

**TOWN OF ULYSSES
PLANNING BOARD
January 6, 2015
Meeting Minutes**

Approved: 1/20/14

Present: Chairperson John Wertis, Andy Rice, David Blake, Craig Salino, Environmental Planner Darby Kiley, Town Board Liaison Richard Goldman.

Members of the public present: none.

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

Privilege of the Floor: There were no public comments.

Agenda Review; Minutes Review (12/16/2014)

Mr. Blake MADE the MOTION to approve the 12/16/2014 minutes. Mr. Rice SECONDED the MOTION as follows:

Mr. Wertis AYE
Mr. Rice AYE
Mr. Blake AYE
Mr. Salino AYE

Result: Minutes for 12/16/2014 approved

It being the Planning Board's annual reorganization meeting, Mr. Wertis began by saying that the board should ensure that each member has all the necessary tools and resources to work with. The board is well-organized and up-to-date compared to other years. Everyone should have copies of the Town Comprehensive Plan, the Town Agricultural Plan and Zoning Law. There were several resolutions passed by the Town Planning Board in 2014, and Mr. Wertis suggested copies of each resolution be made available for the Board's newest members, Mr. Salino and David Diaz.

Ms. Kiley handed out a reference sheet from the James A. Coon Local Government Technical Series, a resource for municipal leaders.

Planning Board Rules and Procedures

Mr. Wertis said a particular pet peeve of his is when he attends a board meeting and it is unclear what the procedures are. The Town Planning Board's rules and procedures are modeled after the Town Board. In effect, the rules state that board members should respect each other.

Ms. Kiley made additions to the rules and procedures, primarily five sub-items under section 1.7, Public Notice of Official Meetings. The sub-items read:

- (1.7) a. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
- b. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
- c. The public notice provided for by this section shall not be construed to require publication as a legal notice.
- d. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.
- e. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

Mr. Wertis said Privilege of the Floor rules would now be included on the back of Planning Board agendas. He also noted that the number of permissible minutes given to each member of the public during privilege of the floor needed to be consistent within the Board's rules and procedures. In section 1.11, it was noted that the rules and procedures state that each member of the public wishing to address the board will be limited to two minutes. Elsewhere, like in section 1.14 (2), it states that the limit is three minutes. The Planning Board decided three minutes was best.

Planning Board Vice Chair

Mr. Wertis said Ms. Adams has been the Vice Chair of the Planning Board and has stated that she is willing to continue in that role.

Mr. Wertis MADE the MOTION to name Sarah Adams Vice Chair of the Ulysses Town Planning Board. Mr. Blake SECONDED the MOTION as follows:

Mr. Wertis AYE
Mr. Rice AYE
Mr. Blake AYE
Mr. Salino AYE

Result: Ms. Adams named Vice Chair of the Ulysses Town Planning Board for 2015.

Resolution: Town of Ulysses Planning Board 2015 Meeting Dates

Ms. Kiley said the meetings list, once approved as a resolution, is sent to local media, and media are then alerted to any cancelations throughout the year. This is the process for most towns and their respective boards. Mr. Wertis said he believed the business of the board should continue even if the chairperson or vice chairperson cannot make the meeting.

There was further discussion over wording within the meeting dates resolution.

Mr. Wertis MADE the MOTION to approve the Meeting Dates resolution, and Mr. Blake SECONDED the MOTION as follows:

BE IT RESOLVED, that the Planning Board of the Town of Ulysses adopts the following schedule of meetings for the Planning Board for the year 2015, where the board will meet on the first and third Tuesday of each month. The Town of Ulysses Planning Board will meet at 7:00 PM in the Town of Ulysses Town Hall at 10 Elm St, Trumansburg.

2015 Schedule is as follows: January 6; January 20; February 3; February 17; March 3; March 17; April 7; April 21; May 5; May 19; June 2; June 16; July 7; July 21; August 4; August 18; September 1; September 15; October 6; October 20; November 3; November 17; December 1; December 15

Mr. Wertis AYE
Mr. Rice AYE
Mr. Blake AYE
Mr. Salino AYE

Result: Town of Ulysses Planning Board 2015 Meeting Dates approved.

