

**TOWN OF ULYSSES
PLANNING BOARD
MINUTES
07/15/14**

Approved: March 17, 2015

Present: Chairperson John Wertis; **Board Members:** Sarah Adams, David Blake, Richard Garner, Andy Rice; **Environmental Planner** Darby Kiley

Applicants: Ed and Amy Abelson, Rachel Bush, Chuck Guttman, Kristin Ahlness

Call to Order:

Mr. Wertis called the meeting to order at 7:00 p.m.

Agenda:

Mr. Wertis asked for changes to the agenda. A discussion on Planning Board procedures and responsibilities was added under New Business.

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

Sketch Plan Discussion of Lakshmi Institute at 1966 Trumansburg Rd

Ms. Kiley gave a background of the property. Prior to 2008, the mini golf property extended all the way to the north and abutted Stover's lumber mill. In 2006 or 2007, the zoned development district was reclassified to accommodate Trumansburg Mini Golf. When it closed, the Town reverted the entire property back to the A1 District in 2013.

Mr. Guttman said the property was foreclosed, and the Abelson's have an agreement to purchase the land. The buying party wanted to ensure that Town Zoning would permit the Abelson's proposed use of a yoga studio and learning center. Their current studio is located in the Masonic building in the village of Trumansburg, and the Abelson's would like to move their operations to the Route 96 property. The project fits within the neighborhood; traffic would not increase, and there would be no adverse impacts. Mr. Guttman stressed the economic importance of the proposal. Topographical maps are not available yet, and the applicants are waiting for approval of a special permit from the Planning Board. Construction would be limited to the building's interior. If the Planning Board approves of the proposed use, the Abelson's will buy the property.

Mr. Rice said he is unclear on the process if the Planning Board were to issue a permit. The board may need more information as to the scope of the Abelson's vision and how they intend to develop the property.

Ms. Adams said she was uncomfortable in approving a special permit for a proposal that may change. The Board would like additional information to understand how the applicants see the property laid out and used.

Mr. Blake said his concerns are with the idea of sharing the building with other service providers, like massage therapists and care professionals for ancillary services. Increased traffic could be a concern there. He hopes the applicants will have a process for activity registration as opposed to an open-door policy for the general public, which would also increase traffic.

Mr. Garner said the Board's decision would be easy if it was simply a matter of the studio's relocation from Main Street in the village to the Mini Golf property, but the applicant's intentions make it more complicated. He cautioned against the property evolving into an expansive retail space.

Ms. Kiley met with Mrs. Abelson recently. If there is any physical change to the property or alterations to the approved use, there should be conditions on the permit requiring the applicants to come back before the Planning Board. She suggested the Planning Board entertain a development district once the applicants have a firm idea of their future goals for the property. A development district would make sense if the property were to expand to include a restaurant and retail space. The board could begin immediately on a development district, but the applicants are unclear as to how the physical property would change. Any alterations would require corresponding changes to the development district. Such a district requires site plan review and approval from the Town Board.

Ms. Adams was not sure that a development district would give the applicants the assurances they need. The Board would have to be clear that the permit would be for the current facilities as described and not guarantee future approval for changes. She said the Planning Board would rather approve the site plan in a single action as opposed to handling it piecemeal. She requested that any plans for immediate, significant changes, if known, should be made available to the Board. The applicants said they did not have any immediate plans to alter the buildings other than landscaping.

The Planning Board agreed to review the past site plan and stormwater specifications on file from the Trumansburg Mini Golf site. Doing so would give the applicants a reprieve from resubmitting the same information.

Mr. Guttman said there did not appear to be any Board objections for the property's planned use for yoga activities. Regardless of future plans for the property – whether adding a new building or putting in a cafeteria – the applicants would like to know if such uses are still within the realm of higher education. Opinions from Planning Board members would provide guidance for future decisions. A cafeteria for yoga students should not be considered a restaurant.

Mr. Wertis said the Board is considering permit approval under conditions that the property would be under the framework of "school" and not "higher education." Mr. Blake agreed and reiterated his concerns that a facility offering its yoga, food, and massage services to the general public does not fit under the framework of a school.

Ms. Adams reminded the Board of its charge not to develop that section of Route 96 into a commercial strip, a charge reaffirmed in the Town's Comprehensive Plan. The property is within the Agricultural District, and the rural feel of Route 96 should be maintained.

Mr. Abelson said the intent is to keep the property as a rural entity and not to pave and have lots of cement. Low-impact is a priority.

Mrs. Abelson spoke on the subject of ancillary services. The property would be an institute of yoga, healing and living arts. The vision would be to include office spaces available to massage therapists or possibly a counselor available to yoga students. There is a crossover between general public and students.

Mr. Blake reiterated his concerns about increased traffic if the property and its services are available to the general public as opposed to registered, on-site students.

Mr. Abelson said schools have counselors on-site.

Both parties agreed that the applicants would obtain past site plan paperwork previously submitted to the Town. Ms. Kiley said she would send relevant information to Mr. Guttman.

Discussion on Zoning Law Revisions

Ms. Kiley said she applied on behalf of the town for a NYSERDA grant for zoning updates. She informed the Town Board to prepare to budget for zoning-related expenditures in 2015-16 if the Town is not awarded the grant.

Mr. Wertis said the rezoning work would improve on the Town's Comprehensive Plan and fix areas that do not make sense. He suggested a resolution to the Town Board, since they implement the make-up of a committee to review the Comprehensive Plan and Zoning.

Ms. Adams agreed with the prospect of a resolution but said time may be an issue. The Board meets twice a month.

Mr. Garner suggested a joint meeting with the Town Board for guidance on Zoning revisions.

Ordinances need updating and direction as to where the Planning Board should spend its time on the matter.

The Planning Board discussed a motion to propose to the Town Board a joint meeting to identify priorities for Town Zoning revisions. Mr. Wertis suggested that a resolution be brought to the Planning Board at its next meeting. There are areas within the Zoning Law that need revisions.

Ms. Kiley pointed to the flag lot definition that underwent a thorough review and update by the Planning Board. The update was ultimately approved by the Town Board and incorporated in the 2013 Zoning Law updates. The Planning Board also discussed procedures concerning major subdivisions.

Mr. Wertis MADE the MOTION to approve the following policy change concerning major subdivisions, and Mr. Blake SECONDED the MOTION as follows:

“The Town Planner will review subdivision applications and decide if the request constitutes a major subdivision. The Town Planner and the Planning Board Chair will then review the application and make recommendations to the Planning Board as to the aspects of subdivision review that may be waived.”

The vote was as follows:

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

Result: Policy change approved

Mr. Wertis MADE the MOTION to recommend to the Town Board a change to the cottage industry definition to allow retail sales, and Mr. Garner SECONDED the MOTION.

Mr. Wertis felt the absence of retail sales within the cottage industry definition was anti-entrepreneurial.

Ms. Adams said she would not support the motion because she thinks the request is far more complicated than just changing language. There are larger concerns, particularly with the definitions of cottage industry and home occupation.

Mr. Blake said he did not feel comfortable with retail.

The vote was as follows:

Mr. Wertis AYE
Ms. Adams NAY
Mr. Blake NAY
Mr. Garner NAY
Mr. Rice NAY

Result: Definition change failed

The Planning Board briefly discussed several future focus areas including home occupation within Zoning Law and meeting procedures.

The meeting was adjourned at 8:58PM.

Respectfully submitted by Louis A. DiPietro on 2/25/15.