

**TOWN OF ULYSSES  
PLANNING BOARD**

**1/20/2015**

**Minutes**

*Approved: 2/3/15*

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

Planning Board Member Sarah Adams was excused, and Mr. Salino was named a voting member.

**Members of the public present:** Alex Hagen and Doug Snyder of Renovus Energy

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

**Privilege of the Floor:** There were no public comments.

**Agenda Review; Minutes Review (01/06/2015)**

Mr. Blake MADE the MOTION to approve the 01/06/2015 minutes. Mr. Rice SECONDED the MOTION as follows:

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

**Result:** Minutes for 01/06/2015 approved.

Ms. Kiley issued Mr. Diaz a copy of the Town's Ag and Farmland Protection Plan, since he did not have a copy. Mr. Salino needs a copy.

The Planning Board addressed remaining reorganizational matters, beginning with the board's Rules and Procedures for meetings.

Prompted by a question from Mr. Wertis, Ms. Kiley said this latest version classifies all Planning Board meetings as regular meetings. In the past, the Planning Board differentiated between working meetings and regular meetings. The first meeting of the month was reserved as a working session, while the second meeting of the month was for regular business. The latest updates classify all meetings as regular meetings, thus giving the Planning Board flexibility in addressing board business at either monthly meeting. Mr. Wertis added that the Planning Board's updated meetings procedures mirror those of the Town Board's.

Mr. Wertis MADE the MOTION to approve the Town of Ulysses Planning Board Rules and Procedures for Meetings, and Mr. Blake SECONDED the MOTION as follows:

**Town of Ulysses Planning Board Rules and Procedures for Meetings  
Revised 1/14/15**

1. Regular Meetings

The Planning Board will meet at 7:00 PM on the first and third Tuesday of each month as called by the Chairperson. The only Board member who may call a meeting is the Chairperson. The Chairperson appointed by the Town Board shall preside. In the absence of the Chair, the Vice Chairperson (elected by majority of the Board) will preside assuming there is a quorum of at least three members present. In the absence of both the Chair and the Vice Chair, the attending members may elect a Temporary Chair to preside by a majority vote.

2. Quorum

A quorum for the five member board shall be three members in attendance.

3. Agenda

Agendas will be developed by the Town Planner and the Chair. A draft agenda will be emailed to Members approximately one week in advance of the upcoming meeting. Members may suggest changes or additions to the agenda via email up until 5:00 PM of the Thursday preceding the meeting. A final agenda will be distributed by e-mail and hardcopy in each Planning Board Member's mailbox by 5:00 PM on the Friday preceding the meeting. All items suggested by members for the agenda will be listed.

4. Special Meetings

Special meetings may be scheduled by a majority of the members attending a Regular Meeting, in response to the press of business before the Board, and noticed as outlined by NYS Open Meetings Law §104 (see below).

5. Site Visits

The Town Planner or Chair may use email communication to schedule a Site Visit, with as much advanced notice as possible. If a quorum of members plans to attend the Site Visit, the meeting will be noticed as outlined by NYS Open Meetings Law 104 (see below).

6. Public Hearings

Public Hearings will be scheduled according to the Regulations of the Zoning Law for the Town. They will be held on the Regular meeting day for the Planning Board, unless Zoning Law regulations require otherwise.

7. Public Notice of Official Meetings (NYS Open Meetings Law §104)

- 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.

#### 8. Informal Meetings

Informal meetings of less than a quorum do not constitute official meetings and do not require public notification.

#### 9. Meeting Notice and Agenda Development

An agenda will confirm the occurrence of a meeting. All Board members are expected to attend all official Board meetings, in accordance with the Town's 2012 Attendance and Training Policy. Board members who cannot attend a scheduled meeting will notify the Chair by e-mail, phone or in person as soon as possible in advance of the meeting.

#### 10. Agenda Items

There are three "streams" that flow into the development of agenda items.