Planning Board attendance and training policy

Board members then discussed Planning Board attendance and the training policy for both the Planning Board and the Ulysses Town Board of Zoning Appeals. It was agreed that the Town's part-time clerk, Louis DiPietro, would maintain the Planning Board's attendance spreadsheet in 2015. Mr. Wertis suggested the Planning Board review the attendance spreadsheet in about six months or so.

The subject turned to board member training. Ms. Kiley said the Town typically plans an in-house two-hour training. She informed the board that the Town has budgeted funds to pay for local or out-of-town training and workshops related to planning work. She inquired as to the kinds of training board members would be interested in. Mr. Rice asked if training and workshops are worthwhile. Ms. Kiley said it is particularly valuable for

new planning board members to learn the ins and outs of the planning process. It is also a good networking opportunity.

Mr. Blake recalled a recent training seminar at Tompkins Cortland Community College (TC3) that was very basic and not well presented.

Mr. Wertis noted a local training session involving Caroline Town Supervisor Don Barber. Intended for any municipal board members, the session focused on how board members talk and listen to each other. He suggested the board get more specifics on the extent of the training. He believes the Planning Board is doing pretty well with how it approaches its meetings and deals with the public and each other.

Mr. Wertis then shifted the board's attention to what it accomplished in 2014, though the diversity of the work made it challenging to devise a cumulative chart of accomplishments. The Planning Board has added work with flag lots, further expanding the board's responsibilities. In short, the Planning Board stayed busy throughout 2014. Having looked over the year's meeting minutes, Mr. Wertis said he was amazed at the diversity of the work that came before the board. At the end of October, the Planning Board examined Town Zoning Law and thought of aspects to change. Several of those changes have been made. The Planning Board is now working toward a January 30, 2015 deadline for zoning changes because General Code is in the process of consolidating all Town laws into a single document, to be made accessible online for the general public. Any zoning work completed by January 30 would be included within the General Code document. Mr. Wertis asked Ms. Kiley to provide a list of the Planning Board's resolutions from the past year.

Planning Board Variance Review

Mr. Wertis brought up the topic of a resolution that would request that the Town Board insert a statement into Town Zoning that would permit the Planning Board to communicate at times with the Town's Board of Zoning Appeals on the subject of variances.

Mr. Blake said it was his recollection that the Planning Board tabled the resolution at its prior meeting. Ms. Adams was planning to speak with Ms. Kiley about how communication is handled between the Town of Ithaca's Planning Board and its Board of Zoning Appeals.

Mr. Goldman stated that the Planning Board should make the motion to move the provision onto the Town Board, if the Planning Board wishes to open communication lines with the BZA.

Board members discussed appropriate wording to include within the statement. Mr. Rice asked how many variance requests were made last year. Ms. Kiley said about 14.

Mr. Blake offered the following statement for consideration: “The Planning Board shall review and may provide written comment on all variance applications to the Board of Zoning Appeals which, if granted, would subsequently require Planning Board consideration.”

Mr. Wertis said the impetus for the provision came following this past summer, when the Planning Board took issue with a variance granted by the Town’s Board of Zoning Appeals. The issue got muddled because it was okay for individuals to speak against the variance. However, the Planning Board had been advised by Town counsel that it was not permissible for the Planning Board to comment as a single entity on a given variance request.

Mr. Goldman said it is not permissible because Town Zoning law, as written, does not explicitly state that such communication is allowed.

Mr. Wertis noted the change in scheduling if the Planning Board were to comment on variance requests. It would mean that the board would have to come to some conclusion in a single meeting, a challenge that could possibly delay the variance request process.

Ms. Kiley said applicants would be required to submit necessary materials for variances before the first of the month.

Mr. Blake MADE the MOTION to approve the Zoning law provision and move it along to the Town Board for approval. Mr. Salino SECONDED the MOTION as follows:

“The Planning Board shall review and may provide written comment on all variance applications to the Board of Zoning Appeals which, if granted, would subsequently require Planning Board consideration.”

