

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
June 17, 2014**

Approved: March 17, 2015

Present: Chairperson Rod Hawkes, **Board Members:** David Blake, Brian Cutler, Richard Garner, Andy Rice, Rebecca Schneider, John Wertis; **Environmental Planner:** Darby Kiley

Excused: Sarah Adams

Applicants: Lance Gates, William Proctor, Scott Nostrand (B&L), Barbara Eckstrom (Tompkins County Solid Waste Department)

Call to Order:

Mr. Hawkes called the meeting to order at 7:00pm.

Agenda:

Mr. Hawkes asked for changes to the agenda; none offered.

Minutes: The board unanimously approved the following meeting minutes with discussed changes: April 1, 2014; April 15, 2014; May 6, 2014; May 20, 2014; and June 3, 2014.

Privilege of the Floor: No one from the public spoke.

Town Board:

Update on Gates Major Subdivision for Krums Corners Road:

Ms. Kiley met on the site today with a county highway employee who will issue a recommendation to the Gates' for culvert sizing and design since the property has a really steep drop-off and a wide stream. The employee noted a lot of debris along the culvert that needs to be cleaned out. It is a huge diameter culvert.

Cayuga Compost Site Plan

Ms. Schneider requested more information about the stormwater basin.

Ms. Kiley said she relayed questions about the water monitoring plan to Jean Bonhotal and Scott Nostrand, and they responded back with answers. Planning Board members reviewed the responses and further discussed the issue.

Ms. Schneider raised concerns about the type and frequency of the water sampling.

Ms. Eckstrom said the intention is to capture samples four times per year. She has no objection to additional storm sampling, which will be carried out by subcontractors of Cornell Waste Management Institute. August 2016 is the expected time for full capacity.

Ms. Schneider asked for clarification about data concerning fecal coliform. Horse manure is stock-piled on site. She asked where the pile is, and Mr. Nostrand replied that it is located in the same area as yard waste.

Mr. Wertis stated that the Town has zoning laws that should be administered fairly. The Town's site plan review process requires the Planning Board to carry out a two-fold responsibility: to protect the property rights of the applicant in a timely and orderly fashion, and to act as stewards to protect Town values in regard to its Comprehensive Plan. The Planning Board has worked hard to carry out those responsibilities.

The Planning Board had a lengthy discussion about the proposal, with Board members offering their thoughts on why they supported or opposed it.

Ms. Schneider said she is not supportive of the plan because of its close proximity to Taughannock Creek. The proposal fails to provide enough certainty to ensure the protection of natural resources.

Mr. Blake felt Ms. Bonhotal offered insightful comments. There will always be a risk no matter where a compost site is located. There is never a perfect situation.

Mr. Rice said perfect can be an enemy of good. Regular monitoring will ensure proper function. He appreciated Ms. Bonhotal's comments and felt the Cornell site was far less perfect than the Cayuga Compost site.

Following a lengthy discussion, Mr. Wertis MADE the MOTION to approve the Site Plan and the following conditions, and Mr. Rice SECONDED the MOTION as follows:

WHEREAS

1. This is consideration of Site Plan Approval for Cayuga Compost, located at 3225 Agard Rd, Town of Ulysses, Tax Parcel Number 20.-2-3, A1-Agricultural District, where the proposed changes include a new location for the finished compost storage building (approximately 12,675 square feet) and modification of stormwater facilities. William and Mary Proctor (P&S Excavating), Owners; Scott D. Nostrand, Barton & Loguidice, Agent; and
2. On March 17, 2009, the Town of Ulysses Planning Board made a negative determination of environmental significance and approved the Cayuga Compost Site Plan, which included a Stormwater Pollution Prevention Plan; and