- (1) Responding to Applications brought before the Planning Board by the Town Planner for Applicants for whom "actions" must be taken according to Town Law, and
- (2) Responding to Town Board Resolutions requesting considerations and recommendations on specific issues, and
- (3) Topics within the purview of the Planning Board's authority, initiated by Planning Board members.

#### 11. Agenda Format

- (1) Call to order
- (2) Approval of prior minutes

- (3) Privilege of the floor to the public with 3 minute limit
- (4) Applicant/Zoning Officer business
- (5) Old Business
- (6) New Business
- (7) Town Board Liaison Report

#### 12. Minutes

An appointed, salaried Clerk shall record, compile and distribute draft minutes of every meeting. Draft minutes of the previous meeting shall be distributed with the agenda for any meeting scheduled. Draft minutes will be regularly reviewed, edited as necessary, and approved.

#### 13. Questions of Order

The Planning Board shall follow Robert Rules of Order in their deliberations. The Board will name a Parliamentarian from among its members to issue rulings as necessary. The Parliamentarian will read the basis for the ruling aloud.

#### 14. Conducting a meeting

##### a. Seating

At all Planning Board meetings other than Public Hearings, Board Members will be seated together at a table, or two tables facing each other. Any other privileged speaker will be seated at some place that is separate from the public speaking. This separation is necessary to avoid confusing the public as to who may speak.

##### b. Public Decorum

An opening statement shall be made in every meeting directing members of the public as to when and how they may participate. All shall be directed to restrict their statement to 3 minutes maximum. All speakers shall be recognized by the Chair. When invited to speak a member of the public shall be instructed to give their full name and address. In speaking, the public should address the whole Board. Disruptive behavior will not be allowed during Board meetings. Such behavior shall include name calling, swearing, defaming, shouting or other similar behaviors found offensive by the Chair, or on appeal of the Chair's decision, by a majority of the Board. Any member of the Board may call the attention of the Chair to a violation of the rules, by calling out "point of order". In the event of disruptive behavior, one warning shall be given by the Chair. After one warning, the person being disruptive shall be asked to leave. At any time the Chair may address the public on matters having to do with process and decorum. This shall be done promptly when there is a breach and there shall be no exceptions. A statement on appropriate decorum for Planning Board meetings shall be included at the bottom/back of the agenda.

##### c. Board Decorum

A Board member wishing to speak raises his/her hand for privilege and shall be recognized by the Chair. The Chair shall assign order of speaking based on the order in which hands are raised. Member may not speak simultaneously and may not interrupt

each other. The Chair shall interrupt any member who speaks continuously for more than three (3) minutes. Generally, a member who has not yet addressed the question shall be given privilege over those who have. The Board shall address only the Chair, other Board members, and the privileged speakers.

d. Members speaking with the Public

Board members shall not address the public except during the time allocated for public participation, and then only when the Chair indicates that they may do so. The indication shall only be made when the Board member indicates an interest in speaking with the person in the public.

15. Motions

a. Motions Defined

The business of the Board shall be conducted in a series of motions. A motion is a formal proposal that the Board take certain action. Because the Ulysses Planning Board is a small board that does not have a committee structure to work through motions before they are brought to the full Board, the motion to discuss is included here to allow for informal debate and editing of the wording of a motion before it is brought to the floor for action.

A motion to discuss can be made and seconded to bring a draft motion to the floor for discussion. Once a motion to discuss is on the floor, the Board can debate the motion and amendments can be made in response to the discussion if the member who brought the motion agrees, without the formal procedures that govern main motions. The only vote required for a motion to discuss is to end discussion and remove the motion from the floor. The Chair can call a vote to end discussion of a motion to discuss at any time.

A main motion bringing business before the Board shall be handled in all aspects according to the procedures in Robert's Rules of Order Newly Revised (10<sup>th</sup> Ed.).

