

**TOWN OF ULYSSES
PLANNING BOARD**

2/17/2015

Minutes

Approved: March 3, 2015

Present: Chairperson John Wertis, David Blake, Craig Salino, **Environmental Planner** Darby Kiley.

Mr. Salino was named an alternate member in place of Sarah Adams, who was excused.

Excused: Sarah Adams, David Diaz, Andy Rice

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 (02/03/2015)

Mr. Wertis MADE the MOTION to accept the 02/03/2015 meeting minutes, and Mr. Blake SECONDED the MOTION. The vote was unanimous.

Zoning Revisions

Ms. Kiley had previously presented the Planning Board's and other suggested Zoning changes to the Town Board, which approved a few of them. The Planning Board reviewed its 11 issues with Town Zoning and took board action on five.

Planning Board communication with Board of Zoning Appeals

Mr. Wertis MADE the MOTION to adopt additional language to be placed within Town Zoning, and Mr. Blake SECONDED the MOTION as follows:

“The Planning Board may review and may provide written comments on all variance applications to the Board of Zoning Appeals for projects that would be subject to Planning Board review and approval if the variance is granted. If providing written comments, the Planning Board shall submit said comments no less than 5 calendar days prior to the public hearing for the zoning variance application.”

The vote was as follows:

Mr. Wertis AYE

Mr. Blake AYE

Mr. Salino AYE

Result: Additional language adopted

Lakeshore and Conservation Districts Subdivision sections

Ms. Kiley stated that, last year, she and Town Attorney Mariette Geldenhuys had flagged existing language within subdivision sections because it was worded awkwardly. The proposed language updates would replace the existing language.

Mr. Blake MADE the MOTION to adopt language revisions within the Lakeshore and Conservation Districts' subdivision sections, and Mr. Wertis SECONDED the MOTION as follows:

Replace the section headings with "Limitations on subdivision of parent tracts"

"Any tract or parcel of land in common contiguous ownership at the time of the creation of the this district (December 2013), subject to other normally applicable subdivision laws and regulations, hereafter may be subdivided to create up to and not more than three lots."

The vote was as follows:

Mr. Wertis AYE

Mr. Blake AYE

Mr. Salino AYE

Result: Revisions to subdivision sections adopted

Standards for Animals in Residential Areas

Mr. Wertis stated this particular issue was a controversial one, and there have been problems with the existing language.

Ms. Kiley stated some of the substantive changes, particularly the addition and definition of "domestic livestock" instead of individual farm animals and the addition of Conservation District within permitted districts. The Town Board's primary concern is that domestic livestock be kept on the owner's property.

Mr. Wertis MADE the MOTION to adopt the proposed language changes within the Standards for Animals in Residential Areas section, and Mr. Salino SECONDED the MOTION as follows:

The keeping of domestic livestock is permitted in the R1–Rural Residence District, R2–Moderate-Density Residence District, and CD-Conservation District residential districts only if:

1. Animal waste shall be managed according to current best management practices to minimize odors, dust, leaching and water runoff.
2. No buildings where animals are kept shall be located within 100 feet from a stream edge or any wetland as defined by state or federal law.
3. All domestic livestock shall be kept on the property, and fencing shall be appropriate and adequate for the species maintained.

Domestic Livestock are defined as domestic animals, such as cattle, sheep, hogs, goats, horses, poultry, alpacas, llamas, ratites, ostriches, emus, rheas and kiwis, farmed deer, or farmed buffalo, raised for sale or home consumption of meat, fiber, milk, eggs, or as work animals.

The vote was as follows:

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

Result: Revised language adopted

New language in Lakeshore and Conservation Districts related to land disturbance activities causes problems for proposed projects where the land disturbance is not associated with a structure

Ms. Kiley stated her suggested changes, including the removal of language requiring an excavation permit, which the planning board had previously recommended. Mr. Wertis disagreed with the removal of the excavation permit requirement. Ms. Kiley said she was not keen on having another permit process and that the revised language adds appropriate safeguards but without an excavation permit requirement. It is a more streamlined approach.

The Planning Board and Ms. Kiley briefly discussed the suggested language in regard to permitting by federal, state or county agencies.

Mr. Wertis had second thoughts on the 10 cubic yardage threshold. It may be too high. He would be more comfortable with a threshold less than 10 and suggested the Planning Board approve the language as revised but with the caveat that the Town Board should ultimately decide the excavation threshold.

Mr. Blake said he appreciated Ms. Kiley's revisions but is sticking with the Planning Board's proposed updates.

Mr. Salino asked that Ms. Kiley's wording in regard to septic tanks be added. The Planning Board came to a consensus to add that particular sentence as a sub-item under Excavation in Lakeshore District: Slope Overlay Area or Unique Natural Area, section A.

Mr. Wertis MADE the MOTION to approve the changes to excavation in the Lakeshore District, and 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.
5. This provision is not applicable to projects with a valid permit from a County, State, or Federal agency.

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

The vote was as follows:

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

Result: Revised language approved

Proposed definition of “Family”

The Planning Board reviewed changes suggested by Mrs. Geldenhuys.

Mr. Wertis MADE the MOTION to adopt the recommended changes to the Town’s definition of family, and Mr. Blake SECONDED the MOTION as follows:

FAMILY – (1) One or more persons living together in a single dwelling unit, all of whom are related by blood, marriage or adoption; or

(2) a functional family unit, defined as follows: A group of individuals living together in a single dwelling unit and functioning as a family. In determining whether a group of legally unrelated individuals is a functional family unit, the following criteria must be met:

(a) The occupants must share the entire dwelling unit.

(b) The household must have stability. Evidence of such stability may include the following:

(i) The presence of minor dependent children regularly residing in the household.

(ii) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

(iii) Whether different members of the household have the same address for the purposes of:

[a] Voter registration.

[b] Driver's licenses.

[c] Motor vehicle registration.

[d] Summer or other residences.

[e] The filing of taxes.

(iv) Common ownership of furniture and appliances among the members of the household.

(v) Enrollment of dependent children in local schools.

(vi) Employment of household members in the local area.

(vii) A showing that the household has been living together as a unit for a year or more, whether in the current dwelling or other dwelling units.

(viii) Any other factor reasonably related to whether the group of persons is the functional equivalent of a family.

The vote was as follows:

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

Result: Proposed changes adopted

The Planning Board briefly discussed some of the other suggested Zoning changes that were ultimately okayed by the Town Board.

For the Planning Board's next meeting, Ms. Kiley said she is anticipating a two-lot subdivision on route 89 and Garrett Road. She said she would not be attending the next meeting because she will be out of town.

The meeting was adjourned at 7:41 p.m.

Respectfully submitted by Louis A. DiPietro on 02/18/2015.