3. The finished compost storage building as shown on the 2009 Site Plan was not built, and with the proposed modification, the building location would move from the north side to the south side of the compost pad; and
4. Cayuga Compost is applying to New York State Department of Environmental Conservation for modification of the existing Part 360 permit to allow for the facility's yearly capacity up to 5,000 wet tons of Source Separated Organic Waste, 14,000 wet tons of yard waste, and manure as needed; and
5. The site plan and facilities are in compliance with NYS Department of Environmental Conservation regulations set forth in Chapter IV – Quality of Services, Subchapter B: Solid Wastes, Part 360: Solid Waste Management Facilities mandated to protect the public health and safety; and
6. The site plan and facility are in compliance with federal regulations (40CFR Part 503) until such time as New York State becomes authorized to administer the federal regulations; and
7. On April 29, 2013, the Tompkins County Solid Waste Management Division, as lead agency, made a negative determination of environmental significance for the proposed increase in Source Separated Organic Waste, construction of a ~12,675 square foot finished compost storage building, improved stormwater detention/treatment, and resurfacing the compost storage site with compacted gravel; and
8. The Tompkins County Planning Department reviewed the proposed project pursuant to NYS General Municipal Law Section 239-l and m, and determined that the project has no negative inter-community or county-wide impacts; and
9. The Planning Board held a public hearing on April 15, 2014 to obtain comments from the public on the proposed Site Plan and there were no concerns or negative comments made by the public; and
10. The Planning Board consulted with a recognized authority in the field of food waste composting, Jean Bonhotal, Director, Cornell Waste Management Institute, who has confirmed for the Board that there is very little risk of water contamination from either the stock pile area or the compost pad; and
11. Ms. Bonhotal has reviewed the Engineering Report and Stormwater Pollution Prevention Plan for the Cayuga Compost expansion and finds them acceptable as designed to prevent downstream pollution both during construction and post-construction operation; and
12. The Planning Board has reviewed and accepted a plan for the on-going water testing plan developed by Ms. Bonhotal and to be implemented by the Cornell Waste Management Institute;
13. The Tompkins County Solid Waste Management Division has a contractual agreement with Cayuga Compost that includes an oversight program for quality

control that includes standards for operation and a contingency plan for surface water migration should deficits be identified;

NOW THEREFORE BE IT RESOLVED

1. That the Town of Ulysses Planning Board reaffirms its 2009 negative determination of environmental significance and agrees with the Tompkins County Solid Waste Management Division's negative determination of environmental significance; and
2. That the Town of Ulysses Planning Board hereby, subject to the conditions listed below, approves the Site Plan as described and shown on the following materials submitted by the applicant and Tompkins County Solid Waste Management Division:
 - a. The Executive Summary for Cayuga Compost Site Plan Review Modification;
 - b. The Engineering Report for Subpart 360-5: Composting Facility Operating Permit Source Separated Organic Waste Composting Facility, Dated November 2013, Revised April 2014; and
 - c. Operation and Maintenance Plan, Dated November 2013, Revised April 2014 and June 2014; and
 - d. Figures A (Compost Pad Sub-soil permeability sample locations and test pits), B (Site Plan), and C (Area Plan); and
 - e. Stormwater Pollution Prevention Plan, Dated March 2014, Revised June 2014; and
 - f. Water Sampling Proposal for Cayuga Compost, Dated June 6, 2014; and
 - g. Contract between Cayuga Compost and Tompkins County that specifies requirements for inspection, record keeping , and actions to be taken by Cayuga Compost during regular operation, irregularities, and emergencies as outlined in the Operation and Maintenance Plan (June 2014); and
 - h. Letter of intent from the Manager of the Tompkins County Solid Waste Management Division stating that quarterly inspections will be conducted by an independent agency, the Cornell Waste Management Institute;

Condition 1: That within 30 days of this approval, the operation is in compliance with the Zoning Law, including the definition of Cottage Industry; and

Condition 2: Submission of a Final Engineering Report to be filed with the Town of Ulysses.

The vote was as follows:

GARNER	AYE
RICE	AYE
CUTLER	NAY

HAWKES AYE
WERTIS AYE
BLAKE AYE
SCHNEIDER NAY

Result: Site Plan Review approved.

New Business: Resolution to review – pertinent to zoning law definition and major subdivision review procedure.

Mr. Wertis readdressed the Gates subdivision and noted that the current procedure for major subdivisions is inconsistent within the Town's Zoning document. He circulated a document with suggested rewrites. The process for major subdivision is twice as expensive as a small division, and that cost is an unnecessary burden on the applicant. He requested the Planning Board members review the document and consider amending Town Zoning Law specific to the process for handling major subdivisions. Also, he asked Board members to review zoning law definitions of town businesses sectors like light industry, home occupation, cottage industry, professional office and more. Some of the sections could be better defined. Another error can be found in the Light Industry Zone, where agricultural commerce is permitted but agriculture is not.

Ms. Kiley said she is looking at a full overhaul of the zoning document. She submitted a grant application with the state for NYSERDA grant for planning and zoning amendments.

The meeting was adjourned at 8:10.

Respectfully submitted by Louis A. DiPietro on 02/16/15.