran, submitted the required documents, and paid the fees for a Minor Subdivision; and
3. The proposed Subdivision is located at 1607 Trumansburg Rd, Tax Parcel Number 33.-1-8.12, IL-Light Industrial and R2-Moderate Density Residence Districts, and the Parcels A and C were granted area variances by the Board of Zoning Appeals on November 19, 2014, and Parcel B meets the zoning requirements; and
4. This is an Unlisted Action for which the Town of Ulysses Planning Board, on December 16, 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 December 16, 2014, has reviewed and accepted as adequate the map entitled, "Survey Map Showing Lands of James M. Curran, Located at No. 1607 N.Y.S. Rte. 96, Town of Ulysses, Tompkins County, New York," dated 1/14/2014 and revised most recently on 11/13/2014, 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

That the Planning Board of the Town of Ulysses hereby approves the Minor Subdivision, as shown on the map entitled, "Survey Map Showing Lands of James M. Curran, Located at No. 1607 N.Y.S. Rte. 96, Town of Ulysses, Tompkins County, New York," dated 1/14/2014 and revised most recently on 11/13/2014, by T.G. Miller P.C. Engineers and Surveyors, subject to the condition that a deeded access be granted from Parcel C to Parcel A.

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

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

**5. Continue Zoning Law revision work**

Ms. Kiley informed the Board that the Town has been awarded \$40,000 in NYSERDA grant funding to hire a consultant to aid in continued zoning work. She is reviewing the State's timeline associated with the grant, and the Town can begin crafting a formal Request for Proposal for the consultant.

The ensuing discussion focused on how the Town will provide direction to the consultant.

Mr. Wertis said the Town has historically formed separate committees to work on zoning updates.

Mr. Kiley indicated that the Town specified in the grant application that a steering committee made up of Town Board, Planning Board and Board of Zoning Appeals members and others residents would guide the work.

Mr. Wertis said he spoke with Town Board members and suggested that the future steering committee participate in a workshop to clarify what can and cannot be done with zoning.

Ms. Adams added that Planning Board members, regardless of whether or not they are chosen for the steering committee, should craft a list of their top-five priorities to address within the Town's zoning document. The zoning update process should reference zoning reports that have already been completed, specifically the Ag Plan prepared by Bergmann Associates. Prior to crafting an RFP for the consultant, it is important that the Planning Board has some sense of focus areas.

Mr. Rice said he would like the consultant to review Town zoning law for any vulnerability. Ms. Adams said guidelines for site plan review are one such area in which the Planning Board has nothing firm to fall back on.

Mr. Wertis said zoning topics like excavation, fill and grading – particularly in the Town's Lakeshore and Conservation zones – should be focus areas.

Ms. Adams added that the Planning Board has no opportunity to comment on what comes before the Town's Board of Zoning Appeals and that she senses a disconnect between zoning within the Town's Comprehensive Plan and what the Board of Zoning Appeals is doing with Lakeshore Zoning. She said anyone who wants a variance seems to get it, making a mockery of the zoning.

Mr. Diaz asked if information is shared between the Planning Board and the Board of Zoning Appeals.

Planning Board members said no.

Ms. Kiley said there is nothing within Town zoning that says the Planning Board is to provide comments to the Board of Zoning Appeals.

Mr. Wertis referenced the City of Ithaca, saying the City's planning and zoning boards communicate with one another because zoning law states that they are permitted to do so. A good starting point would be to pass a resolution along to the Town Board that would give permission to the Town Planning Board to communicate at times with the Board of Zoning Appeals in a general session.

The Board's conversation shifted to the topic of excavation and fill.

Mr. Wertis pointed to a stipulation in Town zoning that states that there is to be no excavation, grading or filling on sites within the Slopes Overlay Area or Unique Natural Areas unless an engineer reviews the proposed construction. He passed out related documents specifying excavation thresholds in various towns, including copies of the Town of Ithaca's Zoning law regarding deposit and removal of fill. He suggested the Planning Board consider a threshold of 10 cubic yards of fill for construction projects within the Lakeshore and Conservation zones. He referenced the Town of Ithaca's deposit and fill laws, saying that it could be mirrored in Town of Ulysses' Zoning within the Lakeshore and Conservation zones.

Meeting adjourned at 8:31 p.m.

Respectfully submitted by Louis DiPietro on 12/23/14.