All other types of motions, with the exception of a motion to discuss shall be handled in all aspects according to the procedures in Robert's Rules of Order Newly Revised (10<sup>th</sup> Ed.).

b. Seconds to Motions

A motion shall not be discussed until it has a Second. A member making a Motion may restate it once in seeking a Second, but may not argue for the second.

c. Voting on Motions

Voting shall be stating "Aye" or "Nay," the clerk shall immediately state the outcome.

d. Any Board member may make any motion at any time when there is no Motion on the floor. If the Motion fits clearly within an item listed later on the Agenda the Chair may rule it out of order.

It is preferred that Motions be submitted in writing prior to the meeting and must be in writing if they are instructions to any body or person. A motion may be written out during the meeting (see motion to discuss). Ideally, new motions are presented first at a previous

meeting. New Motions may be presented at a meeting and acted upon if copied to all members by 5 PM on the preceding Friday to meeting.

#### 16. Motion Exceptions

The Chair may present Emergency Motions without notice. They may be ruled out of order by the super majority of the Board. A super majority of the five member board shall require four or more members.

#### 17. Standing of these Rules

- a. Amendment of these Rules of Procedure requires a super majority vote at one meeting. Permanent Removal of these Rules requires a super majority voting in two Regular Meetings.
- b. Any specific Rule may be waived during any meeting by a super majority. Such waivers stand for only the meeting when voted.

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

**Result:** Rules and procedures approved.

**Sketch Plan Conference: Consideration of SEQR and Site Plan for Site changes at 1520 Trumansburg Rd, Tax Parcel Number 33.-4-3.6, B1- Business District.** Renovus Energy purchased the property in December 2014 to use as a new headquarters. The existing office building (~5,000 square feet) will be used as a business office and the existing warehouse (~10,000 square feet) will be used for storage. The proposed site changes include three (3) new airlock entrances on the office building, three overhead doors and canopies on the warehouse, additional parking, new truck loading area, new signs, and landscaping. Number 10 Properties, LLC, Owner; Doug Snyder, Applicant/Agent.

Mr. Wertis MADE the MOTION to open the sketch plan conference and Mr. Rice SECONDED the MOTION.

Mr. Hagen, the vice president of finance for Renovus Energy, told the Planning Board that the company is excited about moving into the property and being a part of the Town. Renovus has grown in the last 18 months, adding 25 employees and hoping to add more in the coming years. For the past 10 years, Renovus has been headquartered on Cherry Street in Ithaca. They recently added a short-term office space on State Street in Ithaca, but spreading 50 employees across four locations is not working well. Referencing the company's plans for 1520 Trumansburg Road, he said the complete list of projects before the Planning Board is what Renovus would love to get approved and underway as soon as possible. Their business of solar-panel installation is weather dependant, with April being the most efficient time for installation work. Renovus hopes to have

the exterior upgrades and warehouse upgrades completed before the good weather hits, so they can run installation operations out of the new location. The business office space would undoubtedly take longer, but getting the warehouse operational is the company's first priority. The biggest upgrade involves adding three exterior doors to the south side of the warehouse building. This would allow installation trucks to load up efficiently in the mornings and offload unused materials at day's end. For the interior, the south corner works best for the exterior doors because its location minimizes cold air that could potentially pour into the building. Pavement will be needed outside of the three doors once installed. Renovus is looking to add awnings above entrances, though pipe and canvas awnings may not be durable enough on the building's west side, where the roof's slope would likely dump accumulated snow directly onto it.

The three doors on the warehouse are the only doors Renovus will be adding to either building. Others will be updated and improved since some of the door frames have rusted over the years. The company wants to add a breezeway to the office building, but the breezeway's size and design is still being discussed.

On the subject of signage, Mr. Hagen said the building's prominent location on Route 96 appealed to Renovus. They want the community to know of Renovus's presence in the community and that it is a growing company. A well-lit sign on the building is an important feature, but its design has not been finalized. No floodlight would be used for the signage. Planners are looking to add the building's sign within the pre-existing blue apron that spans the building's perimeter. There will be an additional road-side sign powered by solar panels.