Mr. Wertis AYE
Mr. Rice AYE
Mr. Blake AYE
Mr. Salino AYE

Lakeshore and Conservation Districts

Mr. Wertis distributed copies of Zoning law in regard to excavation and fill in the Lakeshore and Conservation Districts. There have been at least two instances that have caused the Planning Board grief, Mr. Wertis said. When a property owner in the Lakeshore District proposes moving dirt for a non-structure in a Slope Overlay Area or Unique Natural Area, Zoning states specifically what should happen. Citing the zoning law, moving earth in the Slope Overlay Area or UNA is permissible if determined by the Planning Board to be necessary to prevent erosion. If a property owner wishes to build a stone wall or put in a pond, they are not permitted to do so unless it is in conjunction with construction pursuant to a building permit. Property owners wish to do things on their own property, Mr. Wertis said. He also noted that even if moving fill is necessary to

prevent erosion, a property owner is still required to hire a licensed engineer for a review. In the Conservation District, the wording is slightly different but mostly similar. In both districts, permitted uses are only allowed after obtaining a building permit. However, the Planning Board does not issue building permits, so that pushes the Planning Board and the Town in the direction of requiring excavation permits. The Planning Board has to make a proposal that updates the excavation and fill sections within the Lakeshore and Conservation districts in Town Zoning. Mr. Wertis believes the intention of the excavation language was to make it more difficult to dig and move fill around in Slope Overlay and Unique Natural Areas, but the current provisions do not work for the Planning Board. A resolution that Mr. Wertis distributed aims to correct this. Any movement of earth, whether excavation, fill or grading, would require an excavation permit. On the application, the applicant would indicate the number of cubic yards of earth to be moved. Anything beyond 10 cubic yards of earth would require town review, while excavation at or below 10 cubic yards would require confirmation at the project site by the town code officer.

After a brief discussion, Mr. Rice said 10 cubic yards was reasonable. Mr. Wertis said he is proposing the same changes in the Conservation District. He has no issue with postponing the resolution until the next meeting to allow board members to consider the changes. He also said he did not realize the costs involved in requiring a licensed engineer to review an excavation project.

Mr. Blake said information on the costs associated with licensed engineer review is needed.

Mr. Goldman stated that he felt a copy of the Town Zoning document should be issued to the new homeowners whenever a residence within the Lakeshore District is sold.

Mr. Wertis MADE the MOTION to table the discussion until the next meeting. Mr. Rice SECONDED the MOTION as follows:

Mr. Wertis AYE
Mr. Rice AYE
Mr. Blake AYE
Mr. Salino AYE

Result: Discussion tabled until next meeting.

Engineering Request for Qualifications

Now that the Town has received responses from its Request for Qualifications seeking engineering services for continued zoning updates, the Town will now organize an interview committee consisting of two Town Board and two Planning Board members.

Mr. Blake volunteered to be one of the Planning Board members involved in the interview.

Ms. Kiley stated that any member of the board is welcome to review applications and provide comments.

Mr. Wertis felt the applicants from Rochester and Binghamton were low in the running since they were not local. It would be better to find someone closer to home. He asked Ms. Kiley about the timeline in selecting an engineer. Ms. Kiley said the Town does not have one yet, and both she and Town Board Member Dave Kerness will sketch one out.

At this time, Mr. Wertis asked Mr. Goldman if he would continue in his role as Town Board liaison to the Planning Board. Mr. Goldman agreed.

Mr. Blake asked if there has been any progress on the rewording of the Town's definition of family within its Zoning laws.

Referencing past meeting minutes, Mr. Wertis said each board member was to respond individually.

Ms. Kiley said she has a particular file for zoning-related matters that will be included in the General Codes update. She will provide an update on the definition of family for the next meeting. The Town has been getting push back from some residents who feel the definition needs tightening. Legally, though, the Town cannot tighten the definition.

Mr. Wertis said it seems to him that some residents are more unhappy with the building conditions than they are with the occupants.

Ms. Kiley stated the Town does not zone people. Zoning and, more specifically, redefining a family within zoning law, does not change people and behavior.

Mr. Wertis MADE and MOTION to adjourn the meeting, and Mr. Blake SECONDED the MOTION. The vote was unanimous.

Meeting adjourned at 8:11 p.m.

Respectfully submitted by Louis DiPietro on 1/14/2015.