Responding to a question from Mr. Wertis, Mr. Hagen said the warehouse building would not have a sign.

Mr. Snyder said both signs are in full compliance of the Town's square footage allowance.

Mr. Rice said designers of the road-side sign should be mindful of the potential for it to be an obstruction for drivers heading north on route 96 from the Renovus driveway. He noted the road signs at the intersection of 96 and Rabbit Run Rd near Mr. Blake's property that obstruct the view of traffic.

Ms. Kiley suggested Renovus contact the New York State Department of Transportation and find out where exactly the State's right-of-way ends on the property.

Mr. Hagen said Renovus would like to add additional parking spaces, seeing as though the company expects to have 75 to 100 employees in a few years. Renovus has a fleet of six Dodge Ram pick-up trucks that will be parked at the property on weekends.

Mr. Blake asked about future traffic at the site. Mr. Hagen responded that the only people coming and going from the property are potential customers and about four sales staffers. The property will be a showcase of technology, with both rooftops completely covered in solar panels. It is the company's hope to power the buildings solely from solar. They are also exploring a geo-thermal heating system.

Mr. Wertis said Planning Board members have a tendency to keep properties looking as un-industrial as possible. He noted a tree requirement and said the board would be interested to know where Renovus intends to plant trees.

The group briefly discussed parking options. Mr. Hagen said there is not enough space behind the warehouse for parking and, Mr. Snyder added, water drains in that vicinity. Mr. Hagen said most of the additional parking spaces would be added on the small building's south side. Parking on the north side of the property is also an option, but how to establish a natural barrier between the parking spaces and the Route 96 roadway is unclear at this point.

Asked about parking surfaces, Mr. Hagen said Renovus plans to lay asphalt but could switch to gravel if the quote is exorbitant.

Mr. Diaz suggested installing trees that are good for screening. Mr. Snyder said Renovus will provide details about what types of trees to be planted and their locations.

On the subject of exterior lighting, Mr. Wertis said the Planning Board would prefer to see limited external illumination kept on-site.

Mr. Hagen said exterior lighting would be needed at the three exterior doors. Renovus will try to keep exterior lighting minimized.

Mr. Wertis asked if the property would include a shop. Mr. Hagen said the warehouse would have a small break room, kitchenette, laundry, and bathroom and shower facilities. A pre-fab shop area would be located in the warehouse. Mr. Snyder said the area would be clean, with no vehicle maintenance work done on-site. Tools used by Renovus are those typically found in a standard garage.

Mr. Diaz asked about water runoff at the property. Mr. Hagen said the property drains toward the south and into ditch located near weeping willow trees by the Route 96 roadway.

Mr. Snyder added that there are two septic fields on the property.

Mr. Wertis reiterated the need for additional information regarding signage height and size, tree shrub plantings and locations, parking surface and exterior lighting.

Mr. Rice MADE the MOTION to close the sketch plan conference, and Mr. Wertis SECONDED the MOTION:

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

**Result:** Sketch Plan conference closed.

Ms. Kiley informed Mr. Hagen and Mr. Snyder that project materials would need to be submitted to her by next Tuesday in order to be included on the Planning Board's next agenda on February 3. If not, the Planning Board will take up the discussion at its February 17 meeting.

Mr. Hagen and Mr. Snyder left the meeting at 7:38 p.m.

### **Continuing Zoning Law revision work**

Mr. Wertis gave a brief overview of the previous meeting, saying that he had requested Ms. Kiley formulate a summary of issues the Planning Board has had with the Town's Zoning document as well as suggested changes made thus far. Because Zoning law changes requested by the Planning Board are moved onto the Town Board for approval, there are instances when Town Board members will ask for justifications for the changes. By the end of the month, some Planning Board members may want to explain to Ms. Kiley their reasons for the zoning changes and why the Planning Board chose to make changes. In the meantime, the Planning Board can deal with a couple of items, one being the Request for Proposal responses for engineers to assist in ongoing zoning work.

Mr. Blake had looked over the eight responses from engineers and given his thoughts. Mr. Wertis suggested the Town's interview committee bring in three firms, with priority to those firms who are closest in proximity.

Responding to a question about references from Mr. Rice, Mr. Blake said that every firm but one provided references.

Mr. Wertis handed out copies of Planning Board Zoning Law Revisions. His intention in circulating the document was to bring both Mr. Diaz and Mr. Salino up to speed on recent suggested changes to Town Zoning Law. It is possible that a future action will come before the Planning Board that has board members responding in conflict to town zoning. Rather than reference a section of Town zoning that fails to sufficiently address a particular issue, the Planning Board is moving ahead with modifications. Thus far, each suggested change – with the exception of soil and excavation in the Lakeshore and Conservation districts – has been approved by the Planning Board.

Mr. Rice said he was having second thoughts on striking the 10-day time limit for responding to sketch plans. Adopted at their November 4, 2014 meeting, the Planning Board suggested removal of the 10-day limit in which the Chair was to provide an applicant with a set of requirements for site plan review. Mr. Rice said there has to be some time limit to ensure the applicant there is prompt consideration of the issues and to keep the Planning Board running efficiently and responsibly. Otherwise, projects can lag on. As part of the zoning law, it might be wise to require the Planning Board to respond to applicants within a reasonable timeframe.

Ms. Kiley said she was not exactly sure why the 10-day window was in the zoning law. She suggested that the Chair would supply requirements by the end of the following Planning Board meeting.

Mr. Wertis suggested the provision remain open-ended – meaning without a time requirement – until it becomes a problem.

Mr. Diaz felt there needed to be a time limit in place because applicants expect it. Whether requirements are to be returned to the applicant by the next meeting, or even five business days, there is no question a time limit should be stipulated.

Mr. Wertis offered that documents be returned to the applicant by the beginning of the Planning Board’s next regularly scheduled meeting.

Mr. Rice MADE the MOTION to recommend an amendment to the Current Zoning Law Section 3.4.3, and Mr. Diaz SECONDED the MOTION as follows:

Whereas, the Current Zoning Law Section 3.4.3 requires the Planning Board Chair to provide an applicant with a set of requirements for Site Plan Review 10 days after the closing of the Sketch Plan Conference;

Whereas, in November 2014, the Planning Board recommended that the 10 day requirement be eliminated;

THEREFORE, BE IT RESOLVED, that this time requirement be changed from 10 days to “the beginning of the next regularly scheduled meeting.”

Mr. Wertis NAY  
Mr. Rice AYE  
Mr. Blake AYE  
Mr. Diaz AYE  
Mr. Salino AYE

**Result:** Recommended time limit for responding to Sketch Plan approved.

Mr. Blake shifted the Planning Board’s focus to its communications with the Town’s Board of Zoning Appeals. He made a slight wording change to the suggested language to be inserted within Section 3.2, adding the word “may” into the statement. The statement now reads:

“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. Diaz asked whether it should be assumed that the Planning Board does not have a problem with a particular variance request if the Board chooses not to comment.

Mr. Wertis said the Board does not know. Mr. Blake said the purpose of the Planning Board providing optional comment to the BZA came about after a lakeside development project.

Mr. Wertis proposed a friendly amendment to the language, adding that the Planning Board may communicate at their own discretion with the BZA on planning issues. Mr. Blake felt that the

additional language was not something the Planning Board should explore and that the Board should only provide comments on those projects that require BZA variances prior to Planning Board consideration.

Mr. Blake MADE the MOTION to approve the revised language and send it along to the Town Board for consideration, and Mr. Wertis SECONDED the MOTION as follows:

Mr. Wertis AYE  
Mr. Rice AYE  
Mr. Blake AYE  
Mr. Diaz NAY  
Mr. Salino AYE

**Result:** Suggested language approved.

The Planning Board briefly discussed suggestions to the Town's definition of Family. Mr. Wertis said Board members were asked to respond individually as to which of the three definitions was best. Mr. Blake and Wertis sent their recommendations to Ms. Kiley. Mr. Rice said he is amazed that he is being asked to weigh in on the subject since it seems like a morass. He liked Mr. Blake's statement, which best encompassed all three options:

“One or more persons occupying the same dwelling unit and living and cooking as a single housekeeping unit, said unit consisting only of individuals who are related by blood, marriage, foster relationship or otherwise by law and no more than one other person not related to the others in the housekeeping unit. A “Family” so defined specifically excludes individuals and groups occupying boarding and rooming houses, fraternities, hotels/motels, dormitories or other living environments of a transient or temporary nature.”

Mr. Wertis asked Board members to send their opinions on the matter to Ms. Kiley.

### **Summation on excavation in Slope Overlay Area and Unique Natural Areas within the Town's Lakeshore and Conservation districts**

Mr. Wertis MADE the MOTION to adopt new stipulations regarding excavation in Slope Overlay Area and Unique Natural Areas within the Town's Lakeshore and Conservation Districts. Mr. Blake SECONDED the MOTION as follows:

Excavation, Fill, and regrading in the Lakeshore District: Slope Overlay Area or Unique Natural Area

A. The deposit and removal of fill, including but not limited to sod, loam, sand, gravel, stone or similar material (hereinafter referred to collectively as “fill”) is limited as follows:

1. There shall be no excavation, fill, or regrading without application for an “Excavation, Fill, and Grading Permit.”
2. Should the completed application indicate that the amount of fill moved will be less than 10 cubic yards, the Zoning Officer will visit the site to confirm the estimate and the other required application information.
3. The application and supporting documentation will be presented to the Planning Board for review and approval, denial, approval with conditions, or with recommendations and resubmittal.
4. Should the application be for more than 10 cubic yards of fill movement, or if the Zoning Officer’s visit determines that there will be more than 10 cubic yards of fill movement, the project will be submitted to the Town’s consulting engineer who will review the application, plans, supporting documents and visit the site, before making a recommendation to the Planning Board with advice as to whether to approve, deny, or approve with conditions. Such review by the Town engineer will be paid for by the applicant.

B. The above stipulations do not apply to any fill activity that is part of a development that has current Site Plan Approval.

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

**Result:** Summation approved

Referencing Section 10.2 within Town Zoning, Mr. Diaz pointed to the current language, which states that land disturbance activities require a building permit, except for activities for agricultural purposes. He asked whether or not it was a good thing for the Town to exclude agricultural operations from obtaining building permits to excavate. Mr. Wertis said that he is not certain that it is a good idea, but he did not have the time nor energy to write a comprehensive, townwide change concerning excavation.

Responding to a subsequent question from Mr. Diaz, Ms. Kiley said there is just one farm operation located within the Lakeshore and Conservation districts. Mr. Diaz said, based on the proposed changes, it seems like the Planning Board is saying they do not have the time to get into his concern regarding agricultural operations and permitted uses. Mr. Wertis said he wants to address this particular area first, since the Planning Board is handling applications involving excavation within Lakeshore and Conservation Districts in a way that runs counter to what is actually written in Town Zoning.

Mr. Diaz asked about section 9.7.3 (Soil and sediment control) within the Lakeshore District and whether current protective language extends to steep ravines. Mr. Wertis said the authors of the Town’s current zoning law focused on the shoreline and not on gorges. Mr. Blake suggested Ms.

Kiley include a note to encourage zoning consultants to review steep ravines as well as the shoreline during project review.

Ms. Kiley said there may be a way to add language to Section 9.7.3 to protect streams as well. She said she would look into it.

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

Meeting adjourned at 8:28 p.m.

Respectfully submitted by Louis A. DiPietro on 1/26/14.